COPENHAGEN – ALAC and Regional Leaders Working Session Part 5
Sunday, March 12, 2017 – 09:00 to 10:30 CET
ICANN58 | Copenhagen, Denmark

ALAN GREENBERG: We do have quorum, so we will be starting imminently. If everyone could please take their seats.

I'm told we'll be starting in three minutes.

All right. If we could start the meeting, please. If we could have all ALAC members and regional leaders at the table. Thank you very much. We won't spend a lot of time on introductions.

We do have one of our moderately new staff members, Mario Aleman, who's now in the room today. If you could stand up and people could look at you and know what you look like. Mario is a past participant as one of us volunteers and has now gone over to the dark side. But we welcome you.

In the first part of this session, we have Lars Hoffmann who will be talking about an overview and timeline of the At-Large Review which, of course, is going on. But there are still many, many steps to follow. Lars tells me that will take about ten minutes or so. We will then go into a discussion of Work Stream 2 topics.

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Lars?

LARS HOFFMANN: Thank you, Alan. Good morning, everybody. Thank you for having me. Just to be sure, the many steps won't take ten minutes. It's just my presentation. The steps probably take a little bit longer.

Welcome to the dark side. We actually call us the light side, but I suppose that's for a different discussion.

ALAN GREENBERG: It's all perception.

LARS HOFFMANN: That's right. So, I threw a little timeline up there. It looks a bit rickety, but I hope it gets the point across. Since January 31st, 2017, the draft report is open for public comment. I just checked a second ago. There are four public comments so far that have come in, just as an FYI. It looks like seven, but three of them are the same. So, anyway.

The public comment will close on the 24th of March. ITEMS International, the team that is conducting the review, will provide an updated draft final report based on the comments that come in. They will share it with the At-Large Review Working

Party – that's the RWP for short – and they will hopefully share that by mid-April.

I put the 14th of April up here. It's a tentative date because it will depend, obviously, on the amount of public comments that come in. So, there will be some flexibility, but we will communicate that as soon as possible. After the closure of the public comment, we will give you a more definitive deadline.

As I said, a final report will go to the Review Working Party. And then a similar process will occur that happens, you may recall, between December and January of last year and this year. A draft final report will be given to the working party in April, and then there will be discussion between ITEMS and the Review Working Party on the draft final report.

So, it's another feedback phase. Again, it's a tentative deadline – the 5th of May. I put that in about two or two-and-a-half weeks ago. If the Review Working Party needs more time, we will adjust accordingly. Then a final report will be issued. That final report will be published, obviously.

And then, as soon as that is out, the Review Working Party will start to draft an assessment report – a report, I suppose, on the report, which is intended to inform the Board of the Review Working Party's view on the assessment in the report, as well as the recommendations – to share their views on what is

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implementable, what is less implementable and what shouldn't be implemented, and also provide some implementation provisions already on those recommendations, whether the Review Working Party agrees with the final report of the independent examiner.

Once that document is completed – you notice I haven't given a timeline here; again, that obviously depends on the working pace, [on] the length of the final report, and potentially also on the amount of disagreement, obviously, that may or may not be there from the Review Working Party's point of view.

Those two reports – the assessment and the final report by ITEMS – will then go to the OEC, who will consider both and then take appropriate actions or propose appropriate actions to the Board, who will then pass a resolution and adopt either the final report in its entirety, either the assessment report in its entirety, or either a mix of both. That is up for the Board and the OEC to decide.

Then they will usually return to the At-Large with a request for an implementation plan on those items that they haven't provided an implementation plan for in the assessment report.

With that, I will stop. That's a lot of back and forth, so I'm sure there are some questions. Please fire away.

ALAN GREENBERG: Are there any questions or comments? Everyone understands it thoroughly?

Last call. Thank you, Lars.

[HEIDI ULLRICH]: [inaudible]

ALAN GREENBERG: No, not quite?

[HEIDI ULLRICH]: We have two questions.

ALAN GREENBERG: Oh, sorry. I didn't see any hands. Olivier?

OLIVIER CRÉPIN-LEBLOND: Greenberg. Oh, okay. Sorry. It was green so I thought, "I'm getting a Greenberg." Thank you. Just a quick question.

The projected end of the cycle would be still this year, or are there chances that it would be moved on to the next year? So, past the AGM?

LARS HOFFMANN: Thank you, Olivier. It will depend on the Review Working Party. If the Review Working Party can do the assessment in four months, which is feasible but it would require some intensive work, then quite easily yes, this year – before the AGM. But if there is more time needed, then it might drag out, obviously, a little bit longer. So, it's up to you.

ALAN GREENBERG: It will also depend on how quickly the OEC gets it on their agenda and actually comes to closure on it. That could take time also.

LARS HOFFMANN: Absolutely.

ALAN GREENBERG: And completely out of our hands.

LARS HOFFMANN: Absolutely.

ALAN GREENBERG: Sébastien?

SÉBASTIEN BACHOLLET: Well, I have several questions. I don't know if this is a question for Lars, but I understand that we have the working group doing the review in order to help those that are doing the review. But I don't understand why the final report of ITEMS isn't sent to At-Large, ALAC, plus the RALO leaders. Why isn't it sent to At-Large instead of the working group? I think that everybody should be involved in that debate. The working group can help, but I don't know if it's so helpful and I wish At-Large was more involved.

I'd like to make a note: we did reorganize ICANN so that we have power given to the community, and I do not understand why the Board has the last word in what you showed us. We are reviewing/reorganizing At-Large, ALAC, and other types of borders between the SOs and ACs.

