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Olivier Crepin Leblond: We will start with the roll call, and the adoption of the agenda.

Renate Dewulf: Okay. We have present on the call, Bill Drake, David Fares, Hago Dafalla, Jordan Carter, Olivier Crepin Leblond, Rudy Vansnik. And from Staff, Alexandra Dans, Bart Boswinkel and myself. We have received apologies from Kristina Rosette, Marilyn Cade and Phil Corwin.

Did I miss anybody on the call? No. That's it. Thank you.

Olivier Crepin Leblond: Thank you very much. And the "myself" is of course Renate Dewulf, for the records.

Renate Dewulf: Thank you.

Olivier Crepin Leblond: And so we'll adopt the agenda. Does anyone wish to make any amends to the agenda that we have on the stream at the moment? I don't see anyone putting their hand up, or writing anything in the chat, so the agenda is adopted.

And the first thing we will do is to have a look at the action items from our last call, the one on the 8th of May, and looking at it there were action items. One was for Renate to reserve a room for a face-to-face Working Group meeting in London. Renate, has that been effected? I see a tick next to action item. Is this on the cards?

Renate Dewulf: Yes. I've put a request in, and they are finalizing the schedule as we speak. Hopefully we'll have the full schedule within a week or two.

Olivier Crepin Leblond: Thank you very much, Renate. The next action item is for all public comments, (inaudible) all comments on the Draft Charter, by Tuesday, the 13th of May, this goes with -- and email was sent out to the mailing list, and we had input, and this is what we are going to discuss today. So let's go swiftly into the Charter. Finalizing the Charter, and I invite you all to open the Charter document, Version 4, which is also on the Wiki, but also on the -- linked to the agenda page, and I believe that it will actually magically arrive on our Adobe Connect.

And with us we have Bart Boswinkel who has been working very hard to integrate the input that has been received on the mailing list that (inaudible) on the previous call. I'll hand the floor over to Bart Boswinkel.

Bart Boswinkel: This is Bart, for the record. Good morning, good afternoon and good evening. I'll just run through, just to be clear, I've received, or I've identified three comments. One was from Avri, one was from Patrik Fältström, and one from Gregory -- oh, there it goes -- Gregory Shatan, I believe. I hope that's the right pronunciation of his name.

What I've done, I've included these comments in the clean version, say that was presented -- of the document that as presented on the previous call. And I've also included where I thought it was

appropriate, I also included some initial thoughts from end, but of course it's up to the Working Group to determine whether they want to include it. So what I'll do, first of all, I want to understand, so make clear that these three were the only comments we received.

Olivier, did you receive any others.

Olivier Crepin Leblond: Negative, Bart. I did not.

Bart Boswinkel: Okay. So, I think, say, the purpose now is to focus on the comments received, and that this small group, yeah, discusses, and I hopefully for the final time, in order to allow the conveners, of Rafik and Olivier, to submit it to the SOs and ACs. Let me see if I can -- yeah, it's a bit difficult. Hopefully everybody can see both the text and the comments in the Adobe room.

So the first comment we received was from Patrik regarding the scope of the activities. I'll read his comments, to say, "We have not talked about communication to, or comment about ICANN and the ICANN processes or process." And his second -- his question is, "Do we, or do we not have that as task to -- or have this as a task to discuss also?" And his second comment is related; that to discuss the ICANN processes at the external events. My read, but that's a -- that's just my read, is that the three -- so the marked activities in yellow do cover Patrick's comments, but it's -- but that's only my read of it, maybe some others have a view on this as well.

Then open, over to you, Olivier, for discussions.

Olivier Crepin Leblond: Yes. Thank you very much. Bart. It's Olivier speaking. So the floor is open for discussion here. I think people are currently reading the text tab; and I've also put a link to the latest version with results in the Adobe Chat. So you can click on that if you are enabled -- what's on the screen on the Adobe Connect.

The question really is regarding these input, providing input to ICANN staff, supporting organizations and advisory committees on the issues pertaining to Internet Governance instructions and purposes, and the comments from Patrik Fältström was, "Do we or do we not have a task to discuss also what was said at external events about ICANN? Do we earmark it, or did we highlight it?" to address Patrick's points with a note -- a thought to that stuff there.

David Fares: This is David.

Olivier Crepin Leblond: Go ahead, David.

David Fares: Sorry. As you know I raised this point a while back, and it looks to me like we have covered it in the bullets. Maybe we should go back to Patrik and ask him why he thinks it isn't in there, and if he has particular edits to address it. I read it as being covered. I don't know what others think.

Olivier Crepin Leblond: Yeah. Thank you very much, David. Anyone else -- does anyone on the call, read this as not being published? Because my own personal feeling is that it probably is covered, but maybe something needs to be added, a few words need to be added to make it clear, if it's unclear. I don't know.

