
HELSINKI – ccNSO Members Meeting Day 2 (Part 1)
Wednesday, June 29, 2016 – 09:00 to 10:30 EEST
ICANN56 | Helsinki, Finland

UNKNOWN SPEAKER: Good morning everyone. Great to see so many of you here after the excellent reception we had yesterday. Once again, I would like to thank our hosts. [APPLAUSE]

At least those of them who are present, because I think they also worked very hard.

[SPEAKER OFF MICROPHONE]

At least one is.

[APPLAUSE]

Thank you very much. That was really great. So, while others are still rebooting, we will start with our morning session, and the chair of our morning session is Mathieu. So I'd love to give floor to him, so please welcome our co-chair on CCWG accountability.

[APPLAUSE]

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

MATHIEU WEILL:

Thank you for the warm welcome. It feels almost as warm as we were in Panama. So the purpose of this session is to give you an update on the accountability work. And you've had an update yesterday with Lisa about the CWG, so the stewardship transition on the naming function of IANA.

And because we are still expecting our guest star from Canada, who shall remain unnamed, so far, we are going to adjust a little bit of the way to conduct this session. But just to start with a small reset of the context for those of you who may have missed the previous seasons of this series.

It's much more peaceful than *Game of Thrones*. I can assure you, no character has been injured in the process, and anything closely relating to those kind of series is purely a coincidence. So, the context obviously is the one of the transition. What you see on the graph here is a reminder that there were, that started with the ICG, so the track on the IANA function itself, and then some months later, when it became clear that the transition of the role of the US government in the stewardship of the IANA, was also going to effect the accountability of ICANN, a new group was formed for suggesting recommendations, to enhance ICANN's accountability.

And from the very beginning, because of the breadths of comments that were received, it appeared an accessory to

distinguish between two work streams. The first one being related to recommendations that need to be in place, or committed to before the IANA transition takes place. And that's work stream one. And work stream one recommendations have been approved in Marrakech.

They are now in a, I would say 90% are within a set of bylaws that have been approved by the Board, and are ready to enter into effect on October 1st, if the IANA contract expires on September 30th. So that's close to completion, although there are still some things to do and we'll get back to that with Becky. And what we did the day before this policy forum started in Helsinki, so on Sunday, was to start the work stream two, which captures the other aspects that were not an accessory to be in place or committed to before the IANA transition, but are still very relevant to enhancing ICANN's accountability, and especially in the context of the IANA stewardship transition.

So these topics are here. You see that there is enhancing ICANN's diverse, enhancing ICANN's SO and ACs accountability will get back to that, right after this introduction, enhancing staff accountability, enhancing transparency, enhancing the ICANN ombudsman function, some considerations around ICANN jurisdictions, and a framework of interpretation for how the commitment to human rights applies to ICANN within its narrow scope, are the key topics.

There are a couple of additional ones that were sort of cut by our lawyers in terms of consistency with the report. One is the review of the CP. Who knows what the CP is in this room? Thank you Grace, thank you Becky, it's good. Well the CP is just very, very fundamental aspect of any review, and especially the IRP. It's the cooperative engagement process, am I right?

Yeah, I got the acronym right, yeah. So it's the part where before you get into the arbitration, you're supposed to speak to each other, and speak past each other, and then you go to the arbitration because you don't really want to cooperate. But that's the process.

UNKNOWN SPEAKER: Well yes, although people complain about it bitterly because apparently you cooperate for a really long time.

MATHIEU WEILL: Yeah, that's right, it's too long. So that's part of the reviews that need to be done to have an effective arbitration, or independent review. So that's an important aspect actually. And then there is, you may remember that the additional powers for the community include removing the Board member, or actually recording the Board, and there are some guidelines that are needed for how to conduct these discussions within the

community, in terms of good behavior, to avoid future litigation, potential litigation from a Board member against community members, because they would have, well I'm not happy with, I don't know for instance, Becky Burr's behavior in the Board.

It's just a pure example, because the ccNSO wouldn't have the right to do that. So, those are the work stream two items. It's starting now, and we'll get back later in this session about how we can get engaged, how its, what pace, at what pace we will be discussing this, in this ccNSO rooms, but first, I'd like to handover to Katrina to give us a few, and update on the ccNSO Council proactive actions on AC SO accountability.

KATRINA:

Thank you very much Mathieu. Yes, when we talk about accountability, we're used to talking about ICANN accountability. Somebody is accountable to us, but at the same time, we as the ccNSO are also accountable. We're accountable to our community. And the ccNSO Council is accountable, and we think that... We take it really seriously, at least we try to.

And as one of the first steps in order to identify where we still lack some transparency, actually to get some feedback from the community, we launched a survey. We wanted to ask you a couple of questions to find out how well informed you are, and what exactly do you expect from the council?

Thanks to all of you who responded. We got 46 responses, I think. So who did respond in this room? Could you please raise your hand?

C, accountability. Thank you. Thank you very much. I don't know, there are no [inaudible], it's just a big thanks to all of you who responded. Here you can see responses by region. I think that all of our members from North America responded, at least it looks like that. Europe was very active. We didn't get too many responses from Africa, but I'll talk about that a little bit later.

Still again, thank you very much. So, we wanted to know how you learn about the ccNSO, about things that happen at the ccNSO, about our activities. As you can see, most respondents indicated that they, they get information from monthly activity reports. Some of you get information from council correspondents. I suspect those were our councilors.

