ICANN

Moderator: Jonathan Robinson
January 13, 2015
7:00 am CT

Coordinator: Welcome and thank you for standing by. At this time all lines are open and
                    interactive. Today's conference is being recorded, if you have any objections
                    you may disconnect at this time. Thank you and you may begin.

Grace Abuhamad: Good afternoon, good evening, good morning everyone. It's now 1300 - 1310
                    UTC and we're ready to start. And apologies for the technical difficulties and
                    we'll be letting more people into the Adobe Connect room as we migrate
                    everyone over.

                    We're very likely to be using the same room for the second call today so I will
                    send a note to the list to clarify that as well. Jonathan and Lise, off to you.

Jonathan Robinson: Thank you, Grace. Welcome, everyone, to today's first call; the third of
                    our CWG meetings over this intensive work weekend. Apologies on our
                    behalf for the technical issues. We will, as come custom, take those present in
                    the Adobe Connect room as present in the meeting. We'll wait for a few
                    minutes before confirming that list recognizing that some are still joining the
                    call.

So if I could as for anyone who is on the audio but not in the AC room to make themselves known now so we can record you as present in the meeting? Anyone on audio but not in the AC room please make yourself known. Okay so we will record in five minutes or so from now everyone in the AC room as present in the meeting.

It is our aim to pick up from yesterday which was a - had a good level of participation, a very constructive tone to the work which we did so thank you very much for that, thanks for all of those who both gave up their time and worked in a meaningful and constructive way that put us in - made good progress within the overall objective which is to - just make sure you're on mute please, getting a little bit of noise through on the line.

Which is to take the input that was given on the surveys, which was intended to really provide an effective feedback loop from the public comments back into the CWG and make sure that we had processed those and surveyed some of the key components coming out of that in the most efficient and time effective manner.

Before we go on with the meeting proper, as per a suggestion we received on list, and in any event we thought it would be appropriate, the co-chairs, have discussed this and thought it would be appropriate to just hold a minute silence in recognition of the terrible events that have unfolded in France over the last week and all - that has followed from that.

So if you'll bear with us we'll just hold a minute silence now; if you could all mute your lines. And we will proceed with the call proper after that. Thank you. Thank you for that and for effectively participating in keeping things quiet.

Right, let's begin with the day's work then. So thanks again for yesterday's work. As I said, it was good constructive participation and we aim to pick up from that yesterday.

We have a couple of items remaining from the work we were doing on Survey 1 which we didn't conclude with. And then we plan to go straight into Survey 2 with the objective of continuing to process the survey output and use these to highlight areas of convergence, build on that convergence and build out in detail where necessary and appropriate.

If I could encourage you all in thinking about your responses to these two, aim to focus on, in many cases, as far as possible, highlighting the issue to be solved and the motivation behind it as opposed to necessarily simply the solution so if you can in explaining any position highlight the issue to be solved and the motivation for that I think that will help us in trying to drive convergence on the more intractable points if we understand one another's motivations and underlying issue that needs to be solved.

I'll just note to that extent there is a whole - our fourth meeting, the following meeting from this, is dedicated to dealing with links into the work of the Accountability Working Group and the issues of accountability that this group needs to ether deal with or effectively and logically and solidly hand over to or link into the work of the Accountability Working Group.

I should also note that at the end of these four meetings given the intensity and the pace and the face that not everyone will have been able to participate in all of them, we will try, myself and Lise, to come together to produce some form of communiqué that won't be a substitute for the formal records of the meeting but should be helpful, perhaps, in communicating the work that's been done

and any outcomes that have resulted and where we are as a workgroup at the end of this weekend.

All right so I see a hand up from Seun. Please go ahead, Seun.

Seun Ojedeji: Yeah, just to say thank you very much. This is Seun. I've been type (unintelligible) the chat and I think is important that you kind of acknowledge this (unintelligible) folks and I think it's important that we don't take any country issue into this discussion. Thank you. Please, I don't think we should (unintelligible) otherwise I also demand for a minute silence for the incident that happened in Nigeria. Thank you.

Jonathan Robinson: So that's a very fair point. And I did see the news about Nigeria on the television this morning and it was shocking. And I appreciate your point and understand the sensitivity of picking one country's challenges or one group's - and so I, you know, apologize to the extent that that seemed insensitive and recognize that in many ways we should have probably used that minute silence to recognize all victims of similar kinds of acts. So thank you for bringing that to my and our attention.

