
BARCELONA – ccNSO: Members Meeting Day 2 (2 of 4)
Wednesday, October 24, 2018 – 10:30 to 12:00 CEST
ICANN63 | Barcelona, Spain

JORDAN CARTER:

We will just briefly recap. I'll try. Where do I point this? Oh, this is the wrong slide pack. This is the second part of the session's slide pack. The spinning wheel of death. There we go. This is the right slide pack. Phew.

So current status, again, the CCWG completed its work, all going well, in June and we currently have approvals for the final report package from the GNSO, from ALAC and SSAC. ccNSO, hopefully a decision today, and GAC, hopefully some kind of something today, and the ASO, hopefully something by the end of the week. So the aim was to finish the approval consideration process by the end of this meeting.

This is the very brief summary of what the content is. I would characterize they have along this package of recommendations as a modest set of incremental improvements to ICANN's accountability in a range of areas. There's quite a lot of stuff about suggestions to improve the organization and the community's diversity. There are guidelines for how to use one of the Empowered Community powers in terms of removing Board members. That's what "guidelines for good faith" means.

There's a framework of implementation for the human rights recommendations that came out of the first part of this accountability work. There are some considerations of jurisdiction-related issues that

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include things like making ICANN agreements available in more than one legal jurisdiction and there are a set of changes and improvements to the ombudsman function. There's a whole bunch of recommendations around best practice to improve SO/AC accountability. There are some suggested changes and process differences in improved ICANN staff accountability. There's a range of recommendations around transparency as well.

Those are kind of the eight core areas of recommendations and the ninth area that was part of this work that is associated, is the independent review process implementation oversight that I think we're talking about later today.

So those are the topics. I'm not going to talk anymore about the substantive work until we get into our working session with you later on. The process where we're at now is on this diagram, the chartering [inaudible], where the sort of yellow blob down on the bottom left. We're reviewing and hopefully adopting the final report.

And if that happens this week, next week, the CCWG will be able to forward the report and recommendations to the Board. The Board will ask the staff to do a feasibility assessment report and then all of those together will come together into the Board for a set of decisions and they'll either go ahead with that or if they reject any of the recommendations, the process that's set out in ICANN bylaws for how to deal with this will take effect.

All of the concerns that the Board had with any of the recommendations that were raised and worked through during the

process, so we don't think there will be any Board level issues as far as we know. With that and the feasibility assessment, we'll make the point that implementation of this will be slow and gradual and part of [BAU] over several years. There isn't going to be a big bang, multi-million dollar quick implementation process for this one.

And I've just said that slide too quickly, so the question then is whether we, as the NSO, are comfortable with the recommendations set out and the Council will make a decision this afternoon and the usual seven-day objection period applies to that and we're taking this as a package recommendations. We're not going to ask you to make 103 separate decisions or however many recommendations there are in the report, which all of us will be glad – 96, sorry, not 103. Did we lose some? Kidding, kidding.

So unless anyone wants to ask a question about process or about the substance of the recommendations, I think it's a case of asking you to give a sense of the temperature here. Are you comfortable that the ccNSO Council should approve the report and the recommendations, is the material question.

So I don't see anyone leaping to the microphone. I know that this has been an exhausting process where this question has almost been asked to you at each of the previous three meetings, but now we are actually asking the question. So the three color cards, right? If you're happy for the recommendations to be approved by ccNSO, use the green card. You don't have cards? Is anyone else missing cards? If you're missing cards, put your hand up. If you need your decision

cards, [Yorka] is on the way. And we're probably going to take a photo of the room while the cards are up. We have a very tall photographer who will be able to.

UNIDENTIFIED MALE: [inaudible] issues, the GDPR issues.

JORDAN CARTER: GDPR issues? Keep your hands up, please, if you need cards. Keep your hands up. Everyone got them? Everyone got the cards? Everyone's got the cards.