Jordan Carter: It's Jordan here. I think you could read the bullet points as being about basically the focus being to provide input to ICANN about what is happening as Internet Governance processes, but not what it said about ICANN within those processes specifically. So he may be worried that it's just going to be dealing with the activity of those other processes, or the issues that they discuss, and they won't be a reflection of the views or events that ICANN -- within those processes. So I think he's focusing on a subset of what might be created. I don't think it's excluded by those bullet points, but I can see why he asks the question.

Bart Boswinkel: Jordan, this is Bart. Do you have any suggestion to make that more explicit? Because I think it was the intention of, say, the drafters to include it.

Jordan Carter: Off the top of my head, no. But I'll just think about something and type it in the chat room.

Bart Boswinkel: Yeah. Because if we can do, then I will include it in that version, and also add the comment that it's -- say, in the next version, and I will include the editorials from Gregory as well, and then send it around right after the call, if feasible.

Olivier Crepin Leblond: Yes. Thank you, Bart. It's Olivier speaking. That would be great.

Bart Boswinkel: Yeah. I see Jordan has -- yeah, Jordan has already included it.

Olivier Crepin Leblond: Jordan mentions -- yes, I'll read for the record. It's Olivier speaking. So, "Reflect back to the ICANN Community discussions about ICANN or ICANN matters, and that arrived in other Internet Governance discussions." Should it be in other Internet Governance -- well maybe not Internet Governance for -- because that probably becomes a loaded term?

Jordan Carter: We could call it discussions and processes, which is the same language--

Bart Boswinkel: Yeah. Yeah.

Jordan Carter: --that sort of used in the first bullet point.

Olivier Crepin Leblond: Yeah. That's written Thank you, Jordan for this. I note agreements from Rudy Vansnik as well. Bill Drake suggests, or questions that reflect back, should we relate back to the ICANN Community discussions? That's "relate" rather than "reflect" or share with? Yeah, share with the ICANN Community discussions; "conveyed" from Bill, conveyed back into the ICANN Community discussion. Maybe you share with the ICANN Community discussions, yes. Convey to the ICANN community.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: A lot of typing going on. Bart?

Bart Boswinkel: Yeah. It's, I'm not very good at copying out of Adobe. Can somebody send it to me? Maybe at the end of the call -- I think this one is -- I think this one is clear, and I'll include it in the bullet points as the result from the discussions today. I'll go on to the next one?

Olivier Crepin Leblond: Okay, Bart.

Bart Boswinkel: And this is just the main--

Olivier Crepin Leblond: It's Olivier speaking. Just for the record, I think that's conveyed to the ICANN Community (inaudible).

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: -- did quite well. I see Bill Drake and Jordan Carter happy with that.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Okay. Then maybe we can -- you can move on to the next one.

Bart Boswinkel: Yeah. The next one is around membership of the Working Group, and Gregory has submitted an extensive comment around this. His comment is, "I suggest this to deal with the GNSO problem. As drafted it appears that the members from SO excludes the Co-Chairs from that SO, that's each

SO can effectively have six members on the Working Group, one plus five, so that's the maximum.

The GNSO has seven constituent organizations. If the GNSO has seven slots, one plus six, the GNSO will have the flexibility to allow each constituent organization to directly appoint a member, with the only issue being the designation of a Co-Chair. If there are less to offer, the process would be in, within the GNSO, becomes significantly more complex, since I doubt that any constituent organization will willingly be memberless -- will be memberless. While rotation could be introduced, this is needlessly complex and fraught with issues, particularly the issue of who is in and who is out when a vote is taken, which I expect to be relatively rare or current. So the suggestion is to change from five to six members excluding the Co-Chair, so the maximum for each SO and AC is seven members including the Co-Chairs. Over to you, Olivier.

Olivier Crepin Leblond: Thank you very much, Bart. So this an issue which is not only an issue of this Cross Community Working Group that are often the recurrent issue, and obviously, I have no idea how to go around this one. I think that the original designation for five -- I'm saying that in any case it's five members plus, of course, all the observers that will be on there, and the observers will have the similar rights of speak, in all the conference calls and in all the discussions. It really is down to any votes, that there will then be a numerical problem.

So that's the counter argument to an understanding from five to six to seven now, but then again I have no -- personally, I don't have any preference either for us, or the members -- the people who are here, especially members of the GNSO, to let us know what they think about this. Of course this will go to the SO and AC Chairs, and they might prefer to reduce the number if we do agree to such a number.

And thanks, Jordan, for passing by quickly, and thanks for your contribution on this.

Any points of view on having seven members rather than what we have now, which is, I think, six; and what was before, five.

Bart Boswinkel: So it was five plus Chair -- Co-Chair, Olivier. So this will be--

Olivier Crepin Leblond: Right. Yeah. And now--

Bart Boswinkel: It will be six plus Co-Chair, and I think, if you look at the chat, what I see, everybody on the call agrees, and I think if you say, to resolve this issue once and for all, is to keep the parity within the SOs and ACs, et cetera, I think it is -- it's a workable solution anyway.