All right, let's get on to the work of the day then notwithstanding that. So from the survey yesterday we had not yet completely dealt with the - I think it was the final two yellow items, Lise, was that right from Survey 1, which is Question 15 in the first instance.

And so picking up on Question 15, the MRT's primary function could be deciding whether to renew the IANA functions contract and whether the IANA naming functions contract needs to be amended. This is from Survey 1 - sorry, Survey 1, Question 15, which was the second of two - the first of two yellow items that was not dealt with yesterday.

Robert Guerra: Yeah, that's right.

Jonathan Robinson: So just reminding you, from yesterday, that there was - the survey responses were categorized into the strength of view expressed around them. We worked through the green, which was most clearly defined in the (unintelligible) we worked with, and the yellows which were less clearly defined highlighted in the method that Robert described yesterday.

Okay. So there's a couple of issues that arise from this, really. What we're trying to do here is make sure that we as a group acknowledge the point made - the results of the survey, seek to hear from anyone who had strong disagreement to understand the motivation for that strong disagreement and the background to it if necessary, and any comments or detail as to how we should effect a solution or come up with particular detail relating to that particular point.

Any comments or questions in relation to 15? Martin Boyle, go ahead.

Martin Boyle: Thanks, Jonathan. Martin Boyle here. Yeah, I was one of the people who marked strongly disagree but I was strongly disagreeing to the fact that I actually saw the MRT's primary function as being to try and resolve difficulties and find solutions rather than moving straight into it being to amend the contract or to renew the functions contract.

So it really was a matter of emphasis that what I was looking for was something that very much more saw it as being solutions-oriented rather than essentially crisis management. So, yes, on that basis, I probably can move away if we recognize that wider role for the MRT. Thank you.

Jonathan Robinson: Thanks, Martin, that's helpful insight. Alan.

Alan Greenberg: Yeah, I certainly read this question, you know, saying that there is no other role therefore there are a whole slew of things that no one is doing. The MRT is the only body around that is going to be able to - is empowered to do any sort of remediation on problems. And this goes back to I think the way people used to describe the old Registrar Agreement as the only option we have is de-accreditation. And that's not the way to fix problems so.

Jonathan Robinson: Well, yeah, thanks - thanks, Alan. You'll note that yesterday we had quite a comprehensive discussion about functions and scope and purpose of both the CSC and the MRT which I hope also may help with some underlying progress there. Elise.

Elise Lindeberg: Yes, thank you. This is Elise. Can you hear me now? Is my mic better today?

Jonathan Robinson: Yes it's good. Thanks, Elise.

Elise Lindeberg: Okay, thank you. No I agree with Martin that we should of course - the primary function of the MRT is to solve problems. Of course that should be underlined. And I think we get into a lot of trouble if we define it as deciding whether to renew the contract or not. That is also a function but the main function is to solve problems and to talk to the whole community about how to do that and to have a connection with the (unintelligible) community, okay thank you.

Jonathan Robinson: So I'm just going to check something here because, Bernie, I think you're going to be potentially holding the pen of a future iteration of the draft. And I just want to make sure you're satisfied that the notes from the conversation reflect some of the nuances that are coming through or are you needing - are

you happy that the notes that are being performed here will give you the guidance you need? Okay good. Alan.

Alan Greenberg: That's a new hand, Jonathan.

Jonathan Robinson: Yeah, go ahead, I was just - you read my mind. Alan, go ahead.

Alan Greenberg: Sorry, I just wanted to ask are there any comments associated with this question which explain why so many people agreed that all it should do is reissue contracts? I just find this anomalous in light of so many other discussions we've had over many months.

Jonathan Robinson: Okay that provoked a slew of hands to come up. I mean, and the question certainly says "primary function" not "only function" so let's be clear on that. Bernard, your hand is up. Bernie, go ahead.

Bernard Turcotte: Yeah, along the lines of Alan, I mean, just making that same clarification Jonathan said the primary function. And I'm more supportive of Elise and more cognizant of Elise's point that, you know, there is a range of solving solutions that's probably a more practical way of viewing this but it's not represented here and that's a concern to me.

And maybe because of the discussions yesterday the mood has changed? I'm just wondering, you know, is that a valid question. Thank you.

Jonathan Robinson: Thanks, Bernie. Go ahead, Avri.