Minutes of council meetings, they're published. Oh, and some do not get any information. Somehow they get informed, but they indicated none of those immediate used. So another thing we wanted to know, we wanted to know which channels you used to get this information. And here we see that ICANN meetings are important for our community. This is when, where we exchange information.

So, we will take that into account. This is the way we can give you all of the information you want, and of course, mailing info and the ccNSO website. I was a little bit surprised that in this, now [inaudible] social networks are so important. People still rely heavily on the mailing list, and that's your preferred method of getting information from the ccNSO Council about the ccNSO activities.

And, well number two is the website. Now this is a really interesting slide. This is a subjective question. How well do you consider yourself being informed about activities? Glad to see that, well, more than half, in this case, some consider themselves very well informed, and half consider themselves well informed about the activities of the ccNSO. Of course, glad that none of the respondents indicated that they, yeah, not informed at all.

This is really great. Still we have more than 10% of those who think they are not well-informed. So this is something that we need to investigate more to find out why do people have this feeling. And this is another, the same, actually the same information, but by region. I think that those who think that they are very well informed in Africa, Asia Pacific, and North America, those were the councilors. I really hope that none of the councilors who responded said that they are not well informed.

Another question we wanted to understand, so how... Do you think that the Council spends reasonable time and effort to explain our decisions, explain what and how we do? Glad to see that many people think that, well, most of the time. A couple of people who think always. It wasn't me.

But yeah, of course, sometimes, and well no opinion. And I'm really, really glad to see that none of the respondents said that we hardly ever communicate back to the community, or not at all. How much do you trust your Council? So do you review the decisions undertaken? Some people, yes, always, and that's great.

Yes, sometimes. Again, more than half, and you know, there are people who never review decisions of the Council. Again, I hope those were not councilors, but yeah. Something that is, well, I think interesting for us, why hardly ever or never? So is this just think, the Council does a good job, or you just, probably those are responding... Well, whatever. That is a worrying thing.

Again, how can we improve this to make you more interested in the processes? Another part of accountability is redress. And so we ask, do you know about this redress mechanism we have currently in our ccNSO rules? Rules that were adopted in 2004. And what this mechanism is that the Council approves a

resolution, and the community has seven days to ask for members' vote, if you disagree with the decision.

It looks like more than half of people did not know about this mechanism. So that's something that, again, Council needs to take into account, and probably inform people better about this mechanism. So another question we asked, well, taking that into account, is this sufficient, or do we need some other mechanisms to ensure that you think you have enough control of the processes?

Most of you said yes. I will get back to a couple of suggestions we received a little bit later. Not a bit later, but exactly now. So, some interesting... Some of the most interesting comments that we received to this survey. Apparently there is an interest in these issues, and I think that we need a session dedicated to ccNSO accountability. And I think this is a good start.

This session is a good start, and probably something to take into account from meeting program working group, please plan another session and an update in India. Another suggestion was that all of the important decisions could be voted by members. Actually, I think at this point, we have well, certain number of decisions that were considered important some years ago. They are voted by members.

Members vote on... EDP members vote when they select their representatives on the Council, members vote when they select our representatives on ICANN Board, for example. So, there is a set of decisions that is taken by vote of members. Do we need more? More of other types of decisions. This is, again, something that we could discuss in more detail.

Another interesting suggestion, I think, that it also came as an outcome of a discussion about the removal of Board members. So, how can we remove a Council member if we do not try a particular counselor? This is not such an easy thing because we have this regional representation. So, normally region selects three counselors. So should we give other regions the power to remove a counselor from a particular region?

Something to think about. Something that, yeah, that counselors should take into account, that there was a request that counselors should engage more with the community, and again, we on the ccNSO Council, we understand the need for engagement, they can take certain steps to ensure that you, in your regions during your meetings, your regional organizations, so the counselors give update on ccNSO activity so that you get more information, not only during ICANN meetings, but also during other meetings.

And of course, I think that all of the counselors will agree that if you have a question, you can ask, I think, basically, any of the counselors, especially counselors from your region speak perhaps your language, and they can provide you more information about what's going on in the ccNSO, or in ICANN in general.

Then there was a request for more transparency on travel grants and how they are granted. Actually, I think, I'm sure that we published, if you go to the ccNSO website which you indicated as one of the main tools for information, you will find the list of all of those people who get travel funding.

Yeah, through the ccNSO, of course, yes. As you know, we have... Now I suddenly forgot, 12, yes, 12 funded seats. And about four or five seats go to the community, where you can request, send in your applications and request travel funding. If you actively participate in the activities. So, and the list of funded travelers, again, it is always published on the ccNSO website.

One of the issues that has been identified is language issue. Yeah, it is a problem, so we at the ccNSO communicate only in English. We do not have funds, we don't have money for translation, to provide translation. Well, I think, of course, there are some certain things that we could translate, but at the same

time, we have to take into account that all of the information on the website, our mailing list, it's all in English.

So we won't be able to translate everything. We can translate certain pieces like survey, for example. And again, thanks to our volunteers, it would be a community effort. So yes, language, and this is an issue but at this point, I do not think we can adequately solve it. All I can say, well, use Google translate, for example.

They are working and trying to bring us together too. So these are the main findings of the survey. We will try to analyze it more deeply. We'll see distribution by regions, how people from different regions responded to different questions. But yes, this is something for us to think about, and to prepare an update session in India. Are there any questions?

Yes, David. Please come to the mic.