So the way we'll use these cards is if you're happy for the ccNSO Council to approve, you will use green. If you do not want the ccNSO Council to approve, you will use red. And I think that's the only colors we need to worry about on this. It's a bit of a binary decision. If you're very confused, you can do yellow afterwards, so please put up your green cards if you're happy for the council to approve the Work Stream 2 accountability recommendations. Green cards up for approval. Got your photo?

UNIDENTIFIED MALE: Yeah.

JORDAN CARTER: Great. Okay, thank you for that. Thank you, thank you. If you're unhappy with the recommendations being approved, please hold up

your red card. There are no red cards. Taking the picture. How will they know it's not just a random picture of the ccNSO? Everyone saw the tall man with the camera. It's time-stamped. That's a good point. Meta data can be faked though, I heard. Camera SAC, that's what we need.

Okay, well, I think we can say then that the unanimous view of the ccNSO members in the room and choosing to vote – no, I said I wasn't going to do the little ones. Yeah, yellow is just very confusing at this point.

A unanimous view of the ccNSO members at the ICANN63 meeting in Barcelona is that the Work Stream 2 report should be approved by the ccNSO Council later today. For transmission to the ICANN Board. So thank you. I will applaud you now because this is a good point and we beat one of the other SOs which is also a good point.

So thank you. Now we can get on to the exciting bit of the session. I don't think I've got anymore slides here. You can find the accountability information on community.icann.org if you want to read the details – 700,000-page report – you can find it there.

Can we change to the next presentation now? As mentioned before, we're going to get you a bit of work in study groups. And so get ready to get up and get to those boards. You can see there's one board on the left of the stage, one board on right of the stage. My sides are different to your sides and there's one at the back as well which is where all the cool kids end up going?

And the first one we're going to do is we're going to ask you to look at some of the SO/AC accountability improvement recommendations. What you're going to do is you're going to break up into groups. You're going to go to the whiteboard. You're going to elect yourself a spokesperson and you're going to elect yourself or decide amongst you, someone who is going to take notes if you need to, on the board.

And the idea of this process is we've taken the 30 or so sub-recommendations here and got what we think are the most important ones. And I think, [Joke], we're going to have a paper copy of that list of recommendations at each station.

Yeah, so you'll have a paper copy that someone can help you with on this. The question we want you to take about 15 minutes to think about is does this recommendation already apply to the ccNSO. Is it something that is useful for us to consider? Are we currently already doing it? Because if we're already doing it, we can cross it off and not worry about it further.

If we're not doing it, the question is should we be doing it? Because there may be reasons, good reasons, based on the nature of the ccNSO community, the fact that we're an organization of ccTLD managers, not individual participants that mean that something isn't necessarily needing to be done.

And if you have time in your 15 minutes, if you've got guidance as to how something might be addressed, that would be useful to get but not important to get at this point.

And these are the eight – I think those are the eight – yes, those are the eight recommendations that we’re going to do. So this is, the context here is that there were a lot of small recommendations about how SOs/ACs could operate in a more open and accountable way. And the eight that were selected are ones that they weren’t entirely sure are already happening or thought would provoke an interesting discussion among you, and that’s interesting in a relative sense compared to the other ones that we haven’t put on this list.

So one of the first, and I’ll just run through them very briefly, challenging the process used for an election or a formal decision, whether the customary or undocumented processes and procedures should be documented so that everyone can find them, publishing a brief report on how we’re trying to improve our accountability and transparency each year, making available to members any records of closed meetings as opposed to the usual open meetings that we [happen], considering term limits for elected officers, writing down what we do in terms of outreach, objectives and activities in formal documents, whether there is a need for outreach to parts of the targeted community that are not participating, so if we have any big gaps in ccNSO membership, should we be documenting those approaches, and whether we need a glossary for explaining the acronyms that we use in the ccNSO.

So those are just some food for thought and what we’d like you to do is consider those three questions. Is it applicable? Are we currently already doing it? Should we do it in the future? And what I recommend the scribe person does, as well as maybe writing on the thing, is just

put some ticks or crosses or whatever on the paper thing, the paper copy of these, and then bring it up to the top table after you've done your report back.