Olivier Crepin Leblond: Okay. Thank you, Bart. It's Olivier speaking. (Inaudible), having no preference on this, and seeing there is support, but let's make it six plus one, we'll keep that, and we'll see with the feedback we get from the SOs and ACs. I think that most of the other parts of ICANN will probably not be able to furnish that many people, and very good, we have to offer that -- the same number to all the SOs and ACs, so it seems they will just sell it as they can.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Okay? I think that's okayed as well; and we'll all then see if it gets pushed back down. I note that the Cross Community Working Group, all Cross Community Working Group is currently -- has started work. Does anyone know whether they've already looked at this type of issue?

Bart Boswinkel: No. They need to -- they are convening their first meeting next week. So they went through the--

Olivier Crepin Leblond: (Inaudible) five, six or seven per group, is there no (inaudible)?

- Bart Boswinkel: Five. The Cross Community Working Group has five, say, with a minimum of two and a maximum of five.
- Olivier Crepin Leblond: Of five?
- Bart Boswinkel: But it will--
- Olivier Crepin Leblond: It might be one of the first things to discuss.
- Bart Boswinkel: Yeah.
- Olivier Crepin Leblond: Their own membership. Okay. Let's put it at that, and hopefully by the time the SO and AC Chairs will come back to us, there will have been this discussion in the Cross Community Working Group, (inaudible) but that will probably shed some light and show reports. Back to you, Bart.
- Bart Boswinkel: Okay. The next is around the appointment of observers or experts, effectively. Again, a comment from Gregory, "Expert would be appointed to provide --" and this is an additional requirement on the appointment of experts. Gregory suggests, "To include -- experts would be appointed to provide guidance to the Working Group on matters within their areas of expertise, where such expertise is not, otherwise, available, among the members and observers of the Working Group."
- And now my comments, so this is Bart's comments; there is no explanation of what experts -- oh, his comment is: there is no explanation of what experts would be or why they would be appointed. I have suggested some language, and my comment is, on the one side this implied, because that's why you have experts. And they are not -- and they are external to the SOs and ACs participating. And secondly, on the other hand, the proposed qualifications would be counter to the participation on equal footing.
- But that's -- this is again, my view, and seeing it work in some of the working groups, like the DSSA -- say, expert is also used to invite and have people on the Working Group that are not -- have not -- could not be appointed to a participating SO and AC. For example, SSAC did not participate as a participating organization in the DSSA, but individual members participated in the work of the DSSA, as experts. So it allows some flexibility.
- Olivier Crepin Leblond: Thank you, Bart --
- Bart Boswinkel: And with the qualification you'll introduce a little bit of limitations, but that's my view. Over to you, Olivier.
- Olivier Crepin Leblond: Thank you. Thanks very much, Bart. It's Olivier speaking. Sorry for jumping in. I'll open the floor for comments and questions -- and more comments. I don't think we need questions right now. You need, probably, some answers. Does anyone feel -- throwing in a specific direction on this one?
- And Bart, just a question for you, the current text regarding the appointment of experts which actually is in the paragraph after the ones that have the--?
- Bart Boswinkel: Yeah. I think that -- I think included in the wrong spot, as I said. And Bill, commented, "Experts to provide that, seems unduly restrictive."
- Olivier Crepin Leblond: Okay. Thank you, Bill. Yeah. I mean one of the things that -- I'll wait for others to pipe in their input or put their hand up if they wish to. And I would tend to say that as a Charter restricting it more would perhaps to appointment of external bodies or for anyone that would be upheld might be in the way of the appointment if you don't actually fit the exact requirement there, because suddenly we are such a (inaudible) otherwise available -- because otherwise unavailable I think, I

should say -- unavailable among the members and observers on the Working Group. Then one would then argue, well if such expertise is available or unavailable.

Olivier Crepin Leblond: Any other views from the people on the call? A note from Bill Drake, "Why say the expertise cannot be on the Working Group already."

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Certainly in the case of the DSSA where some people who were on the Working Group will have some knowledge of security and then that would have probably stopped individual members of the (inaudible) have argued, and we've already got expertise about (inaudible) on leadership.

Bart Boswinkel: And looking at it, say, if you look at the -- say, there is already a general clause that, say, all participants, demonstrate knowledge or expertise about aspects of the objectives, and probably more importantly it's to commit to activity, actively participate.

Olivier Crepin Leblond: Okay. Thank you, Bart. I note in the chat that at the moment there is no support for this amendment. There is -- both Bill Drake and Rudy Vansnik are saying it would be unrealistic to -- well it would be too restrictive to have that.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: So I think this one is probably not going to be added.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Okay. I don't see anyone saying it should be added, so it looks like we have consensus on this. Let's move on; back to you, Bart.