Avri Doria: Thank you. Yeah, I put my hand up because I was one of those that marked "strongly agree" so since the question was being asked I figured I'd explain. First of all, yes, taking into account that the primary view is that so I saw the

MRT as being fundamentally linked with there being a Contract Co in that mainstream proposal.

And what has concerned me and I believe many but it is a mixed view at this point and I think perhaps yesterday it did change a little is what I believe I'm seeing is already scope creep in the MRT. And so when I look at the word "primarily" I see its activities not in terms of certainly a day to day problem solver and not even in terms of solving the greater problems because those are, you know, they're either policy issues or perhaps they're CSC issues.

And, yes, I know there's the escalation but I've always been somewhat insecure about what it means to escalate to the MRT an issue from the CSC and not to the IAP unless you're dealing with the larger review aspect of the relationship.

So when I say primarily - primary function it means that all of its other activities seem to me to be related to the review of that and the review having been one of those things that was dependent on the existence of a Contract Co.

Now we've started to broaden the notion of an MRT and say, well, perhaps even in the alternate solutions that may be created and fleshed out that there will be a function for something like the MRT but in my mind that is a different entity because it would have a different kind of scope.

So my strong agreement with this had to do with basically how do we avoid scope creep? We avoid scope creep by making sure that as much as possible the functions of the MRT pertain to its renewal and its - and it staying with a particular provider and not getting deep into the weeds of all the other issues. Thank you.

Jonathan Robinson: Thanks, Avri. So a couple of quick thoughts before we move on to the queue. I see Seun said, "I think one main reason why more tend to agree is that most answered the survey with a Contract Co in mind and clearly the stated objective was that the survey was surveying independent of that component of the solution." But I can understand and see that in many ways that was the only or main show in town at that stage of the survey being done so I can see how that could happen.

I think Avri and others making those points with practical suggestions as to in scope and out of scope would be very helpful in terms of ongoing drafting so that's - to the extent that you can give any guidance, further guidance is helpful.

Greg, go ahead.

Greg Shatan: Actually I want to (unintelligible) scope creep.

Jonathan Robinson: Greg, could you start again? I accidentally muted your microphone instead of mine.

Greg Shatan: Thank you, Jonathan. Greg Shatan for the record. I actually wanted to start with a question to ask Avri what scope creep she thought she was seeing occurring already with regard to the MRT.

Avri Doria: Quickly, Avri, is basically it getting involved in more and more of the, you know, indeterminate number of issues that a CSC might send up to it; it getting involved in things that are near policy; it being a body that sitting (unintelligible) and as, you know, and as opposed to just coming into existence when it's needed for a review or something like that.

So I see almost all the functions outside of the review as being in the scope creep. But especially anything where it gets involved in anything having to do with individual issues or policy-related issues.

Greg Shatan: Thanks. I'm not sure I see those same things but thank you for clarifying that. I think I was one of those that answered that they disagreed for the reason I think that was said earlier that this is - it's supposed to be a problem solving body and it's supposed to be a reviewing body.

But the contract and Contract Co are in essence just tools to be wielded by the MRT. And if those tools aren't here the MRT would still exist and it would wield other tools in order to achieve the same objectives.

So I think that, you know, concentrating on the contract and Contract Co kind of misses the point that the MRT is really - exists for the purpose of being the place where the multistakeholder community comes together and deals with the issues whether they're escalated from the CSC or whether they come up from performance reviews they're currently mandated in the IANA contract and the like.

And the last thing I would say is that the MRT and the IAP are fundamentally different types of bodies. The IAP is an outside arbitrator. And if you look at how - going back to contractual arrangements typically what happens is if you - you're in a contract with somebody and you get into a dispute about their performance or some other issues you try to resolve the issue between the two parties and only when you can't do that then you turn to an outside arbitrator to try to solve the problem.

So taking things - you can't take things - taking things to the IAP means there needs to be two parties in front of the IAP who have differing views of the

issue. Taking something to the MRT means that there is going to be a discussion between - at the MRT and the IANA functions operator to try to enforce what the MRT and by extension the community see as the problem with the IANA functions operator's performance. Thanks.

Jonathan Robinson: Thanks, Greg. I note Brendan's point. I think the definition of the proposal allows for the activities, Martin - definition in the proposal allows for the activities Martin mentioned. I guess it's important to recognize that these questions are - seek to act on a piece of detail or a response to the public comment.

And so the primary source of what the MRT does or doesn't do is in the draft proposal. And really what we're seeking to do is modify and move on that draft proposal.

There's an echo line. If people could mute their lines?