DAVID ABRAHAMS:

Thank you. David Abrahams from [inaudible] dot UK. I just wanted to ask, first, a quick question on the survey. I take it from some of the comments that you made, that ccNSO Counselors also responded.

KATRINA: They raised their hands.

DAVID ABRAHAMS: So we had, I think, 46 responses, and there are 15 ccNSO Council members. Now you would expect most of the answers of those questions to be yes, I do know what's going on and I'm well engaged, and I understand the processes for that third of the responses. So I'm wondering if we've missed a trick by getting, trying to get people engaged.

KATRINA: You're absolutely right, and we've identified this, sorry, after we launched the survey. Next time when we launch a survey, we will have a separate... We will have the opportunity to tick a box if you are a counselor. Of course, well, responses given by counselors should be excluded from the general picture, because they are, well, yeah, I think that we perhaps should survey our counselors too and ask, how well they think they are informed about the activities of the ccNSO.

But yes, we identified that, we realize it, but at this point, we cannot, it's anonymous so we cannot... That's just an assumption, and by the show of hands, a couple of, 10 minutes ago, I conclude that yes, counselors like Margarita and Becky, they filled in the survey. Yeah.

DAVID ABRAHAMS: So in that case, I would suggest that we maybe don't have an accountability problem yet, what we have is an engagement problem. And that should possibly be the focus of the actions that come out of this survey.

KATRINA: Thank you David. I think you're absolutely correct. We do have an engagement problem, and there are different reasons for that. Yes, Hiro.

HIRO: Yes, I'm Hiro from the JP. I raise my hand when Katrina asked who responded to the survey. I thought the survey was responded by ccTLD registry, not by person. So, of course, I consulted with my colleagues and responded. So it's not mine, it's from...

KATRINA: It's a fair point, yeah, point taken. Thank you.

MATHIEU WEILL: So Mathieu Weill speaking. So I think the initiative of our survey is wonderful. It's actually a wonderful practice. I had no involvement in the setting up of the survey. I should disclose at

all, but I think this is exactly the way to engage with a target community to stop and say, what do you feel? What do we need to improve?

And so I have an easy question for you, Katrina, which is, whether those slides and the survey could be shared on the accountability working group list, as maybe food for thought for other SO and ACs about how to start collecting real data about SO and AC accountability? So that's my question.

And then the comment is that on engagement, may be the most [inaudible] thing to address for the ccNSO, I tend to fully agree with that, and it's fully part of accountability, because if we want to be accountable to the whole community, then they need to be consulted. They need to, we need to be able to lessen to their expectations. And if we cannot establish a two-way communication channel, then certainly we have an issue.

So it's really within the accountability framework to think about engagement, as well, and not only transparency or removing counselors. And I tend to fully agree with David about the assessment that this is the most important issue for ccNSO right now.

KATRINA:

Thank you Mathieu for the question. Actually, when we were discussing cross community sessions here in Helsinki, regarding this policy forum, we proposed to have a cross community session discussion on SO AC accountability. Unfortunately, it didn't work out. I think that maybe one of the reasons is that others are not prepared to talk about yet, but we think, yeah, this could be a topic in other meetings, and absolutely we agree, this will be public, all of the responses, the results will be public.

And of course, you're more than welcome to share. We're ready to answer questions and basically we think we won't stop here. We will have to dig deeper and find out what the community really wants. That was a nice camera.

Okay, thank you very...

Sorry, I hope everything is fine. Okay, so are there any other questions or comments?

Well, if no, I'll give the mic back to Mathieu.

MATHIEU WEILL:

Thank you very much Katrina. So that's, I'd say, the first half of this session, focused on the ccNSO itself. Now if we can switch back to the other set of slides. There are two work streams in accountability. So we thought we would divide the update now, which is really designed to help you identify what's going to

happen next, what remains to be done. And I am going to turn to Becky for an update of, as I said earlier, 90% of the work stream one implementation is ready, ready to go through the bylaws.

But there are still other issues, including some for the ccNSO to prepare. So Becky.

BECKY:

So the work stream one phase two project really is focused on the rules for the implementation of the enhanced independent review process. Just to be clear about this, at the current time the bylaws have a specific carve out and say, decisions about delegation, revocation, or transfers of ccTLDs are not subject to independent review, although as a result of the PDP, at some point, the ccNSO may decide it wants that kind of a mechanism available.

But for all other decisions including, reviews, independent reviews or dispute resolution mechanisms, that would be brought by the empowered community in which the ccNSO participates, we are revising the independent review process. And currently we have a sub-team that was appointed by the CCWG to work on developing the procedural rules, and the detailed rules for how the independent review will proceed.

We have a very good diverse group. We're working on this. We deliberately tried to make it kind of small, but our goal was to have participation from all of the regions, to have linguistic diversity, to have diversity in legal traditions, because although we are basing a lot of the procedures on international arbitration rules, we wanted to make sure that we had people with expertise in civil as well as common law jurisdictions.

From the ccNSO, I am participating, David [inaudible] is participating, Maryanne [inaudible], did I pronounce your name correctly? From AfriNIC is participating. And then we have other people who are participating in this. We're still putting together a document that will allow us to review the rules of procedure, as we go through, once that is done, which will be in the next week or two, we'll be kicking off that review in earnest.

One of our deliverables will be to put together a RFP for a provider of, a service provider to manage both the independent review processes themselves as they come up, but also most importantly, to help us identify candidates for the standing panel of arbitrators that will be there. In this, I think this is very important for the ccNSO. We want to be very aggressive about reaching out to identify qualified candidates for the standing panel, from around the world, again, reflecting diversity, linguistic diversity, legal system diversity and the like.