We can talk to them about it. We can talk with the Board, but I do not understand, after our transition of the IANA function why the Board has the last word on what we need to do in order to reorganize the community and, in particular, the users At-Large.

So, I think we have to think about this evolution and how we can work differently with our reviews in the future. Thanks.

ALAN GREENBERG: [inaudible] answer, but I would suggest that that sounds like a dandy topic for us to put on a questions-for-the-Board for our next meeting. It's a bit late for this one now, but I like that.

Lars?

LARS HOFFMANN: Thanks, Alan. I'm going to respond in English. I haven't lived in Belgium for long enough anymore that my French is a bit rusty now.

The first question you asked is about why this goes back to the working party and not to the At-Large as a whole. That is what has happened in the past with other SOs/ACs, so this is what we suggest. If the At-Large would like to deliberate in the wider community and involve the RALOs or any other mechanisms that they choose, that is absolutely up to you.

You can organize that however you want. This is just the process that other groups have chosen, and you're free to deviate to the extent that you wish. So, no problems there whatsoever.

On the second question, I'm going to refer to the bylaws here, which say that "The Board shall cause a periodic review of the performance and operation of each SO and AC." So, the organization reviews are under the purview of the Board. That's the way it has been interpreted to this date under the new

bylaws, Section 4.4. And therefore, it's the Board through the OEC that receives the report from the independent examiner and takes action accordingly. Thank you.

ALAN GREENBERG: I will point out that the Board triggering it does not necessarily imply that they have to be the one receiving it. But that has been the practice, as I understand it.

Go ahead, Sébastien.

SÉBASTIEN BACHOLLET: I agree with your comment, Alan. It's not because they can trigger the review that they should be the one – the Board – receiving it and acting upon it, being the only one to decide upon it. We would have a proposal that ALAC and the Board could agree on in the future that would be quite different.

But whether we like to say, again, [it's] more philosophical, if you will, I think that ICANN – all the structures, the entire organization, not only the staff – should wonder and ask itself, "How can we have four or five magicians that would be more intelligent than the entire community that we do represent in order to move forward to have an external review that explains what is going well or not so well?"

To make suggestions is a good thing. Recommendations are fine, but they're not magicians. They just arrive. They do not understand everything. To have an external point of view is very good, but when you arrive at At-Large you have an external point of view as well. So, we do have a lot of external points of view.

I'm not only talking about our review. I'm talking in a general sense. I do not believe in magicians. I do not believe that four very intelligent people can be more brilliant than an entire community. Thank you.

ALAN GREENBERG: Any further comments or questions? Alberto?

ALBERTO SOTO: I do understand the relationship that we are seeing between the review on the [inaudible]. RALOs have an MoU signed with ICANN, so according to this proposal – and if this is so; if this is confirmed – RALOs will no longer be functioning as such and they will lose even their names.

So, what will it do with the MoU? Will this MoU be invalid? Are we going to have a new agreement? Will this be binding? Thank you.

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ALAN GREENBERG: I'm not sure that's Lars's answer. I'll certainly try. As the review stands right now – and we don't know what the next version is going to look like – it still has a concept of RALOs. Whether the terms in the MoU are the right ones or not would have to be looked at.

As I mentioned yesterday, I think the terms in the MoU today are probably not quite reacting to what we do today. It's what made sense in 2006 before the RALOs even existed.

MoUs may well need to be revised regardless, but I don't think we can presuppose that they will, when they will, or exactly what they will say until we go through this process.

But I wouldn't be surprised if MoUs have to be revised. As a matter of fact, if we change nothing, I think the MoUs should be revised. So, that's something that may come up.

Go ahead, Alberto.

ALBERTO SOTO: I do believe that our MoUs should be revised, but I think that we will have been able to do this before and not be mixing, now, this review with the updating of documents because this is not correct: mixing both things.

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First of all, we need to modify, on our own initiative, the things that we do know that are wrong. Then, with every revision, we should see the whole set of things. Thank you.

ALAN GREENBERG: Again, we're hypothesizing on the outcome of the review at this point and, certainly, that's not Lars's area and it's something that we will be talking about a lot over the years.

At one point, there was a question raised – I don't remember by who – of, "Is it possible for an external review to suggest changes to the bylaws?" I cannot recall any external review, other than one or two that have been completely shelved and ignored. Virtually every other review ends up causing some changes to the bylaws. So, that's a matter of normal course.

If there are substantive changes in an organization, they probably have to be reflected somewhere in the bylaws. That simply is a matter of reality, and it goes along with our concept that the bylaws should reflect what we really do, not someone's imagination of what we would be doing. But again, that's not for today's discussion.

Any further – Seun?

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SEUN OJEDEJI: Thank you. I just wanted to ask a question in relation to – yeah, I'm right here. Okay. I just wanted to ask how perhaps this is taking you back a little bit to the process of actually selecting the review team.

I wanted to ask…What is it…Do you actually…Because we always talk about "external review…" I don't think it's going to be realistic or practical if those guys don't know how the organization or the community they are reviewing functions.

So, during the selection of the review team, do you actually put this into consideration? Do you actually consider whether the reviewer has an idea about how the organization to be reviewed functions or operates? Do you consider that at all? Thank you.

LARS HOFFMANN: Thank you, Seun. I believe we do. I think, when we announced the selection, the reception was generally positive from the At-Large community. So, it's definitely one of the criteria.