And I'm keen to move on to the next point but we have Elise in the queue so we'll deal with - we'll take Elise's point and then we'll move on to the next yellow item. Elise, go ahead.

((Crosstalk))

Elise Lindeberg: It's Elise, yeah. I'm a bit puzzled by Avri's comment because I thought yesterday we had a good discussion on the scope and the role of the CSC. And I think in that discussion we kind of got a long way of defining how the MRT is a receiver of escalated questions from CSC or problems that occur.

So I don't see the MRT stepping into the daily business but that is something that we are discussing now. I think the CSC is the day to day business, the technical business, and the MRT is the escalating body that could...

((Crosstalk))

Elise Lindeberg: ...so and I think we also discussed yesterday that we don't need to detail - too much detail in how this - these lines doesn't have to be drawn (unintelligible). I think it will solve itself if we have the good communication between MRT and the CSC.

Jonathan Robinson: Thanks, Elise. We did indeed do some good work yesterday on the relative scope of the CSC and the MRT so thanks for reminding us of that and some of that detail.

I'm going to move us onto the next point on Survey 1 so we can close that off. And that's Point 21 which achieved a yellow ranking and that is to say the composition and the size of the MRT should be difficult to alter or amend. And I guess there was a pretty large "no opinion" on this. And then there was sufficient disagreement to keep it - to make it yellow, not green. Any comments or thoughts on this? Greg.

Greg Shatan: Old hand.

Jonathan Robinson: Okay. Moving on to Alan Greenberg.

Alan Greenberg: Yeah, I was one of the ones that made a comment saying that the answer, in my mind, is substantively different depending on whether this is an internal or external solution. And given that we were supposed to be thinking outside of the solution answer that made it difficult to answer.

Jonathan Robinson: Okay that's helpful. And, Alan, does that - does that position still hold for you? Or given where we seem to - where we are right now do you see - almost in a yes or no for the moment but if you have detail feel free to add it, a significant difference in the MRT whether or not there is a so-called internal or external solution.

Alan Greenberg: In my mind yes there is because in a Contract Co solution the fear of capture is a very large one and therefore you want to be very careful that changes are not made which end up as a first or second order if that capture. In an ICANN-centric solution the ICANN multistakeholder body is, you know, organization is behind it and acting as a balance for that.

Jonathan Robinson: Okay so that feels to me like something that needs to be - come out perhaps in the work of RFP 3b that needs to really - when you and others on that group do that work you need to be very clear in specifying how function and scope of CSC, MRT or other components of the proposal would change in respect of a so-called internal solution.

Right now, I mean, I hear and I think I understand what you're saying. I guess my view, just not to assert my view but just to understand how some might have this view, I've been seeing the CSC and the MRT as somewhat independent of the solution. So I think it'll be important to highlight why that - or how those differ in your view - when I say yours, your collective view as RFP 3b when that work gets done.

Alan Greenberg: Indeed. And, you know, in the extreme, Steve Crocker has said he doesn't see the need for an MRT at all. I don't agree with that but it's the continuum on that side of the fence. Thank you.

Jonathan Robinson: Understood and thanks, Alan. Greg.

Greg Shatan: Greg Shatan for the record...

Jonathan Robinson: Sorry, I've gone over Avri, the hands - apologies. Go ahead, Avri and then
                       we'll come to you, Greg.

Greg Shatan: Sorry.

Avri Doria: Okay thank you, although I would have waited. I was one of the ones that
                    marked "disagree" but I want to explain the disagreement. It had to do with
                    the "should be difficult" and I did put in a note that said there should be a
                    stakeholder process to do it but it does not need to be difficult.

                    And so I'm really trying to differentiate between the notion that, you know, it
                    should be very difficult to near impossible to change it whereas no, but there
                    should be a proper bottom-up stakeholder-based process to change it.

                    Now, the value judgment is that difficult or is that an appropriate, you know,
                    way to deal with it? Maybe, you know, one we can have but that was really
                    my point is that no, we don't have to make it hard, we just have to have a
                    proper process. Thank you.

Jonathan Robinson: All right and it'd be good to capture that in the notes that that concept of
                       difficult and the proper process because that's important that, I mean, some
                       might view, Avri, as you well know, that the - which is what you highlighted,
                       the existence of a proper process as appropriately difficult so that's key to
                       highlight. Greg.