And we hope that you all will be watching for that, and will help us identify candidates for that, as I think, you know, and as Matthieu was talking about, with the diversity study the other day, this is really a critical, making sure that we get a highly qualified diverse panel, is critical for the legitimacy of our work here. And we don't think that we're going to do that just by sort of posting a request or a call for expressions of interest.

We really do think we're going to need to be more affirmatively engaged in identifying candidates and reaching out for them. So that's going to be an important part of the process, and we hope that all of you will sort of have your ears and eyes open for candidates who might be interested in participating in the panel.

So that work will be continuing. We need to have some of the work done fairly quickly, but I think the next big chunk of work that will come back to you on, will be in Hyderabad. As I said, this is not, you know, although the delegation and revocation transfer issue is not currently subject to the independent review, the independent review process is the sort of, is what really gives the, it makes the empowered community process work, and enables the community to come together and challenge work, something that ICANN has done that exceeds the scope of the bylaws, or that violates the bylaws. So it's critical to get that

accountability mechanism right, and we're working hard on that.

MATHIEU WEILL: Thank you Becky. Are there any question on the independent review panel phase two? There are none. You were extremely clear. And so, Hyderabad probably a more substantial discussions about how the selection process is going to look like, and the rules of procedure, which will be absolutely essential in the new set of...

BECKY: Yes, that's correct. The way the bylaws work is that the community comes together to propose a standing panel, the standing panelists, and those panelists are confirmed, then, by the ICANN Board. So we need to develop a way of identifying candidates, vetting candidates, and having the community come together to select a panel of candidates. Those are all very new things that we have never done before, and so it's an ambitious undertaking.

MATHIEU WEILL: Thank you Becky. So in that time, [inaudible], oh yes, Giovanni, if you have a question, please.

GIOVANNI:

Thank you Becky and thank you Mathieu. I have just one question regarding communication and education of this community in terms of what are the next steps. What is the plan for the coming months as we are approaching, let's say, a sort of holiday season for many of us, to educate about the next steps, and communicate what are the expectations at the working group level against this community?

Yesterday was this interesting presentation about the type of candidates for the customer committee that, you know, are expected to come from this constituency, and I think it would be good to have a similar kind of educational requirements spread out at different levels, you know, not once in a while to this community. So I'm just asking you if you have any plan to engage more with this community as well as with other stakeholder constituencies. Thank you.

BECKY:

So that's a very good suggestion, and I think what we will need to do is do regular reporting back to all of the stakeholder, all of the SOs and ACs, and as we incrementally make progress, and decide on what the next steps are, and get some of the information, maybe do some webinars, and things to get that information out. So we'll make that available.

MATHIEU WEILL:

That’s definitely an excellent suggestion. And part of this effort of setting the expectations clear is also that, there is the IRP and there is, if you remember, there is the empowered community. So the ccNSO is maybe, will be in a position to make new decisions. If all goes well, on October the 1st, the empowered community comes into effect, and there are a few administrative issues that need to be settled on that day.

Such as, the ccNSO must decide who will be its representative in the unincorporated association, which is called the empowered community. ICT recommendation, the bylaws says that by default, it’s the Chair. But that needs to be settled. That’s probably more of a Council decision, across the summer. And I think they will also have to reappoint, or actually formally notify who are the Board, the ccNSO appointed Board members on October the 1st, when the new bylaws come into effect.

So that’s really time critical, but it’s not complex. Then the ccNSO needs to be prepared for the case where one of the powers of the empowered community would have to be triggered. And that starts, there is a number of steps, significant number of steps. It starts with a petition, so what if, after the approval of next year’s budget, Giovanni and the SOP came to

this room and said, we need to veto this budget. Typical of Giovanni. [LAUGHTER]

So what would be the process for the petition? The process is described in the bylaws, but what is the process for the ccNSO to accept a petition? Who decides? Is it the Council? Is it the community? Who goes into the community forum and the discussions? What are the processes in place to decide whether we go one step further in [inaudible] mechanism until there is a point where the ccNSO needs to decide to express support or objection to a decision.

It seems a little bit complex like this because there are many steps, but basically the questions are, it's what is delegated to the Council? Or to the Chair if you want to delegate to the Chair, I mean, technically you could be. What is delegated to whom? What is the process before making this decision of consulting with the community? What is eventually the type of majority considered? Is it a simple majority?

Is it a super majority? And I strongly, strongly encourage you relying on existing procedures. There are existing procedures within the ccNSO for several types of decisions. It's probably not necessary to add new layers of complexity on that. But it's extremely important to have that ready so that if someday the, when someday, that will happen at least once. Someday. I think

I can go as far as that in terms of prediction, even if it's the future.

When that happens, there will be no time to discuss the procedures. And it's going to be a very high tension phase, if not a full blown crisis. So everything must be laid out before and not during such a crisis, otherwise I don't want to be on the Council, but the counselors will just go crazy and probably resign. And that's going to be adding crisis on crisis.

So this is something that needs to be prepared. It's not extremely complex. There is a little bit of detailed work to prepare, but it's our, my recommendation preparing this was that probably a session in Hyderabad would be a good thing to discuss about how to fine tune those processes, so that after Hyderabad, the Council can adopt some rules of procedure, that may clear what would happen and when, in such a case.

So that's an important aspect as well. Did you want to comment on this?