Bart Boswinkel: Yeah. The next one is on the discussion, again, around consensus, and this is a more -- it's a complex one. Gregory suggested additional language on, say, consensus and no consensus, let me read it, "No other, say--" suggesting additional language, "No other formal levels of consensus will be used by the Working Group. Consensus will be based on the positions of SOs and ACs, not on the positions of individual participants. The designation of consensus may be used even where there are minority positions, so long as the SOs and ACs hold the minority positions, are in the aggregate, the minority of the working group."

So my comment on this one was by introducing decision-making on the basis of SO and AC affiliation, it is implied that participants are representing the SO and AC. Further, the participating SOs and ACs will ultimately have the ability to support or endorse the decision of the Cross Community Working Group -- of the Cross Community Working Group.

So if, and say a general comment from Gregory was, "I think we need more clarity around what is meant by consensus;" so, again, Olivier, over to you, for further discussion of this part of Gregory's comments.

Olivier Crepin Leblond: Okay. Thank you very much for this, Bart. So the floor is open.

Bart Boswinkel: Rudy has his hand up.

Olivier Crepin Leblond: Go ahead, Rudy.

Rudy Vansnik: Yes. Thank you, Bart.

Olivier Crepin Leblond: (Inaudible) -- Yeah, go ahead, Rudy.

Rudy Vansnik: Yeah. Thank you, Olivier. Rudy, for the transcript. Well, I think that in any case the participants should never take a position as the individual, they should always reflect the position of the SO or AC to which they belong. Otherwise it doesn't make any sense. That's where I think that the difference is between the experts and the participants. Participants are there to reflect who they represent. Experts are there because they have expertise and could be individual input, and will not influence in such a position statement. So I think it's a bit over -- it's a bit silly (ph) the whole discussion if we put in this type of sentence there. I think there is no -- everybody should agree on that; where then the consensus is always a big discussion, what is consensus?

And I thought, Bart, you gave us a good explanation of the consensus, definition, during this last call, so maybe that's the one we need to adopt.

Olivier Crepin Leblond: Thank you, Rudy. Any other points, or (inaudible)?

Bart Boswinkel: David is typing in the chat. He agrees with Rudy.

Olivier Crepin Leblond: So David Fares agrees with Rudy. If I may -- It's Olivier speaking. If I may say, we are not going to be able to crack the answer on consensus, no consensus, and consensus levels, et cetera, on this. We have a minority position and so on, which are dealt with later on in the Charter. I would be a bit concerned about having the different levels of consensus that one finds in the GNSO, with the broad consensus, I forget what the different levels are, but it seems to be quite complex and difficult to understand for non-GNSO people.

And just having -- the question here being is that -- what Rudy has mentioned, which is that people -- when there is a consensus call, people would need to be responding on behalf of their SOs or ACs, which I would hope as we'll. So I would say that there is (inaudible). So, I see Bill Drake at the moment, so let's see, Bill, if you have anything to add. You have the floor.

Bill Drake: Yeah. Just that I'm -- you know, I think we have spent -- I'm happy to say I haven't spent, because I haven't been involved in the drafting, but the process has been, those of you who are involved, have spent a lot of time worrying about formalizing things down to the nth detail, in ways that I think really probably are not in the (inaudible) to the particular context. And I certainly would not want to see this process go delve down to the level of complexity of new requirements that we have in the GNSO, which basically ends up meaning that, you know, you are lost in hell forever.

The reality is, the kinds of things ICANN and (inaudible) have been working on, and saying things about, are not going to be the kinds of things -- I wouldn't expect -- where you are going to have a really difficult time judging what is a broad consensus among the group, and it's, you know, there are people who are happy with the (inaudible) agreement to express that. I mean, I just think that it's -- I wouldn't -- I wouldn't make it that complex.

One thing to bear in mind, I think though, is to say that, you know, when we talk about the individuals were to -- reflecting the consensus of your group and all that, I think it's -- you know, we always have to remember that, different SOs and ACs, and parts thereof, operate differently. You know, one of the things that came up, I think, in the past when we were doing GNSO operating procedures, for example, and MTSG/MTUC, we don't really have direct voting, for example. We guys pretty much operated on the assumption that the people that we -- you know, we elect people to the Council. You know, they are democratic executives (ph).

So you wouldn't -- the advantage is they are there, they are representatives, they have our mandate, they will reflect back to us what's going on, and so on. We don't try, generally speaking, to have a massive amount of information flow back and forth on every little decision in order to ensure that their every utterance is endorsed by some activity in some manner.

And, I think, similarly, when you go into working groups like this, you know, you have the expectation that there's going to be this kind of strict determination, from the community of each

of the participant's activities. In reality we are talking about volunteers of limited bandwidth, limited time to engage, you know, it has to be a little more flexible. So I just really hope that, you know, every caution against -- it's not polarization of anything. You know, I just don't -- we are not making policy here, we are expressing views about things going on in other IG environments. You know, I'll stop here

Olivier Crepin Leblond: Thanks very much, Bill. And (inaudible) --

Bart Boswinkel: Olivier, this is Bart. And just to reaffirm Bill's comments. These were exactly the considerations to included a similar line -- or similar sections in the Draft Charter, on in the Charter of the Cross Community Working Group on Cross Community Working Groups, because it's -- you're not dealing with policy, if you overly define it, it becomes almost unworkable.