There's a question about whether they've worked with NGOs before; whether they've worked with volunteer organizations before; whether they have knowledge of ICANN. Those are all criteria that definitely play a critical role in selecting the independent examiner.

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ALAN GREENBERG: Seun, I'll give you an example from a different world. As you know, I come from a university originally. Universities love reviews. Sometimes they hire people outside; sometimes they do it inside. One of the things we noticed – and it's somewhat cynical – is if you hire an outside reviewer, they almost invariably suggest either what worked in their last job or what they recommended in their last review. Almost always.

If you bring in internal people, especially to an operation that's complex, you end up with two kinds of people, generally: those who are unaware of the details and probably will never get up to speed on the details and the group they're reviewing; or they are very knowledgeable and have, in English – I don't know if it translates well – a chip on their shoulder. They have grudges and they want to fix the problems they have perceived now that they have power.

It's a real difficult combination, dealing with that combination. But it's hard to find someone in another category who doesn't fit one of those models, so it's a real challenge.

Who's hand – I think that is Glenn? Okay. Sorry. My eyesight is such that the tiny lettering on those things is invisible to me.

Glenn, go ahead.

GLENN MCKNIGHT: Great. Thank you. I changed my seating arrangement, so it may have confused you. Yeah, your hearing went first and your eyesight is going second. And I think there's a third thing that goes as well, but I can't remember. Maybe it's your brain.

Let me ask you, Lars: is there a process in this feedback loop with which we can give feedback to the reviewers? I know what Seun and Alan are saying in terms of the process – and whether internal or external – but I feel a little bit left out in the process in terms of giving feedback on their methodology and competency.

I'm not saying I want to do a poison pin review of the reviewers, but there's got to be some kind of feedback loop giving feedback on their methodology and process. So, I'm just curious on what is your methodology?

LARS HOFFMANN: Can I just ask you to clarify? Do you mean feedback on the report? Feedback on their work? Sorry.

GLENN MCKNIGHT: I'm not talking about feedback on their work. I'm talking about them as reviewers. We've all encountered reviewers before. Yes, they had some level of competency – that's why they got the contract – but we all experienced working with them and doing interviews. I'm just thinking what's missing in that whole

process is feedback to you so that [for] any reviewers in the future, we can provide some kind of feedback on their methodology.

LARS HOFFMANN: Thank you for clarifying. Thanks, Glenn. There is no formal step for that. However, I think I speak for the entire Multistakeholder, Strategy, and Strategic Initiatives Team – it's a beautiful name – when I say we would very much welcome your feedback. Once the review is completed and you would provide us with some details of what worked, what didn't work, what worked in methodology, and what didn't work, that would certainly be something that we will take on board; not just for the next At-Large review, but also for the selection of reviewers for other organization reviews. Absolutely yes. Thank you.

ALAN GREENBERG: Lars said they welcome that. They're going to get some comments whether they welcome them or not. I think there will be similar comments directly to the OEC. They'll get some from me, personally. I hope they'll get some from ALAC. And I think they should come from other places as well.

Go ahead, Glenn.

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GLENN MCKNIGHT: I guess what I'm saying is, if we think they did a horrible job – I'm not saying they did or didn't – but if they get other contracts, I think it's relevant for you to know this if they get other reviews of other constituencies. And I think it's critical because you may live in a bubble with no real on-the-ground experience. I see Tijani agreeing with me, which, the more and more we work together, the more he agrees with me. So, great. Thanks.

LARS HOFFMANN: Thank you, Glenn. I do not believe I live in a bubble. [laughter] Let me tell you that much, Glenn.

However, I'd just like to remind everyone who was involved in the selection of the reviewers that you may recall that the Review Working Party was closely involved, and I believe that there were some candidates back in the day that had conducted other reviews that weren't particularly well-reviewed, let's say, by the community. And that that definitely did not work in their favor when there was selection.

This selection process took, in fact, previous review work into account. So, there's definitely precedent for that. Thank you.

And I'd like to reiterate that, at the time they were selected, they were deemed a very good choice.

ALAN GREENBERG: There certainly was a request from ALAC to be able to actually look at who the reviewers were and that was refused – or [who] the potential reviewers were.

I'm not quite sure the order. I have Tijani and Humberto. Just to remind you, any time we continue this we are eating into the Work Stream 2 discussion. But it's this group's decision, although I note Cheryl will probably have to leave soon if we don't start that part. Thank you.

Tijani and then Humberto.

TIJANI BEN JEMAA: Thank you, Alan.

ALAN GREENBERG: And I think I'll close the queue at this point.

TIJANI BEN JEMAA: Thank you, Alan. A very short and clear question: Lars, do you make sure that, since they are external reviewers, those people weren't in the community or in the loop of ICANN before they become a reviewer? Otherwise, it will not be external.

LARS HOFFMANN: Thanks, Tijani. The criteria that is important here is that they now have no current conflict of interest. And that was certainly the case with this team, to the best of my knowledge. So, whether they had previous knowledge or involvement with ICANN that is no longer active, I don't think would constitute a conflict interest because also, obviously, you have to square the circle.

On one hand, you want somebody who has as little relationship with the community as possible. On the other hand, you want somebody who knows ICANN as intrinsically as possible. Thank you.

ALAN GREENBERG: I'm not sure how you check for emotional conflict of interest.

Humberto?

HUMBERTO CARRASCO: Much thanks. I'm going to speak in Spanish. This is exactly where I have some doubts. I don't know how good it is to have a reviewer who has no knowledge of At-Large because, in the end, it means having a very theoretical analysis and no practical knowledge.

