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PANAMA – GAC: CCWG on Accountability Work Stream 2 Update

Thursday, June 28, 2018 – 11:45 to 12:15 EST

ICANN62 | Panama City, Panama

MANAL ISMAIL, GAC CHAIR: So thank you everyone. This is session 26 on GAC. We have with us Jordan Carter one of the chairs of CCWG accountability work stream two. Come and brief the GAC as well where you stand after your meeting here in Panama. Over to you Jordan.

JORDAN CARTER: We are conscious that this project has a lot of content in it. We are sticking to a light overview and next steps. Definitely save time for questions if you got any. I am going to run briefly of context. The current status and give a bit of reminder of some of the topics. With a slant towards recommendations we have been advised that GAC has been more interested in. And implementation advice that the group agreed to meeting on Sunday. And next step. And time for questions and discussion.

CCWG was setup it was clear that there wasn't enough time to do all the accountability work that was required. Work stream two was after the pressure and time pressure of the transition was done. And that is work that is concluded at this meeting. CCWG last Sunday in Panama was the final meeting for the group. It's concluded it's work. And that work was largely

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complete in March. So when we sent out the final draft report for community feedback tell us if there contradiction.

That version is what will be in the final report that we circulate next week. No substantive change to the body of recommendation. No changes at all. No substantive changes. And so if you have been following the material there is no new comment. It's the same status as it was in the update in March. It prepares implementation guidance. And the topics are the ones on the slide. Ombuds advisory panel. And I don't want to over play what this guidance means. ICANN Board wrote to CCWG in May saying it has global certain on these topics. Engaged on mutual topic of exploration and explanation. It wouldn't require us to change the recommendation and possibly go through another round of public comment and extending this long process in even longer fashion.

We managed to work through guidance that the board has indicated that it's able to live with. And CCWG is able to live with which doesn't change the text of recommendation. We are not going to dwell on that in this presentation but the text of it will be included in final report. That really is the current status.

Next slide. There is some background information which I won't run through in the amount of work that has been done. Following this meeting, and to support the implementation

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process as planning begins and chartering organizations consider the recommendations, the CCWG agreed implementation team.

To provide advice to ICANN as it moves down the implementation planning path. The point at bottom of the slide. Move on to next slide. I will just give you very quick brief tour of what the topics were. And I won't go through all of slides. Some of them are allegedly of less interest. Diversity is one. Defining what diversity means in ICANN. Measuring and promoting diversity and supporting diversity. And the recommendation talks about so SOs/ACs greater diversity.

We can skip this one. The human rights framework. Throughout of work stream one. There needs to be framework of interpretation prior to work stream one. That framework has been developed and in the document. It's high level and considers the implications of human rights in their work. Next slide please.

That's the same slide. Jurisdiction. Significant interest to many GAC members. There are sets of recommendations in two hours. ICANN related to sanction. And recommending choice of law and choice of venue in ICANN registry and registrar agreements. Contracted parties should be able to sign contracts in range of jurisdiction not just in United States. If we can move on to the

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next slide. There we go. We will skip over them but it's been this range of technical changes propose. SOs/ACs accountability had three tracks of work. One was to recommend a bunch of there in the nature of guidance and best practice. They are things that the group suggests SOs/ACs should approve. They don't create any binding obligations to the GAC or any other advisory committee. There was another that and there was a question whether the IRP, independent review process should be provided to independent working. The conclusion was that it should not.

Next slide please. Next slide please. Transparency there were recommendations about the documentary disclosure, ICANN interaction with governments. And the transparency of boards deliberation. I am approving anonymous hot line. The 9th topic is the continuation. I already mentioned the implementation guidance and I don't propose to take the time of this session to work through the detail of that. As I said before it is available in the slide pack for you to read if you want. And it will be presented in full in the final report. The reason to skip is to save time and because of the fact that substantive recommendations were not changed in this process. So do you want to add something to that?

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UNIDENTIFIED SPEAKER: No I am good.

JORDAN: If we can flip through 15, to the one that has a diagram. Section 4. So the next steps are that the report will be transmitted to chartering organization. We think that will happen next week. All of the content of the report is what was published in March. A few tweaks of where it's at in the process plus the implementation guidance that I just mentioned. The track that we are on and like you to consider and I understand that GAC has a section about this later on this afternoon. The decisions of chartering organization need to be concluded by end of ICANN 63 in Barcelona. That's the timetable. All of the SOs/ACs will be on that track we hope.