So it's 10:59. We'll give you until 11:14 to have that discussion, so you've got 15 minutes. Then each group will have a maximum of three minutes to report back. We're going to be very rude and direct about the timekeeping here, otherwise, you will run out of lunch time and none of us wants that.

So please now break into three groups, go to the whiteboards, start. There are still 15 minutes to go but there's about to be 14. Maybe the front two-thirds of this side goes to that whiteboard, the front two-thirds of this side goes to that whiteboard, the back third of the room goes to the back whiteboard. Balance yourselves out. Take the chance to talk to someone you don't already know, etc. Have fun. Fourteen minutes to go.

You've got about seven minutes left, people, about halfway through.

[BART BOSWINKEL]:

All right. Ladies and gentlemen, time's up. If we could have the rapporteurs come back.

JORDAN CARTER:

High-speed action. This is like agile on steroids or something. A 14-minute long sprint. Luckily, you're not writing code, although you might be writing code.

So thanks, ladies and gentlemen. Could we have some reports back? Who's doing the reports back? One person from each group, or an interpretive dance if you like, to just let us know in summary and then to hopefully give us something on the paper about what is needed. So you can take the microphone off the stand and you can refer to your notes if that helps you.

Who would like to go first? How about Allan MacGillivray from Canada?

ALLAN MACGILLIVRAY:

Thank you, thank you. So I'll just quickly, I'm not going to read the questions. I'm just going to go number one, apply to ccNSO, yes, yes, and no further comment. Number two, yes, yes, with specific reference to the Guideline Review Committee as more or less accomplishing this. Number three, does it apply? Yes. It's something that, at least, in our group, we're not aware that we do and there's a sense that publishing some kind of annual – I don't like annual report but summary document of a compliment for the year and that might even be used to collect decisions or something like that might be a useful thing to consider. Number four, yes, yes, already doing it. Number five, already doing it. Number six, which is mention outreach objectives, [bylaw groups], yes, yes, yes.

Seven, we saw seven as having an A and a B strategy for outreach. Do we really have a strategy? I don't think so but we feel it's implicit with the ROs. All right? We have an RO structure there. Is that something we're completely complacent about? The ccNSO itself should not

doing anything more in outreach because we have their ROs. I don't think that was the answer, so it was kind of like a semi-thing, so let's think about that.

7B, diversity. Obviously, because of the composition of the counsel, it's kind of a forced regional diversity and there is a sense that we don't currently have a diversity issue from other perspectives, for example, gender, but that just happens to be the way that things are so let's not be complacent.

And lastly, on the question of whether we should have an [ex-mason] of acronyms, we don't need one because we have the ccNSO QG. Thanks.

JORDAN CARTER: The which?

ALLAN MACGILLIVRAY: The ccNSO QG. The ccNSO Quick Guide.

JORDAN CARTER: TYVM, thank you very much.

The next group at the front, fire away.

UNIDENTIFIED FEMALE: Hello. I told my group that I had only been at my CC for two months and they go, "Okay, great, you'll be the reporter." So here I am. Very

similar responses to the first group there. The only ones we, we said yes to everything. We love accountability and the ones that we identified that may need some work are number three, so on the annual reporting, that it might be worth looking at the monthly reports that go out and that those monthly reports don't have anything in the way of considering future improvements. So that's something to look at.

And the on question number five, on term limits, it's been considered in the past and we talked about how it's generally a tenet of good governance, so sure, yes, it is something that could be considered but keeping in mind that the volunteer pool is already very small and there is some capacity building to be done there.

On question number six, we said, yes, there is probably some work to be done on outreach objectives being included in some of that documentation, which is a bit related to number seven in that we are diverse by default but we don't have any strategies explicitly documented in those working group documentation. And that's the long and the short of it.

JORDAN CARTER: Fantastic. Thank you. Bernie?

[BERNIE]: We'll be talking about diversity in the next exercise. In question seven, just to be clear, diversity, it applies more to open groups like the ALAC where there are significantly different other communities. In our case,

the ccNSO is a closed club and so, to a certain extent, we do what we can with the other members of Council but it's very limited from the aspect here. Thank you.