Perhaps the fact of not understanding any potential conflict of interest without knowing what a conflict of interest really is without really defining it – the evaluation has been taken away from what's happening from At-Large. I think there is an abyss, really – and I really mean an abyss – because it seems we don't really recognize what we have been doing in At-Large. This work is not being recognized.

I'm also going to use a very serious word. It shows some degree of ignorance if we consider the tasks we perform here at At-Large. We also believe there are some critical issues that are true, but the mechanism being proposed – I don't really know if it will be more beneficial than the system we are currently having. Thank you.

LARS HOFFMANN: Thank you, Alberto. It's not for me to comment on the substance of the report. That is for you, the examiner, and the Board. I'd like to say that.

As for the competence of the review team, you now said that they have only, at best, theoretical knowledge of ICANN – of At-Large, specifically. I heard before that there's a conflict of interest because you used to be involved in the community.

Look, we have a set criteria against which we make a selection and the candidate that comes out on top, if they pass the interview and the reference checks as selected. We take community input into the selection criteria, into the scope, into the methodology, and also to a degree in the scoring of the candidates itself.

We believe that the process that took place was conducted as professionally and as integrally as possible. If the outcome is not satisfactory, then we are very much looking forward to looking at how we can improve the process. But this is where we are. Thanks.

ALAN GREENBERG: Thank you. I do see several new hands. The queue was closed. We will be talking about the review extensively, so people will have plenty of opportunity. If it's something that needs to get to Lars, we'll make sure the message gets there.

Thank you very much.

LARS HOFFMANN: Thank you, Alan.

ALAN GREENBERG: The next topic is the update of the ALAC and regional leaders on Work Stream 2 issues. I'll be handling the queue, but I'd like Olivier to oversee trying to review the issues. We do have Cheryl here, who's out of the GNSO meeting. We thought that first

session was going to take ten minutes; it didn't. I apologize. If we could try to address the issues that Cheryl is involved with first so that she can go back to her other meeting.

[TIJANI BEN JEMAA:]   She's involved in everything?

ALAN GREENBERG: She is involved with everything, but she's not the only person involved with many of them.

Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. I'm not involved with any of the work streams directly, but I chair the ICANN Evolution Working Group, which is the emanation of the original – well, the working group that fed into the cross-community working group on the IANA stewardship transition. It used to be called IANA Issues. It's now called ICANN Evolution.

Work Stream 2 is made up of many subgroups – sub-streams, as they call them. Anyway, there are quite a few working groups that work in parallel and it's extremely hard for any single person to be on all of them, apart from Cheryl, of course. But that's a different story.

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But no one else in their right frame of mind would want to follow all of the working groups. Therefore, we've put together regular calls so as to be able to synchronize and find out what was going on in all of these different groups.

It's been very helpful to have these calls because, for somebody who has not been around for a couple of weeks for other reasons and then coming back, it's very hard to catch up with the speed at which everything moves in that cross-community working group. Volunteer fatigue is a very significant thing. The calls have been very intense.

So, it's really great to see that we've had quite a few people in the At-Large community that were involved and are involved at present with all of the things that are going on.

There is – let's see – human rights; there's transparency; there's jurisdiction; guidelines for good faith; SO/AC accountability; diversity; ombudsman; reviewing the [corporate] of engagement process; staff accountability; IRP Phase 2; and there's also – it's not really a sub-stream, but there's some work looking at the ATRT 2 with the Accountability and Transparency Review Team 2 work as well.

We've had many people involved: Avri Doria, Bastiaan Goslings, Erich Schweighofer, Jean-Jacques Subrenat, Leon Sanchez, Seun Ojedeji, Tijani Ben Jemaa, of course Cheryl Langdon-Orr

for *everything* in there, John Laprise, Alan Greenberg, of course – I'm just scanning – Christopher Wilkinson, and Tatiana Tropina.

I'm just telling you the names because I wanted to put it on the record that we have been very active as a group of people into all of these work streams. We hear just on the At-Large Review that At-Large doesn't do policy. Well, this is all policy and these are people that are our designated representatives in all these work streams that then report back and have reported back to us and that inform the community – it's all on record – of all the work that's being done.

Now, that's just the introduction. Let's plow into the actual work. Since Cheryl Langdon-Orr is apparently on a very tight timescale – since I think she might need to be in the GNSO [meeting], which is just next door, thankfully – maybe we start with the one where she is a co-rapporteur, and that's the SO/AC Accountability – very important. (SO: Supporting Organization; AC: Advisory Committee).

Over to you, Cheryl. And if you could, perhaps even if you have other points to make on any of the other work streams, then perhaps you could lead us to the other work streams, too.

SO/AC Accountability, Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Thank you very much, Olivier. I could always stop being involved in all of these other things if you don't feel that ALAC and At-Large need to be adequately represented across everything. I know I'm more than welcoming anyone who would like to shadow me in just one of them because I'm happy to pass on the laurels to anyone who wants to take them.

That said, I do have the honor of serving with both two very good Co-Chairs, Farzaneh Badii and Steve DelBianco, as co-rapporteurs for the Supporting Organization and Advisory Committee Accountability Work Stream. That's one that is obviously vital to us and the regional leadership to consider and to be engaged with.

It is an active group. It is a group that has strong and robust discussions on things. We have good cross-community input. I cannot tell you that there is an imbalance or a lack of equity in voice in our meetings. So I think, first of all, I want to tell you that you should rest assured as a cross-community working group sub-team for this topic what we are doing I think is a very balanced and arguably productive piece of work.