UNKNOWN SPEAKER:

I would like to comment, thank you. Very fair points. Mathieu, thank you. I just want to go a little back in history to remind you how it all evolved. As you remember, at some point, we just got informed that we will need to appoint people to the customer

standing committee, to [R-SAC?], and we knew the deadline. It's the middle of August. It wasn't very clear at that point, but you understand the timeframe.

And so, apparently we needed to do the appointments according to our internal procedures. It was written in the proposal. So we needed to develop those internal procedures, and it was decided by the Council that luckily we have guidelines review committee, the people who already work on... They were reviewing our internal guidelines. And I think we, I hope you'll remember a couple of guidelines the committee reviewed and updated.

They all posted. So, it seemed a logical solution to mandate this group to work on internal procedures for customer standing committee, and [R-SAC]. Now, when we realized that we need additional procedures, again, tomorrow the Council will mandate the group to work on these procedures as well as propose them to the community.

Again, it's going to be, yeah exactly. We will discuss, find out what is necessary, and propose solutions to the community, hear out what you think, and then finalize those documents and send to the Council for adoption so that there are policies that on needed, they are in place. One short comment about the, who represents the community on this.

It says that it's the chair or the designee. One thing I want to remind you that according to our procedures, the chair of the ccNSO is not elected by the community, but selected by the Council. So this is something that needs to be remembered. If you want, and I think it would be a fair thing to request, if you want your representative of the community there, so probably think about some other, to have this designee. That's one of the...

MATHIEU WEILL: I'm sure Becky will comment and probably [inaudible] on the same line, on this.

BECKY: So just to be clear, the role that's being played is a totally administrative role. There is no... The ccNSO makes all of the decisions, and the representative to the empowered community just articulates those. So we would not be selecting a representative in the sense of exercising judgement. It is really focused on carrying out, in an administrative way, the will of the community according to our own policies and procedures.

MATHIEU WEILL: So no offence, Katrina, but you don't even need to exert your judgment in this. So I think... I don't know whether that's

actually a sign of trust or not, but it's indeed very, very administrative function, but it needs to be discussed, how we want to organize this.

Before just turning to the room, I would like to just complete the background picture with one additional thing that we'll have to do in the new bylaws system, as a ccNSO, which is to appoint representatives this time, in the review teams. The ATRT, the security, stability, and resiliency review teams, from October the 1st, it is no longer the CEO or chair, well there was some complex systems which we were not part of, but it will be up to the ccNSO to appoint representatives to the review teams.

It is very appropriate that there has been a lot of thought being given recently on the selection processes for the CSC, even for the CCWG members, and the CWG members. So I think we can build upon that. But it would be, it's certainly useful to build upon this, and maybe setup sort of a generic framework for appointing representatives, because it's going to become more and more frequent in the future. And part of the ccNSO Council is probably, responsibilities.

So that's something that probably we're in good shape with, but it's also good keeping it in the picture. On the finalization of these new bylaws and associated mechanisms, are there any questions in the room?

Do you all trust Katrina for taking care of this? Good, good. We don't need shortcuts. But [inaudible] did not. Can we put it on the record? [LAUGHTER]

Good. So that's the roadmap for finalizing this work stream one. Now, if we go back to work stream two, I would like to, that's more of an update on what's going to take place on the CCWG side, and how you can follow-up or even maybe engage. So, in terms of timeline, basically if all goes well, for the simpler, lighter topics of CCWG work stream two, we would be in a position to provide recommendations for approval by June 17, June next year, in one year's time.

That's the simpler topics, tentative agenda. In the meantime, there will be probably, maybe even a first public comment and substantial discussions in Hyderabad, and a second round of discussions, finalization in Copenhagen, so in March of next year.

That is the, if everything goes well, and the topic is not too controversial, and we can make it work easily. Of course, we're not expecting, we have nine subgroups on work stream two, so chances are, not all subgroups will move at the same pace. And chances are within the nine subgroups, at least a few will be quite controversial and consensus building will not be as easy as one could help.

So it's mostly anticipated that some of these topics might shift by six months. By the end of 2017. But this is just to give you a heads up that the first substantial discussions will take place probably in Hyderabad, with probably public comments as well. And this will go on until probably the end of 2017.

Now, that comes with a cost. There are nine subgroups, nine topics basically, it's a personal view, but I see the CCWG accountability as a super review team, super ATRT, if you want, because we're reviewing a number of things that's absolutely, is very wide. And so the key question that obviously we've been very focused about in the last few months was, how to pursue these goals of enhancements, and at the same time, make sure we got the cost properly managed, so that we are efficient and responsible in our way of managing this.

And of course, you're aware of the fact that the transition effort, has been basically funded from the reserve fund of ICANN. So this is obviously a source of concern for financial stability, it's not sustainable, at the pace that it has been for work stream one.

And the good news is, I think no one wishes to keep that pace, not the volunteers, not the ICANN staff, not the Board, no one. So what are we planning? And this is relevant to this room because there is, the process of the Board, the budget approval

process, includes the budget for fiscal year 17, includes a section on the finalization of the IANA transition and work stream two accountability.

So what we've discussed here since Marrakech has been given a lot of attention in terms of cost estimates, which are described here, and that's included in the budget, pending two conditions. One is that it's spending approval from the SO and ACs, so basically the question that has been raised with the CCNSO is, do you think that the work stream two deserves to be continued, considering that this is what it is expected to enhance, and this is the cost?