Olivier Crepin Leblond: Okay, Bart. Thank you. It's Olivier speaking. Now, if the Cross Community Working Group or Cross Community Working Groups -- is adopting this language, then it probably is a good sign. So I would think then (inaudible) to say this.

Bart Boswinkel: It has been adopted for that Charter.

Olivier Crepin Leblond: It has been. Okay. So then noting that others on the call here are not supportive of changing -- of defining what is consensus, and further away than what it currently says, and to say we can keep it as is. I don't see anyone speaking otherwise, and supporting -- support the amendments by Gregory.

Bill Drake: Just to make an obvious point, Olivier. I think this is just kind of a group, and the Chairs try to call a consensus that people really don't sort of buy into. There's like real opposition, the views are expressed, and I don't -- I can't imagine the Chairs saying, well, we are going to pull ahead anyway. You know, I really just -- we are not -- we are not (inaudible), I mean, come on, you know.

Olivier Crepin Leblond: You never know, Bill. It comes down to the trust element everyone has in this Chair.

Bill Drake: Well, I guess. And also trusting each other, for God's sakes if we can't -- if we can't talk together about what's going on in the IGF or the NETMundial or so on; and expressed broad community viewpoints that are comparable, then we are really in serious trouble.

Olivier Crepin Leblond: Yeah; understood, Bill. Thank you. Okay. I think that's pretty clear. So back to you, Bart; I think you (inaudible) --

Bart Boswinkel: Okay. The next one is again in the -- this is Bart again, for the transcript purposes. The next one is on the call for consensus and, say, the suggestion is -- suggested language from Gregory, "SOs and ACs and individual working group participants may direct that they are not associated explicitly with any view or position. Yeah, it's turning the way -- it's turning the way around. I think the SO and AC part of, say, the suggested language is a bit out of context because I don't see how an individual SO or AC can, at this stage, say, in the deliberations of the Working Group, disassociate itself, especially now, say, the Working Group -- say the members on the call already agree that, say, the additional language is -- will not be included. The question is whether they should be at the direction of the Working Group participants, or that the Co-Chairs, yeah, direct."

Again, this goes back to, in my view, to what Bill just said, either way, it really doesn't matter because if a Working Group, participant wants to include a -- this is -- wants to include disagreement, or disassociate it's -- him or herself with a particular view, I think not including such a viewpoint would -- yeah, that would directly affect the trust in the Working Group itself.

Olivier Crepin Leblond: I do think (inaudible) --

- Bart Boswinkel: Olivier, over to you.
- Olivier Crepin Leblond: Thank you, Bart. Yeah. Thank you, Bart. Olivier speaking. The floor is open for points and question on this. Is this, again, just say, a point of the language itself being used, could there, perhaps, be one more line to clarify what this means? Because it looks to me like this, there might be some ambiguity in this (inaudible) as Greg was pointing out. Is anyone wishing to propose something? What's the view on the call here?
- Bart Boswinkel: Rudy agrees.
- Olivier Crepin Leblond: Is there anyone reacting to it? I'm not even sure that we are kind of grasping the actual differences to what Greg had mentioned, and what someone on the text. At least I see very little difference between the (inaudible/audio gap).
- Rudy mentions that he would leave the text as is. I mean, the text as it is at the moment says, they are not associated explicitly with any (inaudible) position, so they where group participants may request that their names are not accessible (inaudible) with any view of decision. And the suggested language is: SOs and ACs and the individual working group participants, may direct that they are not as sustainable (inaudible) and position. So that time, specifically ACs and individual working groups participating.
- Rudy Vansnik, you've raised your hand.
- Rudy Vansnik: Thank you, Olivier. It's Rudy, for the transcript. Well I think the wording "participant" as being the individuals, and not as the representative of the Working -- of the SOs and ACs. Is that correct?
- Bart Boswinkel: Yeah.
- Rudy Vansnik: Okay. Then I agree with the text, this now, is -- I think it's clear enough.
- Olivier Crepin Leblond: Thank you. Thank you, Rudi. I note Bill Drake also says that is fine. So I think we'll probably keep that as well. I mean work group participants had already defined as being both individual participants but also participants of some SOs and ACs, so I would imagine -- I don't imagine actually, I think that effectively, it's covered already.
- Bart Boswinkel: It could be, say, on an individual basis, it could be, because say by adding SO and AC you make it -- again, you introduce something that is not -- should not be part of the Working Group itself. It's individuals who are a member of the Working Group, or participants of the Working Group.
- Olivier Crepin Leblond: Correct. Correct.
- Bart Boswinkel: And they go back to the SOs and ACs.
- Olivier Crepin Leblond: And then, they might then say that they themselves would --
- Bart Boswinkel: Yeah.
- Olivier Crepin Leblond: -- not be concerned by this, but I note that the chat which is -- beyond there, that it would be very difficult for an SO or AC to dissociated itself in the heat of the discussion, since the Working Group participants -- I guess it's, again, different from each -- for each one of the SOs and ACs, because SOs and ACs are (inaudible) direct decision, there and then, and from the heart of their SOs and ACs, and others, that's not the case. And so trying to define it further is only going to complicate it further
- Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Let's move on.