JORDAN CARTER: Thanks, [Bernie]. That's helpful and we will move right on to that. Our third group is the group at the back of the room and it looks like Pablo is going to be reporting back.

PABLO RODRIGUEZ: Thank you very much. So on the accountability part of it, we said yes to all of the eight statements. On the part of are we doing it or should we be doing it, from the, we agreed that on the first four statements, we are. We said yes. On the, from the fifth to the eighth statement, we agreed that we're not and that we should be doing it. And on the latter part, the same five questions, from the fifth to the eighth, we agreed that we should be doing it. Thank you.

JORDAN CARTER: Thank you very much. Yoko, did you get photos of the Boards and stuff? Great. Okay, so we'll be able to take that intelligence back to, we think, the GRC, the other council on the side where that'll get processed.

Fantastic. Right. Can we pop forward two slides?

I don't think my pointer thing is working. I can try it though.

One more. Yes. Okay, so the second thing we would like you to consider is about diversity. So the CCWG recommendation was to ask SOs and ACs to agree that the following seven key elements of diversity should be used as a common starting point for all diversity considerations within ICANN, and what that means is notwithstanding our structure, which defines the kinds of organizations that can be members here, organizations have choices about how they send to the ccNSO and we have some, so some aspects of this, like geographical and regional representation is pre-determined because we're all assigned to regions and our elected body in terms of the Council is carefully guaranteed to be diverse in a regional sense through its structure. There are some other aspects there that are a bit more in our control, not necessarily as a group but as organizations participating in the ccNSO.

So there is a handout for each of these that's got, I think, a copy of this picture and if you could just go to the next slide please, Bart or Bernie or whoever is driving it.

The group discussion – yeah, no, one more, no wrong way, okay, right – okay, the group discussion this time is what elements of diversity here do we already have? So we want your view, as a group, on our we great at diversity? Are we okay at diversity? Are we terrible at diversity?

And then, do we need to change anything, and if so, what is it? So this is your chance for a concentrated 15-minute brainstorm on that and

then we'll have our reports back. Bernie is just going to add something here.

[BERNIE]:

To quote [Keith], I'll add depth and color to that. When we built these diversity recommendations, it was with the full knowledge that not everything applied to everyone evenly, so when you're going into this exercise, if you do actually go into the details of the recommendations, you see that the ccNSO can agree that these are the seven key elements of diversity. It doesn't mean the ccNSO thinks that all of them have to apply evenly to the ccNSO. That's why the recommendations ask the SOs and ACs to understand what these things are, to understand how they apply to them and why, just to give a picture, and also look at it from the different strata, meaning how does it apply to the membership and how does it apply to Council, in this case. Thank you.

JORDAN CARTER:

Thank you for your color and depth, sir. So now you have 15 minutes until 11:39. Please get into groups. Please consider these two questions and then please report back.

Yeah, keep this one up. The enthusiasm is just riveting from here. Come on.

[BERNIE]:

Come on. Get a little bit of exercise before lunch.

JORDAN CARTER:

You're six minutes in. You have nine minutes to go.

Five minutes max. You've got five minutes max. One very efficient group has already finished.

This is your two-minute warning, two-minute warning. It might be one and a half minutes.

And we're ready for reports back, so could our spokespeople be ready to spoke or speak and which group would like to go first this time? How about we start with the group at the back of the room? Who's the spokesperson from that group? Pablo, grab your mic.

Okay.

PABLO RODRIGUEZ:

Okay, thank you very much. So on geography, both members from geography, language, gender and diverse skills, we agreed that both members and councils, we said yes to both members and councils. However, when it came to the questions on age and physical disability, it wasn't clear to us the context. Consequently, we end up providing an answer that is not answerable because it wasn't clear to us what was the context on both age and physical disability.

When it came to stakeholder groups or constituencies for members, we said no. For councils, we said yes. Thank you.