Do you think there is value for money in here? And that's been asked to the ccNSO, to the GNSO, to the all of the chartering organizations. And the Board, I know, is intently awaiting a word from the ccNSO, whether there is support, whether there is objection, we should all stop this, or whether there are any concerns. So, basically what's in the cost estimate, what's in the plan for that?

First, that's, there is many things around the transition. The figures I'm showing here are including the work stream two accountability, and the IRP phase two. So what we've been discussing. It includes support from staff, we have wonderful

staff. Some of whom are in the room, but I would say it even if they were not in the room, and if it was not recorded.

Obviously, the AC room, all of the infrastructure, the transcription. So that was a discussion. All of the meetings will keep being transcribed so that they can be accessed by people, easily by people who cannot make all of the calls. There will be face to face meetings. We've had this practice now to have a face to face meeting the day before the ICANN meeting starts, where we try to advance some initial discussions.

I think it's absolutely critical for some of the consensus building. We've made great progress in these meetings, because that's the moment when people can actually... Put people in the room, they compromise more easily. I don't know if it's arm-twisting, or just human relationships, but we've seen how efficient this is.

So that's, and the Board is willing to, was very reluctant about travel seats, but because we want to have a diverse representativeness in this critical consensus building moments, I think they've agreed to basically agreed to use the same type of reference that they're using for the review teams by supporting a certain number of people to go.

So we'll have 20 travel seats out of 27, 28 now members. And that's what we've seen in the past meetings, so we'll get the regular attendance. And of course, there will still be a need for

independent legal advice. As you can see on the chart, it's a significant amount. There is a significant amount for finalizing the rules of procedures for the IRP. Obviously that's very legally intensive work, but it's also a provision, which obviously does not correspond yet to a specific work plan, but has been designed based on the past experience of the CWG and CCWG, and is of course, much lower than the intensity of legal advice we've received in work stream one, because we're not planning to redesign the bylaws again.

That would actually not be within our remit anymore, but some aspects like human rights, I guess jurisdiction, we require some legal studies. So we have a budget for that. The idea behind this is also... Did I have a slide on this? No. Is also that this, the cost management mechanisms are going to be refined.

Overnight, I think it was this morning, barely, the ccNSO has received a note from the Board finance committee. Of course, you've reviewed it Katrina, you were talking to me about this earlier. I haven't. That is an outline that the principles that the Board finance committee is attached to, in terms of cost management, and that will, for the first time, include the idea that budget ownership will be set up for, these are the co-chairs, or group of, a sub-group of the CCWG to manage these costs, with a little bit of leeway for tradeoffs, if need be at some point.

And of course, reinforce the attention to the legal requests. So that's going to be a condition for the Board, to actually commit to external expenses, and that's going to be now discussed within the CCWG in the next couple of meetings, so that we... Just like for the procedures for the empowered community, we need to get the budget control mechanism set up before the discussions get tough and people start using this as an excuse to delay process.

So a lot of, actually, new ground being covered because you can imagine that sort of controlling costs could be an interesting aspect of some other projects within ICANN, including community projects like, I don't know, subsequent procedures for gTLDs, or some of these big review, big, big projects that require a lot of surveys and expertise, outside expertise, and so on.

So, we'll try that route, try to see how we can demonstrate that the community itself can behave in an accountable manner in terms of cost management as well. So this is going to be the extra step. But for the time being, the ccNSO, I think it's on the agenda for Thursday, is expected to say whether they support, rejection, or any other comment on this cost estimate and how it integrates with the budget.

And of course, that's a one-time budget. It's not... At some point, I hope someone will say, maybe not this time, that it is no longer valuable to add extra costs for continuing some work, if we find that we're not completing everything. And I would love to see the point where we say, we are stopping the CCWG accountability, even if we haven't delivered everything.

That's it for me. Did you want to comment, Katrina, or maybe we could just take questions from the floor on work stream two and the cost estimates. No? Yeah, and while you go to the mic, David, thank you, just a reminder that on the different topics that are here, you're invited to join.

You're invited to engage. It takes a single email to Grace here, to get added to the full list, or just to replace, add yourself as a participant or an observer to a specific group. I really wish that the ccNSO representatives can contribute to the SO AC accountability discussions. I think we have, we are way ahead of others in many areas.

Maybe not the most formal areas, but the more effective ones. We can always add more processes, but I don't think that's the point, but actually, we'll... There is a lot of things being done within the ccNSO from all over its history that can be beneficial for the others. So I really would encourage you to contribute to this one, and the others obviously. David, please.

DAVID MCAULEY: Thank you Mathieu. I'm David McAuley, I'm with VeriSign, here in my capacity as [inaudible] services.

Sorry. Is this working now? My name is David McAuley, I'm here, I'm part of VeriSign here in my capacity, we provide services for some ccTLDs, including dot CC. In any event, with respect to the budget for the CCWG, Mathieu, especially if some of the financial control leaks down to the sub-group level. One of the things that we did when the CCWG got underway, as you know, is had a legal sub-team stood up, to try and grapple with the questions that were going to be provided to our lawyers, and we, León led the team and I was on it, and there were a number of other good folks on it.

But we... Our remit was basically stood there because some of the participants legitimately felt that they were controls on the questions that were being posed. I would suggest, as we grapple with this in the very near future, that that team be stood up again with a view towards the financial side of all of this, because there do have to be some controls in place, and I think it will be open to everybody in the CCWG, obviously, but that was a fairly good team for the time that it operated.

So it's just a suggestion. Thank you.