And once presuming approval of the report by the chartering organization it will go to the ICANN Board who will do two things. We will be looking at report and doing a feasibility assessment report that starts to do implementation planning process. The group is not expecting a big bang implementation of all of these changes. Tend to relate to what we do in SOs/ACs or ongoing operation of ICANN. Funds are tight and resources are limited and most of this is changing business as usually operation. We think their implementation will be staged over a number of years and not a big bang approach. And by design

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they don't involve the big bylaw that were required for work stream one.

The challenge that we have said all of our SOs/ACs including GAC as charter organization is to consider the recommendations and move towards approval by the end of next meeting. And might not be approval. Those who were participants in the GAC during work stream one process will recall maybe a non-objection. Others may be SOs/ACs would like to do further follow up work in others. And this CCWG hasn't defined. Unless I left anything substantive off I think that's the presentation.

BERNIE TURCOTTE: Mention if things go wrong. We are getting into a long process.

JORDAN: So he is reminding me to mention if there is one of two things, either the board finds a reason in global public interest to reject any of the recommendations. Or any of the charter re opens the package and reconsider them. The CCWG was funded in budget until 30 of June and largely now dis established. The process to re establish and reconsider things based on SOs/ACs concerns and to reformulate a set of messages. Would be a long drawn out one. At least nine months quite possibly a year or more.

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There have been we hope that it won't come to that but just to know it would be a long drawn out process if it was required. Having that taken 15 minutes or so I would invite any questions or comments members might have through you Manal.

MANAL ISMAIL, GAC CHAIR: Thank you very much. Any comments or questions? Canada please.

CANADA: As one of the GAC appointed members we would like to start by thanking the co chairs of the cross community working group. And the chairs of all of the sub groups. We believe the process to reach the final set of recommendations has been methodical and transparent and inclusive. We believe ICANN accountability undoubtedly enhanced by the recommendation. We also recognize the challenge in addressing the vast range of considerations and perspectives across the whole ICANN community. Canada supports the final set of recommendations and reports and we would like to recognize the strong engagement by many GAC Members and GAC as whole in almost three year multi stakeholder process. And regarding next step we look forward to working with other GAC Members towards in endorsement in ICANN63 in Barcelona. Thank you.

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MANAL ISMAIL, GAC CHAIR: Thank you Canada.

Any other comments? Or questions? Yes Brazil please.

BRAZIL:

First of all, my name Thiago for the record. Let me begin by thanking Jordan for his presentation and for Bernie's presence here. And I also want to thank you for the work done in the CCWG accountability work stream two. Let me ask you a question in your presentation and part referring to jurisdiction I saw the reference to two sets of recommendations. And among those recommendations that would be part of those two sets I did not see any mention made to what I understand could also be a recommendation adopted by the CCWG. And I am referring to precisely to the suggestion that discussions should continue to solve those problems that are still unsolved.

I am convinced that along GAC Members there is the understanding that the suggestion to continue discussions is one of the recommendations of CCWG. This is so much so in the conversation that we had throughout this week with members of ICANN Board, the GAC posed a question to the board. To know whether they had already started discussions in order to implement the suggestions. The suggestion is very important



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because it's mainly in line with recognition of the CCWG and it's plenary session as you can see in the report that it's necessary to continue discussion to address and unsolved issues. Therefore is a dual recognition about the need to continue about the discussion on one hand and on the other hand the recognition that there are still certain issues that are unsolved.

Therefore, let me make one last recommendation, as I understand there might be possibility for GAC to reject this recommendation, on the basis of the suggestion that it's not there. If this suggestion is not there as a recommendation, which could be the CCWG leadership response. I understand that according to the rules for the operation of the CCWG and charter there is this provision that in the case of objection by charting organization the CCWG leadership has to take a position and may put forward modification in order to address the reasons for those objections. To provide explanation to objections which would be CCWG leadership reaction if there is an objection from the GAC in the understanding that it is necessary for the suggestion to continue discussions to be there as a recommendation and board may react. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Brazil. So Jordan would you like to comment on this?