I'm delighted to say that, as of Friday, the 10th of March, here at the face-to-face meeting, we have completed what we term within the Cross-Community Working Group on Accountability as a first reading of the CCWG. Within the work teams, we have a

variety of ways of reaching consensus and developing our documentation, and each one has a slightly different model.

We chose to use subcommittees and then take it back to the committee as a whole for analysis of, for example, our survey questions. We had our work, particularly after the Hyderabad meeting, clearly aligned into only three streams. One of the streams was the matter of: is there a set of guidelines, principles, or practices that we could come up with to offer to the community to improve the accountability of the support organization and advisory committees, specifically with a view to minimizing or limiting the possibilities of capture?

So, do remember that that what's our mandate is. It's accountability, but with a particular frame that we're looking at it within.

A great deal of our work, including the survey that went out and that I'm delighted to say every component part of ICANN responded to – that's all of the SOs, all of the ACs, and all of the subparts of the GNSO (I think that's extraordinary from a survey point of view to have gotten material back from everybody.) We used that as a data capture exercise, and that was discussed as a committee as a whole. That has resulted in some 25 or – depending on how you split up the bullet points – 27 (but let's call it 25) best practice recommendations that clustered under

things like general accountability, transparency, outreach, electoral processes, and the ability to have dispute resolutions and clarity and transparency and documentation.

Those have now gone out of our work team and have done one run-through with the cross-community working group as a whole. We have had very useful feedback in that meeting on Friday on those recommendations. We are modifying – some of it is only minor modification, but none of it is just window dressing – that text, and we will take that to a second reading as soon as possible through the CCWG.

Then – this is where it's important for you all – it will go out for public comment. At that point, it's very important that the regional leadership and indeed the rank and file membership of the RALOs, be they individual members or At-Large Structures, are prepared and happy to have a look at that.

I can assure you that anything that Steve and Farzi and I can do to help you and regional meetings understand that, have it on your agenda, or discuss it – I'm more than happy to contribute. But we do need your feedback in from that public comment aspect.

There are two other streams, however, in it, and that, despite the fact that there were many, many hours of discussion, came out with very, very short recommendations because they were

both "no." We were charged to find out whether or not the new IRP – the IRP 2 – was going to be something that could be applied to support organizations and advisory committees. After very good debate and discussion and good analysis of the facts, the answer is "no."

So, short statement – an awful lot of work into it and the document does go into more details. I recommend you read it when it comes out.

The other one that was a "no" – but now it's a "no, but" – was the concept of a mutual accountability roundtable. The mutual accountability roundtable was strongly objected to by a considerable proportion – albeit, not a pure majority – within our work team. It was not seen as an appropriate mechanism, a formal mechanism for sharing of best practices.

We did, however, manage to agree – this is reflected in the documentation – that informal sharing of best practices is going to be recommended, etc., etc.

On Friday, however, having taken our "no" to the cross-community working group, there was sufficient pushback and concern from the cross-community working group members and the public that were in the room. I think what had happened is they realized that, when CCWG ends, who's going to keep this topic on the table?

How are we going to make sure and ensure that we have continuous improvement? We will now revisit that concept; certainly not exactly how it was presented for us to look at, but you may expect to see some form of more significant recommendation that there is a trigger ability for even a more formal sharing of best practices, providing the leadership of the ACs and the SOs agree.

But having something that runs every annual, general meeting, is a roundtable, and is a hard construct was rejected.

With that, I don't have anything more to say about anything.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Cheryl. Just a quick question. With regards to the working group's work stream timetable, when do you expect, if things go according to plan, the work to be complete?

CHERYL LANGDON-ORR: Thank you, Olivier. Also on Friday's meeting, it was the general feeling of the cross-community working group that we put the individual pieces of work from the topics out for public comment and tie them off as they are completed.

So, you'll be getting each of these products as they come out; but that a single product – a set of volumes, for the want of a

metaphor; some bound together – comes to the ACs and the SOs as chartering organization as an end product from the CCWG.

For example, I would see that by the South African meeting, we could very well be complete with our section and a number of other topics will be as well. But the fully-bound with red ribbon completed item will go to the end of this calendar year and possibly to the first meeting next year.

That does not mean there will be a change in budget. It simply means we need to carry over budget allocation, which has not been spent, and have it available for the continuation of that. I'm not the right person to be answering that question because you have a Co-Chair in the room.

OLIVIER CRÉPIN-LEBLOND: Thank you, Cheryl. I totally forgot there was a Co-Chair in the room.

LEON SANCHEZ: I am happy to –

OLIVIER CRÉPIN-LEBLOND: Who are you? Please introduce yourself?

[Laughter]

LEON SANCHEZ: I am the Co-Chair of the CCWG, Leon Sanchez.

[OLIVIER CRÉPIN-LEBLOND:] Magic Leon Sanchez.

LEON SANCHEZ: Magic. [laughing]

No. I mean, I have very little to add to what Cheryl said so I'll just say thank you, Cheryl.

But that's correct. We had that discussion yesterday. We are discussing how we can extend the dates for the CCWG to end its work. It will most probably be just as Cheryl described.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you, Leon. Perhaps when we finish with all the work streams you might be able to provide us with a sense of which ones are ahead of time, which ones are lagging behind, and which ones we should watch out for that might need a boost from our community.

LEON SANCHEZ: Well, one that I can anticipate –

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OLIVIER CRÉPIN-LEBLOND: No, afterwards. Maybe.

LEON SANCHEZ: Okay. Good.