Greg Shatan: Thank you, Jonathan. Greg Shatan. I'm in violent agreement with Avri. I'm not sure whether I - how I answered exactly as to difficult or not but - and I think I probably answered it should be difficult in the sense so what I thought would be easy would be for the MRT to change its own composition or mandate and that what would be more difficult would be a proper multistakeholder bottom-up process to change it.

One of the ambiguities, was that difficult or just appropriate. But what I wanted to avoid was kind of some sort of self-aggrandizing MRT that would, you know, change its own scope and its own composition to suit without dealing with a larger multistakeholder body.

So it shouldn't be too difficult in the sense that it needs to be responsive to conditions that the multistakeholder community sees but it shouldn't be a change that can be initiated without the multistakeholder community being the ultimate arbiter of such things. Thanks.

Jonathan Robinson: Thanks, Greg. Let's take that as the constructive comment that we needed on that. If I can just make a note on the notes that it says (instance) of a proper process is a difficulty. I think what that should say is something like is an appropriate difficulty and with difficulty in quote marks. I think that captures the point.

Greg Shatan: Just to add one other thing which is to respond to Alan, I don't think that capture is necessarily any less of a problem in an internal solution than it is in an external - so-called external solution. And I'm not even sure that the MRT is terribly different in the two solutions. I guess depending upon what the MRT itself looks like capture could be more or less of an issue relatively speaking but I don't think it, based on whether it's internal or external, at least there's a level of detail that we're operating at now. Thanks.

Jonathan Robinson: Okay well hopefully we'll pick that up in other discussions. Let's move ourselves on to the second survey which is undoubtedly going to throw out some further interesting discussion.

So the first question on that - so that survey is broken down into Contract Co, the independent review panel, or IAP, also deals with a section on accountability. The section on accountability we'll bump to Call 4 as a sort of precursor or part of Call 4 unless we make - and also the internal to ICANN solution of course.

So let's work our way through the green items as we did previously and then we'll come back onto the yellow items. So the first of those green points is Point 4 which says there should not be an IANA functions contract as part of the transition. Is that correct? Have I got something wrong there? I'm sorry...

((Crosstalk))

Robert Guerra: Seventeen.

Jonathan Robinson: Seventeen, I'm sorry for that...

((Crosstalk))

Jonathan Robinson: Yeah, so 17, so it's Item 17 which you'll see in front of you shortly and that's where the Contract Co should be incorporated or not and subject to a particular jurisdiction's laws, should be examined by a neutral unaffiliated expert, the structure of Contract Co. So this clearly assumes Contract Co.

Greg Shatan: Jonathan, this is...

Jonathan Robinson: Yeah.

Greg Shatan: Greg Shatan. This is basically another do we need legal advice question about the Contract Co and whether it should be incorporated and where. So really again the question probably should have been drafted backwards in terms of which - the cause versus the effect should have come first in the question or the statement.

But in any case, you know, this is similar to the question that we discussed yesterday that whether we needed outside legal advice on the subject. And I think, you know, again here the answer seems to be strongly yes.

Jonathan Robinson: Okay. Any comments on this? Chuck.

Chuck Gomes: Thank you, Jonathan. And just a comment on the wording of the question, in hindsight I think it would have been better to break it down into two questions, should it be incorporated, and the second question being -regarding the jurisdiction.

That said it may be safe to assume that the people that strongly agree and agree and even find it acceptable - my guess is that they probably agree to both of those if they were separate sections. But that's just a comment on the design of the question.

Jonathan Robinson: Yeah, you're right, it's complicated and not that straightforward to read the way. I would say that one of the strongest points jumps out to me is the - should be examined by a neutral unaffiliated expert.

Chuck Gomes: Yeah.

Jonathan Robinson: So there's a couple of overarching themes that we are not dealing with in these four sessions of the weekend and one of them is the Requirement 2 and if so how to obtain independent or - and legal advice on the nature of - on the solutions being proposed and drafted. And that's clearly something that needs further work and consideration.

Robert, go ahead.

Robert Guerra: This is Robert for the record. I think as we step through the next couple of questions I think we'll get more of a nuance in regards to some of the functions or the roles that this should do so would suggest maybe that we go through those.

And I think I'll take a look in advance maybe instead of just going through the green ones and then the yellow ones we may want to go in sequence because they're grouped - the second survey had the questions grouped together a lot more logically and so we may want to go through the next couple of questions in just sequential order and where there are ones that are yellow just say these are yellow and that might be particularly helpful.