Bart Boswinkel: Okay. The last one from Gregory, I believe, is that, say, in the event Co-Chairs determine, after consultation, the members of the Working Group, obviously section six (ph), and he wants to include participants, so this is the full Working Group. Again there is -- my understanding is that having the members is -- these have -- because they are appointed by the SOs and ACs, that's the reason for including them. The idea is that observers are more in and out of the Working Group, as well as experts so -- because if you replace this by participants -- or experts that could be outside of the SOs and ACs, and this is all about the scope, et cetera.

Over to you, Olivier.

Olivier Crepin Leblond: Thank you very much, Bart. It's Olivier speaking. The floor is open for suggestions, questions, comments and for reactions to what Bart just had to say.

Bart Boswinkel: Any comments on this member or--?

Olivier Crepin Leblond: Bill Drake is typing.

Bart Boswinkel: He is not (inaudible).

Olivier Crepin Leblond: That's not that helpful, that's not a helpful comment on this -- no comment from Rudy on this. I think in the absence of comments -- and it is a significant change though, isn't it?

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Because the members are really the ones to call the shots, and the members have been defined.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: A defined term, the participants effectively makes it the members plus the observers.

Bart Boswinkel: Plus the experts.

Olivier Crepin Leblond: Yeah. I know from Bill -- and the experts as well, definitely.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Because participants need the experts as well. I think that for such decisions it would probably need to be the members that take precedence over others. In which case members have to remain; and I see here, "Keep members please, and member is fine." From -- so Rudy Vansnik, "Keep members please." Bill Drake, "Member is fine." Hago Dafalla has no comment on this specifically. "And in reality," says Bill Drake, "The observers would be part of the conversation in some manner anyway."

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: Okay. So let's stick with members then.

Bart Boswinkel: And then the next one and this is the yellow-marked line is Avri, "Yet any such decision," she wanted to add after the sentence, or the part of the sentence that's been marked, "Any such decision will be discussed with the Working Group and modified as necessary. So the Co-Chairs of the Working Group still have the authority to determine the proper actions, and maybe it's after consultation of."

- Olivier Crepin Leblond: Okay. Thank you for this, Bill. The floor is open. Bill Drake mentions that he thinks it's useful, "I don't mind."
- Bart Boswinkel: And this would -- and note, if you something -- add something like, "After consultation of the participants or members of the Working Group." It would already address, probably, some of the concerns of Gregory as well.
- Olivier Crepin Leblond: Okay. Thank you, for this. I don't see anyone else. It's okay for everyone here, Bart. So I think that -- if I take my Chair hat off, and say as a participant, I would also say I would agree with this, and to add the specific helps with Gregory's concerns, and if it also helps with having an additional check and balance before the Chairs of the Working Group have the authority to do something, or to determine something. As we know we are working about a month, and I think that's certainly welcomed. So this could be added.
- Bart Boswinkel: Yeah. And as the work--
- Olivier Crepin Leblond: And I think -- sorry, just to come back to you. And I think it could be added with participants of the Working Group.
- Bart Boswinkel: Yeah. Okay.
- Olivier Crepin Leblond: So then at that point it's a discussion with everyone.
- Bart Boswinkel: Yeah.
- Olivier Crepin Leblond: Rather than just (inaudible).
- Bart Boswinkel: Yeah. That was my question. Okay. And now the final one from Gregory -- that's on new Charter -- Gregory's comment, "It seems odd to me that a minority of the participating SOs and ACs could force the Working Group to continue." Yes. Yes, maybe. I don't know. Over to you, Olivier.
- Olivier Crepin Leblond: Thank you very much, Bart. That's a good point. It's a good point but I can see both sides of the argument. So I open the floor for all comments on this. And just to tell everyone, whilst everyone is thinking about this, my understanding of Cross Community Working Group, is that as soon as there are more than one part of ICANN. So one SO or one AC working on the topics, if two SOs and ACs, that try to work together on something; and irrespective of everyone else in ICANN, that that comes across the Community Working Group. We have seen that at least, for example, in some Cross Community Working Groups that happened between the GNSO and the ccNSO, and that -- I think those were called Cross Community Working Groups, and correct me if I'm wrong, GNSO participants. But, Rudy Vansnik, you have the floor.
- Rudy Vansnik: Thank you, Olivier. It's Rudy, for the transcript. Well considering that, as Bart was mentioning, at least two SOs, two SOs or ACs, means two times six people, which means 12, that's quite a large number, so I consider that that would be a good threshold to give the green light.
- Bart Boswinkel: So it's up to the participating SOs and ACs anyway. So if they want to continue they can build on this Charter or they can start all over again, it's up to them. But the only thing is they can call it the Cross Community Working Group and Internet Governance, so it's more of taking over the name than anything else.
- Olivier Crepin Leblond: Yeah. Hmm?
- Bill Drake: (Inaudible), people that lock other people?
- Olivier Crepin Leblond: Sorry, Bill. I didn't hear you well. Could you start again?