OLIVIER CRÉPIN-LEBLOND: I wanted to just focus first on the SO/AC accountability and ask if there were any questions around the table for Cheryl.

LEON SANCHEZ: Good. Perfect.

ALAN GREENBERG: We have two hands up – mine and Holly's. I'll note we have less than half-an-hour left for this whole session. And we do have to take a break, if only for the interpreters, if not for us.

OLIVIER CRÉPIN-LEBLOND: Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you. I thought I said I was managing the queue. But as past Chair, if you'd like to, it's yours.

OLIVIER CRÉPIN-LEBLOND: I'm sorry, no. I thought I was managing the queue.

ALAN GREENBERG: Thank you for acknowledging me.

Just a very brief comment on the cross-community accountability and the forum. I was one of the people who felt strongly that we should have some level of accountability amongst the ACs and SOs. There should be a form for us to say, "We don't think the ASO is doing their job properly" – in a polite way, of course.

Given what we have seen in our At-Large Review and the comments that we have seen, I'm not sure [whether] ICANN is quite mature enough and ready for that. Thank you.

Holly?

HOLLY RAICHE: Thank you. Cheryl, I just think that sounds like a lot of really interesting work. I suspect, as usual, that we're going to have too much policy to do and too few people to do it. I'm just wondering if we can actually think through how we're going to be productive in responding to what I think is going to be some really – am I talking to Olivier?

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We're going to have to work through how we're going to actually address all of those issues and come up with some meaningful comments. Just a comment. That wasn't a question. Thank you.

CHERYL LANGDON-ORR: If I may, Olivier and Alan, that is important and it really comes, I think, to some orchestration from the group that Olivier is running. The knowledge now that you are going to have nine little public comments to deal with needs to be managed and time-managed effectively.

So, it may be that the ICANN Evolution calls may restructure themselves, if I was to suggest, to take less attention on everything and more attention on less and ensure that we get the right sort of feedback and the right time to fit in with the predicted schedule that I believe the Co-Chairs will be producing; predictive, not in concrete, but generalized, likely to be [when] public comments.

And I wouldn't at all be surprised if there was two or three out at one time as well. There's likely to be some batching.

I think that tool could then well-advise ALAC. And, of course, because the ICANN Evolution group is open to anyone attending, you could encourage a lot more regional and individual people to join it at those times.

ALAN GREENBERG: Just as we say that having to give advice to the Board is often a failure of our managing to impact the process along the way, having to make a public comment which is substantive is, at some level, a failure of having affected the process.

So, to the extent that we have people in all of the groups, the ICANN Evolution group is meeting on a regular basis, and people are actually paying attention – the comments may not be very substantive in many cases.

We have a large queue. Olivier, is that a new one? I have Olivier, Sébastien, and Seun. I think that is all. I'm closing the queue at this point.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. I was just going to ask staff to note an action item f0r the ICANN Evolution group to focus now on public comments rather than the whole list of all the work streams. Thank you.

ALAN GREENBERG: Sébastien?   :

SÉBASTIEN BACHOLLET: Thank you very much. I agree with Cheryl and with what Olivier said. There are two documents that were published – one on transparency and the other one on the way to work well with Board members. There are other comments which are coming. We need to concentrate on that.

But the problem is that, at the same time, the other groups are still working and it's important that the users' voice is heard in all those groups. So, maybe we need not to make a list of all the sub-groups, but we need to follow the important groups. There are some topics that are more important for us. I don't know if we agree on those topics that are more important for us because each one of us can have some preference about that. But I think that it is important to have some coordination.

Now, it is important because we will maybe have more than nine public comments to draft. For example, in the working group on the ombudsman, we will have twice to make it two public comments to review the ombudsman's function and the subgroup report. And we will have to make a comment on the complete book that will arrive [that will be] the last element, as Cheryl said. And on that, we need to comment, also.

So, we have a lot of work ahead and it's important for us to follow that. So, the working group of Olivier is key in the coming months. Thank you.

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ALAN GREENBERG: Seun?

SEUN OJEDEJI: Thank you. I just wanted to ask two questions. The first one is in relation to the work of each of the subgroups. From what I understand, as Cheryl has mentioned, once a particular subgroup is done, does it mean that there won't be an opportunity to come back to it if needed? Would there be an opportunity to come back to it?

The other thing is to the co-Chair. When you have face-to-face meetings, there's usually the challenge of most people [being] on a plane at that time. Have you considered that as a possible concern in terms of participation? Because if you are holding face-to-face meetings, I think it would be good to have it when some people are around so they can actually join you in the meetings.

Do you actually, by design, plan it to not involve other people so that it can be more constructive, or does it just happen by coincidence? Thank you.

LEON SANCHEZ: Okay. Should I take it?

ALAN GREENBERG: Yes, or I can try to take a quick stab, if you'd like. Your call. Seun, I think the answer is neither. They're held ahead of time before the meeting because we want to make sure that all of the formal participants are not distracted and called into other meetings and have conflicts. So, it's to avoid conflicts with the formal participants – formal members of the group that it is held ahead of time.

The result of that is that end is met, but we have the problem of other people not necessarily being there who would want to participate. It's a choice. We've made it in the past in recent meetings.

The alternative is what the GNSO is doing right now, which holds their PDP discussions – which at one point were held the day before ICANN meetings – are held in parallel, which means we have horrible conflict with them. It's a decision.

Leon, if you have anything to add, please.