Jonathan Robinson: Thanks, Robert. That does make sense. And we may even have touched on that in a previous discussion. So let's go to Question 19. And I note that the comment from Olivier, if you interpret the questions I suggested one might - sorry, the previous questions before we move onto 19, notes in the comment from Olivier that highlighting that it does appear that there is strong support for independent legal advice or as it's worded here, examination by a neutral unaffiliated expert.

Question 19, Contract Co should be extremely lightweight and its purpose should be limited to holding contracts for the names community. There was little disagreement, some no responses ad most were in the acceptable, agree or strongly agree categories. Any comments or other points on this? I'll keep us moving, understanding that the participants are pretty quick on the trigger if they do feel like they need to make something be known.

Again, this speaks to - Question 20 which is, again, green, in other words there is a convergence of views on it is that the bylaws of Contract Co should be narrowly and - should be - should narrowly and clearly limit its activities. And there's no disagreement there. There's a couple of no responses but essentially no disagreement.

Okay, Lise, did you - yeah, okay go ahead, Lise.

Lise Fuhr: Thank you, Jonathan. It's Lise Fuhr for the record. I just noticed in the chat that there's been quite a few comments regarding the legal advice. And we as co-chairs just want to make clear that it is the plan to seek legal advice and we're working on it. We just want to be absolutely certain of what to ask. So this is the plan and this is going to go very fast forward in - during the next couple of weeks. Thank you.

Jonathan Robinson: Yeah so that scope of that advice is critical is, I mean, is the point isn't it here. Yeah. All right, Item 30, following Robert's suggestion, is in yellow but continues on the similar theme...

Chuck Gomes: Twenty nine also. Don't worry about the color on that one that was missed.

Jonathan Robinson: Okay so thanks for capturing that, Chuck. So 29 should have been - Robert?

Robert Guerra: Yeah, I just wanted to - what's not noted here in the survey is that I think - just taking a look here - there were some comments - there was a comment section between - I think just between 25 and 26. So if we're headed in that direction, going through them very quickly I'll just say that we have a substantial number of comments and some of them are related to the questions that our in green, yellow or in white.

Kind of three main kind of - there's questions in regards to jurisdiction, whether it should be in one country or another, some talk about the universality of a jurisdiction in Switzerland, for example.

But I'll just mention kind of three - there's the concern in regards to how this Contract Co would be constructed and if it could be captured in some capacity and that needs to be looked at.

That it should be lightweight and that echoes some of the comments in the poll as well that it should be well defined. And there's still a lot of comments in regards to not being convinced that Contract Co is needed.

And so I think we just need some definition and we need to just really define its kind of independence which is particularly important. And then the jurisdiction issue, I think, as you mentioned earlier, having some legal advice would be particularly helpful. And I just wanted to echo those comments. Thank you.

Jonathan Robinson: Yeah, that's helpful, Robert. And in particular, I mean, addressing the one point that - relating to Contract Co questioning the need for Contract Co. Clearly things have moved on since then in the sense that there is a

supplementary subgroup of RFP 3 going to look at an alternative that doesn't necessarily rely on Contract Co.

Twenty nine was the one wasn't it? Yeah, so 29 goes in the other direction in the sense that generally we've been looking at results which produce - where the balance of opinion is weighted in the strongly agree, agree and is acceptable categories.

Here it goes the other way in that the balance is strongly disagree and disagree are sufficient that they weight the outcome to be yellow in the negative, if you like. And this is that Contract Co should be responsible in ensuring that root zone changes are in compliance with prevailing policy and pass that change along to the root zone maintainer. So this is asserting - this is disagreeing with that particular role of Contract Co.

We've got a couple of questions. Alan, go ahead - go ahead.

Alan Greenberg: Thank you. Were the comments helpful in suggesting if Contract Co doesn't do it who should be doing it?

Robert Guerra: This is Robert for the record. I just...

((Crosstalk))

Robert Guerra: Let me take a look again because they're just divided into different sections so let me get back to you while other people in queue have a chance and then I'll come back. Thank you.

Jonathan Robinson: A couple of questions in the chat. One from Eduardo who says he thinks we should be discussing Questions 1 and 2 regarding the need for Contract

Co. Eduardo, we're specifically dealing with this in the same way as we have dealt with the others.

To the extent that there isn't a strong view either way this clearly - we're looking for areas of convergence rather than divergence. And clearly the essence of 1 and 2 is that we know that this is the most divergent probably part of this working group's work and that's going to be dealt with elsewhere. So for the moment we're looking at - work on those areas of convergence.