MATHIEU WEILL: The suggestion is not lost on us, at all, and I think that is probably a direction, well, we'll have this discussion in the CCWG, obviously, but it's sensible, and in good practice, to setup a subcommittee on this.

UNKNOWN SPEAKER: Three points. The first one is more a matter of procedure. Maybe I'm the only one, but having to get out of the line, stand up for the microphone, feels like a public forum. And I think one of the reasons why we have less, that's what I mean. So one of the reasons why we might have less interaction than normally, might be that.

So I suggest you review this procedure, and maybe consider going back to handing out the mic instead of asking people to come up here. The second one, can we go back to the slide with the work stream two? Again, maybe I'm the only one. I have quite mixed feelings about this whole work stream two.

I think that we're all aware that we took a lot more time than we thought with work stream one, and work stream two has some subjects that we didn't want to touch in work stream one because we were sure that we would never meet the deadline if we would try to solve those. So my first point is, I think we have,

and that's as a working group but also as a community, we have to show some self-discipline, and not go in all directions when we're dealing with these subjects.

I think we risk spending a lot of money, a lot more than you have budgeted, and a lot more time than we now [inaudible]. So my question there is, because you said that the question is up to the communities or the councils of the different constituencies, if we want to spend the money and [visits?] on these subjects or not, can we also be selective? So say yes, we want to spend money on this, but we think spending money on those is probably a waste of time and money.

Is that a possibility? Or is that a yes or not to the whole package? Am I making myself clear?

MATHIEU WEILL

That's very clear. That's a very good question. Becky, did you want to respond? I see you... No? Okay. So, I think it's up to the ccNSO, if you want to say, and we have a specific interest in this and an interest in that. Each of the recommendations is anyway going to come in front of the ccNSO, and be discussed individually or as a package for each topic.

Now, the bylaws clearly, we have approved a set of recommendations that included this list, as a list of topics to be

further investigated in the next round. So it's probably too early to start picking, because some chartering organizations would pick one, some others would pick the other...

UNKNOWN SPEAKER: That will be good. [CROSSTALK]

MATHIEU WEILL: I'm not sure this will be good, because those are topics that are absolutely... None of them are specific to a certain SO or AC. So, I think now is certainly not the time to pick within the list. I have, I think that's something that the ccNSO representatives may advocate within the CCWG, as well we need to prioritize our efforts.

I'm personally convinced that the prioritization will take place by itself, through the volunteer commitment. No topic will be able to move forward if there is no volunteer. And if it doesn't find consensus, it doesn't find consensus. To me, the role of the SO and ACs is going to be, at some point, to say look, you have six months to finalize, after that, we stop. The whole stuff.

And that will be... I mean, I've been saying this for... Even during the difficult time of work stream one, I think that was, that could have been an option at some point to put off the trigger on the group. So it's more, I think, the responsibility of

the chartering organization to say, is there still...? When is...? Continuing to discuss this a waste of time and money, and it could be done elsewhere?

At some point it will be done maybe in the next ATRT. But picking on some topics instead of others, I think is a little bit dangerous, especially at this point where, in Marrakech, we approved the list. And so it would be, I think, a difficult signal to understand, and it would probably waste more time than actually help us focus the effort. That's just my personal view on that.

UNKNOWN SPEAKER:

Okay. I understand that. Can I have...? Yeah. And what you suggest is probably a very good idea, because it's not a matter of interest, it's matter of... I think they're all interesting. In fact, I think that's the problem. They're all very interesting, but the important question is, will we be able to get something useful out of that? And useful in relationship to what we're putting in it?

So time boxing it, saying, well, if you don't start before this, that, and if it hasn't finished, or produced result of the six months or something, it might be a very good option and prevent the case where we would just go endlessly with these subjects. And there are a few in there that have the potential.

That said, maybe I've missed it because I was a bit late, but I would like to know what the expectations of the ccNSO Council, and maybe also you Mathieu as the co-chair, are of the present members of the CCWG and the participants. Do you want to continue the same members? Do you want some renewals? So continue with a few staying on, and get some new ones? Do you want a completely new set? Do you have any thoughts on that?

MATHIEU WEILL:

As a co-chair, I don't think it's my position in any way to interfere with that. The only thing I can say is I'm willing to continue serving as a co-chair for work stream two, until such time where I think it's a waste of time, but I don't think it is at this point.

KATRINA:

We of the Council, we have identified issues with the volunteers. They're really tired now. And we see some signs saying that we should do something about that. At this point, one of the action points from our Council discussion was that we must go back to our representatives on the working groups and ask if they have strength, willingness, and enough commit to continue the work.

I hope they do, and I'm glad to hear that Mathieu is committed. So because it won't be, first of all, it won't be easy to replace them. Second, yes, we have other active people who participate

in discussions, but they are not members. Yup, we have identified the problem, and we are thinking how to deal with it. If that answers your question, at least partly.

[SPEAKER OFF MICROPHONE]

UNKNOWN SPEAKER: Do you have a timeframe?

[SPEAKER OFF MICROPHONE]

KATRINA: We don't have a particular timeline, but yes, it's better to do something before it's too late. It's always the case, yes. Thank you. Would you like to...? No.

UNKNOWN SPEAKER: I think I share the same concerns as [Rolof?] about work stream two. Looking at the different subjects, they are quite quantitatively different, and I think they have different priorities, and different time boxes around them. And I wonder if there is actually some sense in creating work streams three, four, five, and six, and that we separate these out, and that we eat them a little bit, you know, in more manageable chunks.