JORDAN CARTER:

Okay, thank you, Pablo. To add a bit of – what was it? – depth and color to that, our impression is that some of these are aimed at the open stakeholder groups, like where any person can ball up and they’re basically designed to make sure the organization thinks about any non-obvious barriers to participation, for example, making sure that venues are wheelchair accessible might be on practical thing. So that’s why it may be unanswerable in the ccNSO context.

Okay, next group. Who’s up for their summary? Okay, sure. Yeah.

Just starting talking. [Radio] mic. No.

UNIDENTIFIED FEMALE:

So that context is actually quite helpful because we struggled a bit with the physical disability question, for sure, too. So I am going to go through each of them because there is a bit of nuance to each of them for us.

So in geographical and regional representation, obviously, it’s sort of built into the ccNSO by default. On language, we had a bit of discussion about it. Many of us come from many different language backgrounds, but the fact that we are within the ICANN structure and we’re all required to use English as the operating language is perhaps an issue.

On gender, we decided that we actually do quite well at representation at both the Council level and within the wider ccNSO. On age, we talked about it a bit too and it really comes down to who the CCs are sending to these meetings and it does look like quite a few

of them do tend to send younger folks within their organization to become acquainted with the ICANN process and this is facilitated in part by newcomer documentation and sort of mentorship within your country code.

Physical disability was covered, I think, by the comments earlier. Skills, I think we're doing pretty well. There are all sorts of different skills within the CCs but we potentially have an issue around getting those people with those skills to be volunteering for certain things. And then with stakeholder groups or constituencies, we felt that that was pretty well-covered, again, by virtue of the diversity of the country codes themselves.

JORDAN CARTER:
group over here.

Wonderful. Thank you. And we have one more group to go, this

UNIDENTIFIED MALE:

So we really said everything was pretty good except for two areas where we commented. First was on language. I wasn't aware that the ALAC now has simultaneous interpretation, as well as the GAC. So even though we're pleased with the amount of engagement we have using the English language, it's recognized that it could only be better if there was a greater opportunity to express themselves in other languages, so that was flagged. Let's put it that way.

On the issue of age and gender, gender, I think we noted before. Gender is not seem to be a probably currently. Age, we interpret it

more in terms of decision-making, like it's noted. There was a lot of participation, but it's a pretty old Council and may be important in the fast-moving environment in the industry we're in that we maybe get people that are actually on Twitter to be on Council. That last bit I added in. That wasn't a committee. Thanks.

Okay, thank you for those reports back and thank you for doing the word. You can keep going work on this if you like. If you found these discussions interesting or would like to do some more work on how we implement improvements to accountability in the ccNSO, you have a great opportunity. There is this mysterious committee which is known by another acronym, the GRC, The Guidelines Review Committee, and we think that after the Council meeting, they'll be doing a call for volunteers to help their work in improving the ccNSO's process guidelines and so on.

And probably that will be where implementing accountability improvements happens. So you can look out for the call for volunteers to that and if you want to keep working on these issues, that would be a good way to do it. You can volunteer for the GRC. Katrina will altogether, make a more impassioned plea for volunteers for GRC later in the meeting. I have no doubt. But that's one way that you can help.

So it looks like we might be able to wrap up the session a little bit early and go for lunch early because we don't have anything that we have left to do. So unless anyone has any real comments that they would like to make in response to the discussions that we've had, I think we can call it a day, a morning. And if we do that, that means you get 15

minutes more for your lunch break, which is hooray. Let's enjoy some Spanish sun and you will need to be back in this room at 1:30. At 1:30 is the meeting of the ccNSO with the ICANN Board and they come to use these days rather than us trolling over to them.

So 1:30 back here, as the outgoing, hopefully, co-chair of the CCWG on Accountability, I want to say thank you for the support, thank you for the input that a whole range of CCs have made during the course of this work. We're looking forward to getting it wrapped here and getting on with all of the other business at ICANN that needs to be done. And thank you for the support personally in being able to do that role for a cohesive, sensible and insightful group of ICANN, which is the ccNSO.

See you after lunch. That's the session at an end.

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