And Seun asks about skipping some greens, (2 to 3) we skipped some. Lise, did we skip some? I think we're coming to those still aren't we?

Lise Fuhr: Yeah. That's going to be during the internal to ICANN, Seun.

Jonathan Robinson: Okay, Chuck, your hand is up.

Chuck Gomes: Thanks, Jonathan. Yeah, I don't think we skipped any greens like Seun suggested but 5-10 were marked in green. But the - with regard to the Question Number 29 and the - in the strongly disagree, I mean, we - and really more in response to I think Alan's question is the - nobody is suggesting that the root zone changes, if they're not in compliance with policy, shouldn't be addressed. But I think the strong disagreement there is that Contract Company should do it. So who should do that?

My own personal opinion with - if it's a policy issue - is that the policy development body should deal with that. And to the extent with ccTLDs that gets a little more complicated, as we all know, and I won't go over that again, because it's not just ccNSO work but also local law and so forth. And I don't want to go there right now.

But the appropriate body, in my opinion, for dealing with the violation of policy is not the MRT or the CSC or Contract Co, if there's a Contract Co, but rather the policy development body that developed the policy. So, you know, that's my own personal view. Thank you.

Jonathan Robinson: Thanks, Chuck. Greg.

Greg Shatan: Greg Shatan here. I see this question as basically asking about the authorization function that's currently carried on by the NTIA. Those terms there indicate that although it's implied and not explicit. And one of the things that the authorization function stated in the NTIA contract requires is that ICANN as the IANA function operator certify - self-certify that the actions that are taking place are consistent with applicable policy. You know, we could look at the actual section of the NTIA contract for the exact wording.

But the point is that there is supposed to be a certification there that policy has been followed and then, you know, assumably there are some - there may be some level of review of that by the NTIA. There maybe no level of review of that; the self-certification may be taken on the honor system. But that's, you know, that spoke of this question directly.

So the question here is whether Contract Co should take over the authorization and that's the way I would read this. And to my mind - I disagreed with this because Contract Co itself is not supposed to be an active to have a kind of and active body and staff doing work and the authorization function would be quite active.

Obviously there are periods of greater and lesser activity but the last thing we want to do is take a lightweight corporation which is - primarily exists to provide a kind of contractual arm to be wielded by the MRT and ultimately by

the community and all of a sudden give it a function that is as kind of day to day or week to week as the authorization function would be.

So I thought this question was somewhat bizarre; it was taken, you know, directly from one of the public comments. And I think maybe the spirit of that comment was made initially was somebody needs to be doing this authorization function, we can't just drop it. But we need to deal with as a group is the answer to that question or statement.

And they were kind of suggesting that well we need the authorization function and let's get Contract Co to do it, which I don't think is the right answer because I think it mutates the very concept of Contract Co as not having kind of a daily job to do.

Jonathan Robinson: So it seems that there's pretty strong disagreement with Contract Co having that function but it doesn't answer the question of should the authorization function survive the transition? And if so, where should it reside? I also note there was a question from Steve Crocker in the chat. I'm just trying to relocate that question.

I'll come back. What would be an example of - related to this question - what would be an example of root zone change not in accordance with policy? So I don't know if anyone has any answer to that. But, Steve, I see you're coming up in the queue anyway. Robert.

Robert Guerra: This is Robert for the record. I just very quickly went through the comments to try to answer Alan's comments. And we'll just - in terms of different comments that were submitted so I think there's four different comments here.

So there was a mention if ISOC or iSTAR organizations doing this. Another comment was a global council like NRO could be created to do - there was another comment in regard that it be a membership organization but recognize the challenges because some of the survey results also have said that needs to be small and not recreate ICANN.

And then in regards to jurisdiction a variety of different countries were mentioned. There was the issue of universal jurisdiction. I think we should drill down more exactly what's meant by that but I think we've had some discussions.

And then several countries were mentioned, some saying keep it in the US, Switzerland, Canada and also the Hague and the Netherlands was also mentioned. So I think the value here is where either it's been held before or where there are examples where there are trusted legal communities already exist.

I'm trying to collate some of the questions for the next block of questions from 26-33 and promptly will try to summarize those as well. Thank you.

Jonathan Robinson: Thanks, Robert. That's helpful. Steve.