LEON SANCHEZ: Yes. Thank you, Alan. You can't have it all, right? We have budget limitations. We have time limitations. And we have to deal with those. I agree that many times it's desirable to have as much people as possible to participate in meetings, but the alternative

would be to hold intercessional face-to-face meetings and we don't have the budget to do that.

So, the solution that we have found for this – and believe me, it has been very challenging to actually find the least harmful way to carry on with this work – is to have the face-to-face meeting one day prior to the regular ICANN meeting.

As for your question about how we're going to manage the different subgroup reports and if there is a chance to come back to the reports after they have been published, each of the reports, as we have done before with the work of the CCWG, will go into a public comment period. There will be the chance, of course, to comment on those.

There will be second drafts and final drafts. So, we will follow the regular process of producing documents, commenting on them, and having the feedback analyzed, and fed into the second draft or the final draft. Then those will be published.

And as Cheryl said, they all will be bound into a single document, which in turn will go to the chartering SOs and ACs, and then of course [will be] published for submission to the ICANN Board.

ALAN GREENBERG: I admitted to call on Holly before. I will call on her. I point out we have seven more sub-teams and 15 minutes.

HOLLY RAICHE: I'll be brief. I'm interested, now that we have the appointment of a Complaints Manager which has jurisdiction over the ombudsman in dealing with all complaints which, actually, I think is an excellent move structurally. Has that impacted on the actual review of the ombudsman?

CHERYL LANGDON-ORR: I would suggest you ask the Chair or rapporteur of that group. And I will take my leave. Thank you.

ALAN GREENBERG: And I will point out that the Complaints Officer does not have jurisdiction over the ombudsman. I believe the ombudsman still reports to the Board.

May we turn it back to Olivier to handle these things? Because otherwise, we're never going to get out of here. Thanks. Olivier, it's yours.

Thank you, Cheryl.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Alan. What I suggest is, due to the short amount of time that we have, we would focus solely on the work

streams which have had significant movement on Friday, which is when they met face to face.

I just wanted to have a quick show of hands of who in the room has managed to attend those meetings on Friday.

Okay. So, I can call on pretty much anyone who was there. Okay. Excellent.

We can immediately go then to the ombudsman, with Sébastien Bachollet being the rapporteur. I did mention him earlier. In fact, I should have also mentioned Carlos Vera Quintana and Alberto Soto, who's also in one of the work streams – and a couple of other people as well that we'll discover as we go through.

Let's go to Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much, Olivier. I will report in English. This document, as is the subgroup, is now in the phase of having an external reviewer for the ICANN ombud's office. My first marketing message: if any of you would like to be interviewed by the reviewer, they are here for two days. Just come to me and I will try to see how it could fit with their agenda or if they can set up a call.

It's an important move because it's coming from ATRT to end the Work Stream 1 that this review is done. It's just started.

My second point is to try to answer the question. No, the complaints office was not discussed by anyone within the ICANN community before the announcement by the CEO. The CEO decided that he needs to report to Legal.

For the moment, the ombud's office is still independent from staff and reporting to the Board. It has raised some question – the creation of this new office – and the way [with] this new ICANN global organization with the three feet – both staff and the community. We will have to discuss if it's still enough independent, having to report to some of the committees of the Board, compared with what we want. But that's something that's under review by this subgroup and by the reviewers.

I am happy to answer any questions, maybe not here because of the shortness of time. If you have questions, just grab me when you see me and I will be happy to talk with you about that. Thank you.

ALAN GREENBERG: Call for any questions, comments. Alberto?

ALBERTO SOTO: My main concern when it comes to this sub-working group is that the ombudsman's functions are very well-described within ICANN; however, the [new] complaint officer – the task of this officer is only defined in the hiring lease or in the agreement. And in that lease, there is a small paragraph reading that all the complaint system will depend on this person. But this system is not described.

So, I asked whether the ombudsman is considered within this complaint system because that would be an indication that the ombudsman is losing independence. And the recommendation of this working group is to keep the independence of the ombudsman. Thank you.

ALAN GREENBERG: Thank you, Alberto. Any further comments or questions?

Back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. The next topic, I think, would probably be human rights. I know there's been a lot of work being done in that. I'm going to call on – well, okay. I was going to go either Leon or Tijani. I see Leon has put his hand up – oh, okay.

Tijani Ben Jemaa, then.

TIJANI BEN JEMAA: Thank you very much. In the Human Rights subgroup, we started by drafting what our task is, which is the framework of interpretation of the interim bylaws. It was understood by the members of the group that it is the interpretation of each word of this piece of bylaw, which I think was wrong because the result was giving a dictionary interpretation of the words.

After doing that, people said, "Hey, we have two tasks. We have the task of the Annex 6, which is dedicated to human rights. And the other tasks in the Annex #12, which is for the whole subgroups."

In fact, in Annex 6 it was about the frame of interpretation. In Annex 12 it was the considerations to be taken into account to make this frame of interpretation.

But people didn't understand it like this, and now the subgroup is producing another document called "Considerations," which is based on the stipulation of Annex 12.

I think this is not innocent because, inside the group and inside the community – in fact, inside the whole ICANN community – there are two trends, two ways of thinking about human rights.

The main, if you want, reference for all of this is to be inside the ICANN mission and not make anything which can be outside the

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ICANN mission. The human rights activists wanted to make the work of ICANN dealing with human rights even for something which is more or less the content. But we don't say it like this.

Now, drafting this second document, I think we are going towards something like this. And we will have, I think – this is my….I am guessing that we will go into some kind of, having…

They speak about implementation. They speak about consideration for implementation. And we will say later that it will be controversial. Thank you.