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JORDAN:

Thank you for your question. The fault is one of summarization. The recommendation that you refer to for further discussion is one of the recommendations in the final report. It's recommendation 4.3 it isn't on the summary slide and I apologize for that. And does not have some of the views did not reach conclusion on some issues. The issue of immunity related issues were some of those. And the view was there should be a path forward beyond the CCWG accountability which was tasked to look into a limited number of issues with limited time and limited budget.

And other and potentially resolution of these concerns. We believe that this report with it's annexes can be a very useful tool which will surely take place. Future ATRT review or some other ICANN context. The appropriate forum for such discussion is beyond the mandate of CCWG. So that text is in the final report, as in the draft in March. That will not be taken away. And I apologize that it wasn't mentioned. And on that basis the hypothetical question that you ask I don't have we have considered. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you Jordan. Brazil.

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THIAGO JARDIM: Thank you.

MANAL ISMAIL, GAC CHAIR: Any further comments or questions? If not then let me thank you again very much for this update. We already have active members in CCWG but also not all members were able to follow closely. This is very helpful and let me also say very timely. As you mentioned we are having coordination meeting later this afternoon to coordinate how we will respond as a chartering organization to final report. Thank you again very much.

JORDAN: In closing thank the GAC for active involvement in this participation. My colleague, co chair Thomas made the point that this process beside substantive outcomes helped to build stronger relationship and break down barriers between the various SOs/ACs. And change the ways that ICANN works. And I hope the GAC feels that as well. And that has been both useful and productive in the work that you have to do within this multi stakeholder environment. Thank you for hearing our report and we hear your decision in due course.

MANAL ISMAIL, GAC CHAIR: Thank you Jordan. GAC colleagues if you remain seated for a couple of minutes and then we will go for a break. Thank you.

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So before concluding the session I would just like to bring to GAC colleagues attention there will be a CCNSO presentation on ISO issues here at the same room at 1:30 the session will be chaired by Par. But also because I will be leaving early for a board meeting that is conflicting with the session. And after this there will be GAC coordination meeting as we indicated earlier suggested by Brazil.

So we will have this also chaired by Brazil, Benedicto and Thiago.

And cross community sessions also here in the same room.

So just in case I don't have access to the mic again I would like to thank each and every one for your active participation and very productive meeting. And also like to thank the interpreters and scribes and independent support staff, everyone for a very productive meeting. I will still see you around this afternoon but I will not be chairing any of the later sessions. So I thought to thank you all and wish you safe travels and see you in Barcelona.

[Applause]

I have Australia please go ahead.

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AUSTRALIA: I wanted to remind colleagues from common wealth countries that we are meeting in salon nine.

MANAL ISMAIL, GAC CHAIR: Thank you Australia. And apologies for overlooking this announcement as well. So if there is nothing else then? Trinidad and Tobago.

TRINIDAD AND TOBAGO: And it would be remiss of me and others will say it privately. I just want to thank you so much for your leadership and your calm influence to me is amazing quality that you bring to the chair. I am sure others will join with me to thank you for your leadership today.

[Applause]

MANAL ISMAIL, GAC CHAIR: Thank you.

UNIDENTIFIED SPEAKER: Regarding your chairpersonship. And I like to raise another issue we were supposed to meet here as Latin America Caribbean group. 12:30 and 1:30. We would like to invite colleagues if possible to remain in the room so maybe we can start immediately and finish in half an hour so to give us more time to

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get lunch before resuming here I think at 1:30 we are a bit constraint by the time pressure. So if colleagues from Latin America agree we can stay in the room and work around the topics that we want to discuss for half an hour. Apologies for this late announcement.

MANAL ISMAIL, GAC CHAIR: Definitely. And I also, you reminded me of another announcement. I asked Anna from Portugal, build on her discussion from yesterday. And I see you are in the room as well. We can try to, follow up on our common initiatives. Just to elaborate we have Gelten as focal point and and I like that we have Anna from Portugal as focal point as ALAC as well. And we would like to work collaboratively on anything that we can make jointly so. With this I would thank you all again and enjoy your lunch and see you in the evening thank you.

[BREAK]