Human rights is a very complicated subject. I wouldn't want to see that tackled in the same timeframe as say, staff

accountability, or some of the others, which need, I think, a clearer sense of where we're going with those before we get to a better understanding of human rights. I think it also takes some of the pressure off some of those areas as well. You know, I'm concerned about how quickly some of the things are moving on the human rights side, and just looking at the infographic that's been produced, there are some with nonsense simply to achieve some type of result rather than to sort of feel confident enough to leave some gaps and then tackle the gaps later.

So I think, I wonder if there is any [inaudible] for that at all?

MATHIEU WEILL:

I can't dive into the human rights discussions, because honestly, I haven't dived into it. So, but it's a concern that many have raised already in the group. I can't predict the outcome, but it's actually not identified as one of the simpler and lighter topics. And as I said, I think we're giving an equal chance to each topic at the start, but we're very aware they're not going to move at the same pace.

And in... Not going to impose any specific deadline on them to follow the same pace and be on a uniform public comment pace, or [raise them?] in the future, because we're very aware of that. So it's too early to say, but maybe at some point, there will

be only one or two items remaining, and some of the structure of the CCWG will have to be reviewed to accommodate for that.

We have the ability to update the charter at any point, so there is some flexibility around for that.

UNKNOWN SPEAKER:

Okay, but if you take ICANN ombudsman, I don't think we can leave that unresolved for a very long. I thought the rather unusual decision of not renewing the, you know, the ombudsman contract and things, means they have got a problem that needs to be resolved quite quickly, I think there.

And I think that automatically suggests that we have two different priority streams within work stream two, and suggest that we need a work stream two and a work stream three, effectively, or a 2A, or something, to tackle those that are a higher priority, it must be done soon.

MATHIEU WEILL:

My assumption is that, and that's related to... And that's also confirmed by the discussions within our groups, that everyone agrees with you that there are different priorities. It's not as easy to get a sense of which those priorities are, because some will say that human rights is the top priority because it's a

necessity from, it's laid out by one of the bylaws, and until such time where we have a framework, etc.

UNKNOWN SPEAKER: Sorry, to be clear, I don't mean priority in terms of importance to the planet, very clear about that. I mean, priority in terms of when they must be delivered...

MATHIEU WEILL: That's... As you know, people tend to confuse both, and so I don't think it's a realistic attempt to spend three months discussing those priorities before actually launching this, and I think what we're doing is a design team approach, so it's very distributed. So we as co-chairs, we'll be in a position to say, well, this has moved forward quickly, we're ready for public comment.

That's probably the way we're going to prioritize.

UNKNOWN SPEAKER: Okay, so that comes back to the other point [inaudible] was making, that if you do all of these at once in that design team approach, then we are naturally limited in how many we can engage with. There is simply too many things going on, and

we're not able to take it through those as we should be able to, I think.

And that undermines our ability to contribute.

MATHIEU WEILL:

You're right, that's the, one of the challenges. And that's why I think we need to distinguish the role that we're expecting from members of the CCWG, which is certainly to... Because no decision would be made in these design teams. It's all going to be reported to the full CCWG. And from maybe volunteers, who can engage in specific topics, and yes, I encourage everyone to focus on those topics where probably progress would be made faster, but I don't think it's realistic to expect that everyone in the setup like the CCWG, would agree on which these are.

And we'll have to make choices. I mean, just like in the policy, the policy world, we assess that maybe it's not worth engaging with RDS because it's here for five years' time, and we'll have time later, or... That's the kind of assessment we need.

UNKNOWN SPEAKER:

It's not worth engaging in RDS because the process is so badly broken down, nowhere near getting any kind of result, but that's a different matter.

EBERHARD LISSE: Eberhard Lisse. I'm an appointed member to the accountability working group. I have really concerns. My opinion was we should deal with one topic at a time, get it sorted out because it's not really, none of this is really time critical. I really have concern to say, oh, we don't have the money to do this.

My position, in the end, has recently come, it doesn't matter what we do because we also, ccNSO will subscribe to the platonic idea of not reading the report, and taking it [inaudible] as it can get. That said, if you can find somebody to sit in on this, please feel free to reassign my seat. I don't really want to do this anymore.

MATHIEU WEILL: Thank you Eberhard. I think that's noted, and we shouldn't underestimate the time and effort that's been done by every member and participant in these groups, and I think there has been a lot of good faith efforts on all sides to make it work. So, in summary, because we are at the end of our session, what can you expect until or in Hyderabad, on our side?

In July, there is going to be some communications about the refined budget control mechanisms. Maybe with a committee, a legal committee or some other thing in there. I think there is a

good chance that's the outcome. The October 1st should be seeing, if all goes well, the new bylaws in effect, and that's the empowered community. Certainly, IRP will be a discussion item for the meetings in Hyderabad as well as the ccNSO procedures for the empowered community.

And I do hope we can have a first batch from the initial source from the work stream two discussions as well, to introduce to you and start engaging. So that's still quite a lot of activity that can be expected, and we would need to add to this the member discussion initiated by the Council.

And with that, I thank you for being present so early, and for your questions. And I turn it back to you, Katrina.

KATRINA:

Thank you very much. Now we have 15, okay, 12-minute coffee break, and we will reconvene at quarter to 11 for legal session, with a few very interesting presentations for lawyers and non-lawyers present. Thank you. [APPLAUSE]

[END OF TRANSCRIPTION]