- Bill Drake: I'm just saying, you know, a lot of this (inaudible) refinement presumes a level of conflict doesn't it?
- Bart Boswinkel: Yeah.
- Bill Drake: So it's really wondering what we are going to experience, you know. I mean if some SOs or ACs want to denounce the process to go away, nobody is going to hold them at gunpoint, and say, you know, you must stay in it. And similarly if somebody decides that they don't want to be part of this particular dialogue anymore, that's how much -- or they mean that others should be held back. So, you know, as long as we are clear about who is participating and who is not, I find to legislate all conditions under which one can continue or stop it or whatever, down to the last detail based on a conflict model, I don't really feel like it's (inaudible).
- Olivier Crepin Leblond: Okay. Thank you for this, Bill, and the GNSO. I can understand the understanding there of saying, well, if we've got X-number of SOs and ACs, theoretically if we wanted this to take place it would be the majority of SOs and ACs to extend the Working Group, as such as, as a majority rule. But then that's not the way Cross Community Working Groups are created in ICANN. In ICANN you can have a Cross Community Working Group with two -- only two parts of ICANN, not just the whole majority of them.
- Bill Drake: Right. Yeah.
- Olivier Crepin Leblond: So I would say that this goes against the way that -- you know, amending this would go against the way that Cross Community Working Groups are created. I don't know what to add to this sentence to ease Greg's concerns on this.
- Bill Drake: How about if you said, consistent with general practice, the Working Group of (inaudible) I guess all of us.
- Olivier Crepin Leblond: That sounds good, Bill. What do you think? Bart, is this something that would be incompatible with--?
- Bart Boswinkel: No. Not really, but it's more appealing. I don't -- I even don't understand say, why Gregory made this comment. It states -- assume this would be the case, it's just two wanted to continue out of five because, say, if you have four SOs and ACs which is normally the case, and which already is really we had, is what will happen if, so that assumes that only one steps out, because there needs to be a minimum of three. I don't -- I really don't see it. As Bill said, what is far more important that is that if an SO and AC want to disassociate itself, that it's able to do so, because that builds the trust around these kinds of Cross Community Working Groups.
- Olivier Crepin Leblond: It's Olivier speaking. As long as there are two -- two parts of ICANN working on something it will remain a Cross Community Working Group, I would be -- I think the suggestion of saying, consistent with normal ICANN practice, or usual ICANN practice, the Working Group will continue if at least two of the participants, and SOs and ACs extend a Charter of the Working Group to probably something that will -- as Greg's fears on this, or concerns on this.
- Bart Boswinkel: Yeah, but I don't know --
- Olivier Crepin Leblond: Another question?
- Unidentified Participant: No. Let's not just change this.
- Bart Boswinkel: Yeah.
- Olivier Crepin Leblond: Sorry?

Bart Boswinkel: That's why -- say, it's -- I'm not clear what he wants to address.

Olivier Crepin Leblond: Well, I think -- It's Olivier speaking. I think that he is under the impression that you would need -- you need a majority of the ICANN SOs and ACs for a Cross Community Working Group to remain place, and I guess it says that if the one -- the current Cross Community Working Group has all of ICANN's SOs and ACs involved, if more than half of them decides to step out of it, then the Working Group would be dissolved, which under a circumstance where you are in requirement of a majority of SOs and ACs in the Cross Community Working Group for it to remain, that that -- that's not a definition of a Cross Community Working Group at ICANN. A Cross Community Working Group at ICANN can work with just two SOs and ACs.

Bart Boswinkel: No, which is -- so therefore, I still don't understand what he wants to address with this.

Olivier Crepin Leblond: He probably wants to have--

Unidentified Participant: I think --

Olivier Crepin Leblond: -- at least half of the participating SOs and ACs, so if one looks at the total number of SOs and ACs in ICANN, which I think is five or six you would probably say, well, you need three to remain there, but that--

Bart Boswinkel: Or four, yeah.

Olivier Crepin Leblond: -- inconsistent with the definition of a Cross Community Working Group, at least my point of view on this is that unless (inaudible)--

Bart Boswinkel: I hope--

Olivier Crepin Leblond: -- feels opposite.

Bart Boswinkel: No. I understand perfectly--

Bill Drank: Really, let's pry ourselves out of the misery here. There's a standard kind of understanding of these things as you say, Olivier, and there's just -- you know, as that cause to make clear why it's two and if he wants to come back on this again, and then provide more detailed explanation for why this problem is, can do so.