OLIVIER CRÉPIN-LEBLOND: Leon Sanchez?

LEON SANCHEZ: Thank you very much, Olivier. Just to provide a quick update. The Human Rights subgroup held a meeting early in the morning. I just came across Niels ten Oever, who is the rapporteur for that group, and he told me that the group has reached consensus and they have a final document now. And they will be, of course, distributing that document to the plenary. So, it seems like we're moving forward on that.

ALAN GREENBERG: Miracles can happen. Seun?

SEUN OJEDEJI: Thank you very much. Somewhat following the human rights as well, but I just wanted to get clarification on what Leon just mentioned now.

ALAN GREENBERG: Seun? Okay. Maybe we wait until they're –

SEUN OJEDEJI: Until they finish. Yeah, I think so.

ALAN GREENBERG: Go ahead.

SEUN OJDEJI: Okay. Leon, you're saying that this consideration document is a chief concern within the subgroup, even though I've not even seen a mail on the mailing list to confirm that.

I just wanted to raise that some of the methodologies in decision-making within the subgroups, especially for those who are not able to join a meeting if you have an online meeting – it needs to be considered because what you just mentioned now, I've not even read on the mailing list. That is one I have access to, but maybe my mail has not pulled yet.

However, I have a concern with the fact that the subgroup is now producing two documents. What I understand to be the main goal of this subgroup is the framework of interpretation. The fact that they are now going to produce another document sounds like an agenda that is out of scope for that particular subgroup.

And since [you said there's] consensus, it already gives me even more concern. So, I want to get clarification on that. I really think it's out of scope.

The framework of interpretation needs to come back to the subgroup. We consider it based on Annex 12, and we'll reproduce another one if necessary. I think that should be the task of the subgroup, not bringing up another document that makes the work of the Board or whoever is using the human rights thing difficult. Thank you.

ALAN GREENBERG: Thank you. I have Tijani in the queue. The queue is closed and we have three minutes before we adjourn this session of the meeting.

TIJANI BEN JEMAA: Okay. I think, Seun, that Leon is speaking about the small group of drafting. It is the drafting group who agreed on the document.

I am a member of the group. I am not aware of the meeting of this meeting; neither of the agreement.

LEON SANCHEZ: Just to add to what Tijani just said, don't shoot the messenger. I'm just the messenger. I wasn't aware of that meeting, either, but I just came across Niels and he told me, "Oh, we did this," and I was like, "Oh, good. We're moving forward."

So, that clearly signals to some deficiencies in the process. What I can assure you is that nothing that the CCWG approves goes right from one subgroup into the wild. It follows a process that needs to go the plenary. The plenary needs to have a say on what the subgroups are producing. Just after we have consensus in the plenary – which, it involved all the SOs and ACs and all the members and participants – then we can say that we have a final product.

So, I was just speaking about, as Tijani pointed out, the subgroup that is in charge of drafting this document. So, I'm not saying that this has CCWG consensus. It's just the subgroup which now I have found out that we might not be speaking of full consensus since there are many that weren't aware of this meeting. Thanks.

ALAN GREENBERG: It's very easy to get consensus in a meeting if you carefully select who's at the meeting.

LEON SANCHEZ: Exactly. [laughing]

[Laughter]

ALAN GREENBERG: As Cheryl pointed out, the full plenary can tell the subgroup, "Go back and do that again because we don't like your answer." So, there's plenty of opportunity at this point.

I'll turn it back to Olivier for a moment. We are clearly out of time and we clearly have not finished these items. We will try to carve out some time out of another session. There is a 15-minute slot, which is barely enough for us for an introduction. But we'll try to find some other time somehow in our schedule. So, keep your eye on the schedule. It will change again.

Olivier for wrap-up.

OLIVIER CRÉPIN-LEBLOND: Thanks. I'm not sure whether we need to touch on all of the subgroups. I was going to ask Leon: have all of the subgroups

met on Friday? Because, if we only have two left, might I just suggest that we take five more minutes, then, on the two that are left?

Leon?

LEON SANCHEZ: No, not all the subgroups met. Actually, it was a plenary meeting, so by definition all members and participants would be there. But there were not separate meetings for the subgroups.

OLIVIER CRÉPIN-LEBLOND: I'm aware that some of the groups did not make any move. There was no movement at all.

LEON SANCHEZ: Exactly.

OLIVIER CRÉPIN-LEBLOND: So maybe, I think maybe Transparency, Jurisdiction, and Diversity are probably the three that have still –

LEON SANCHEZ: Good Faith Guidelines, also.

OLIVIER CRÉPIN-LEBLOND: Okay. So, we will need more time. Okay. Let's try to do one more and then break. Or not?

ALAN GREENBERG: Olivier, we have to give the interpreters a bit of time off.

OLIVIER CRÉPIN-LEBLOND: In which case, I'm finished.

ALAN GREENBERG: Never mind the rest of us.

OLIVIER CRÉPIN-LEBLOND: I'm fine. Great.

ALAN GREENBERG: We will find some time. Certainly, we do need to talk very briefly on staff accountability because that group is doing a pretty complete reset and it's an important issue. There's not a lot to talk about, but it's important that people understand where we are. We will reconvene some time to continue this, and I will try to make sure that you know about it so you can be here.

OLIVIER CRÉPIN-LEBLOND: Thank you.

ALAN GREENBERG: The next session is on the At-Large Review. Some of you seem to care about that based on our previous comments. Let's be on time so we can start and have enough time to do it. Thank you.

[END OF TRANSCRIPTION]

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