Olivier Crepin Leblond: Okay. Thank you, Bill.

Bart Boswinkel: So, do you want me to include consistent with ICANN or general practice in ICANN?

Bill Drake: I would.

Bart Boswinkel: Okay. I will include it.

Olivier Crepin Leblond: And I note also, support from Rudy, and you can note support from myself as well; myself, being Olivier. Okay, next?

Bart Boswinkel: That was it.

Olivier Crepin Leblond: Fantastic. Thank you very much, Bart, for holding the pen on this. And I'm glad that we've done this. So next step after this call; so Bart, you will have the latest included in there. Are you passing it by the -- well, I guess you have to pass it by the CCWG mailing list, we can do a last call and if there is no -- nothing -- no opposition, no significant opposition to this, then we can have this sent to the SO and AC Chairs by, let's say, Tuesday next week?

- Bart Boswinkel: Yeah. It's up to you. I would go, say, everybody had their chance, say this is -- they had the chance to attend is, I would say this is -- maybe a bit stronger; this is the final-suggested version. It's -- and this is more asking a call for whether people can live with it or don't. Otherwise you keep on having amendments after amendments.
- Olivier Crepin Leblond: Wow, this is -- yes; and we are trying to make this Charter perfect, and as we know from there, that perfect is the enemy of the good. So we did have to get things done, and this unfortunately is one of the things we often do at ICANN is to try to make things perfect.
- Bart Boswinkel: So, my suggestion would --
- Olivier Crepin Leblond: (Inaudible) to make this into --
- Bart Boswinkel: So, Olivier -- this is Bart. Olivier, my suggestion would be that I'll update this, I'll make it a read version again, from a clean version four, so I'll include what we discussed, include the comments as well and, say, based on the discussion of today, this came out of the discussions, and that you and Rafik, make a call for support among the Working Group. Otherwise, you keep on -- people keep on adding new changes, and I -- and I appreciate, say, people like Gregory, who had been attending these calls, but they keep popping up, and this will be an indefinite process this way.
- Olivier Crepin Leblond: Okay. Bart, thank you. It's Olivier speaking. That's understood. Will you be sending that latest version to the mailing list?
- Bart Boswinkel: So I will send it to you and Rafik, so you can send it and send it out as conveners because I think it is your role as conveners to call for a -- yeah, to call for support.
- Olivier Crepin Leblond: So the action items for this call are, Bart to send to the latest version, including the comments to Rafik and -- Rafik Dammak and Olivier Crepin Leblond.
- Bart Boswinkel: Yeah.
- Olivier Crepin Leblond: And then Rafik Dammak and Olivier to send a last call for support--
- Bart Boswinkel: To the mailing list. Yeah.
- Olivier Crepin Leblond: To the mailing list.
- Bart Boswinkel: Yeah.
- Olivier Crepin Leblond: I think I will word in a way to basically say, unless you have a serious objection to anything in there --
- Bart Boswinkel: Yeah, but -- yeah.
- Olivier Crepin Leblond: -- I would suggest that you don't come back and want to change things.
- Bart Boswinkel: Yeah. Because --
- Olivier Crepin Leblond: And then I think the deadline for this should be maybe Tuesday, or let's say Wednesday, because I know that people do -- if nothing is received -- or if no significant opposition is received by Wednesday, 12:00 UTC, then I will send that -- the co-facilitators of the Working Group will send this to the SO and AC Chairs.
- Bart Boswinkel: Yeah.

Olivier Crepin Leblond: For their consideration, and that's it. Last question of the call; do we need a call next week? Now that the Charter is forward, suggestions, what I can do is to also ask everyone, do we need a call next week, or do we wait for the Charter, or what comes next?

Bart Boswinkel: Maybe that's something to discuss at the next call.

Olivier Crepin Leblond: Yeah. But the question though is -- the next call, yeah, what comes next, so the question is, do we need a next call? I see, "Wait until we get support first," by notes, from Rudy and from Bill.

Bart Boswinkel: Okay. Yeah, it's the Working Group members.

Olivier Crepin Leblond: Okay. So what we'll do -- what I'll do also, is to then ask further for the rest of the Working Group because we have so few people on the call, if we need a call next week, maybe send out a Doodle - - sending out a Doodle asking, do we need a call right away, or do we wait? "If we have a problem with getting support, let's convene another call," says Rudy Vansnik; very good point, indeed. But I would be -- I would not want to publicize if we have a problem to get support, it could be another call, because that would just trigger people coming up with more comments, and then we'll be in the same position as we are this week, or the previous week as well.

Bart Boswinkel: Yeah.

Olivier Crepin Leblond: So. Okay. Well, thanks to everyone. Thank you, Bart. Any last comments or questions before we close the call? I don't see anyone putting their hands up, so I thank everybody and we will be following up on the mailing list.

This call is now adjourned. Thanks to all of you.

Bart Boswinkel: Okay. Bye-bye.

Olivier Crepin Leblond: Bye-bye. Thanks.