Steve Crocker: Thank you. So the questions that I put in the - online was talking about what happens if there's a - if IANA makes a change that's not in accordance with policy. And I thought it would be helpful - it certainly would be helpful to me to understand what's an example that we have in mind here because I don't have a ready example in my head that helps understand the context you all were talking about.

And let me add a comment about the clause in the current version of the IANA contract. In brief, I felt that that clause, which was inserted was extremely troublesome.

It was well-intentioned as an attempt to try to isolate IANA from participating or it was part of - there was other language as well - that tried to isolate IANA from participating in policy issues and also with respect to this particular language that was quoted, to make sure that all the changes followed whatever policies there were.

But operationally it was extremely confusing as to what it means. And I'm not aware of any particular implementation of it that made any sense at all. I thought it was a misbegotten piece of language.

So I would counsel this group not to take it as meaningful in its own right and therefore thus just copy it over and include it. I would counsel that if we're going to try to include something like that that it's incumbent on this group to try to understand what was meant because at least to my - in my view that language was essentially meaningless, confusing and should be reexamined afresh.

Jonathan Robinson: Thanks, Steve. And just going back then to the point prior and relating to 29, just the sort of genesis of these statements that were tested in these surveys is - to remind me and possibly yourself and others, I don't know, that we had the draft document, we had the public comments. And the opportunity with the survey was to test some of the assertions or comments coming in via the public comment with the CWG. So it's closing the loop from the public comments back to the CWG.

So this 29, for example, "Contract Co should be responsible for ensuring that root zone changes are in compliance with the prevailing policy and impart that change along to the root zone maintainer to be implemented," is not necessarily an assertion of someone in the CWG; it's an assertion that's come through via the public comment which is being tested against the CWG to say is this reasonable or not.

And frankly, what's happened in being test against the CWG in the survey on balance it's got a yellow level of disagreement. So just to make sure we're all clear on where this is coming from.

Steve Crocker: So I appreciate that. I just - I just - even if it came through the public comments there is a presumption on many people that whatever is in the contract is a good baseline to work with and that a reasonable approach is to say well, NTIA issued the contract, we don't have NTIA, we need somebody else to issue a contract.

And as a starting point we'll assume that the contract should be identical or used as a base with the existing contracts. And I'm raising a flag here that that general approach, although it's plausible, in this particular instance I felt was troublesome because it was confused and - from its outset and so I don't know who in the - who made the public comment, I didn't follow it that closely.

But it's not - I wouldn't take it as a sensible thing just on its own just because it existed in the contract even if it got commented on in the public comments.

Jonathan Robinson: Yeah, Steve, and thank you. That's a very good point to just challenge that the validity of the baseline existing contract and that shouldn't necessarily be seen as the most sensible baseline so that's a useful point to make. And I get that and I'm sure others do as well. That's helpful.

Greg, is your hand up or...

((Crosstalk))

Steve Crocker: With apologies let me just - one other thing. Let me say, for the record, the Board had no ability to interact during the contract process. So the Board is as much - has been as much outside pretty much on the contract as the rest of the public.

So my comments here are not from a defensive point of view of trying to defend ICANN or anything, we are - one might expect that we have been on the inside of all of this but it's simply not the case. NTIA held that process very, very close to themselves and the dynamics are not what one would - at least what I would think would have been sensible.

Jonathan Robinson: Thanks, Steve. Greg.

Greg Shatan: Greg Shatan. A couple of different thoughts in response to that. First, I think there's somewhat of a bias toward the rebuttable presumption. In the ICG's RFP toward - the presumption is toward keeping the same thing or at least when we change something the RFP says if your community is proposing to replace one more existing arrangements with new arrangements that replacement should be explained and your community should provide its rationale and justification for the new arrangements.

So kind of implicit in that is if you're keeping things the same you don't necessarily need a rationale justification for that. And otherwise I would say that that's a very rebuttable comment and certainly I don't think we're going to

- and certainly haven't been taking everything as if we're trying to keep - change as little as possible. Everything is up for consideration.

I think that, you know, this particular case the intent of that, as I see it, and this is certainly no place, you know, try to renegotiate the IANA functions contract since there may not even be one, but certainly maybe the well-intentioned part of that was to look for at least an acknowledgement that policy had been followed when a delegation, for instance, or redelegation was being, you know, put to the NTIA for its final authorization.

And I think we all need to think about whether there's a way for that intention - if we agree with that intention or if there's a consensus or a convergence on that intention is there another way to accomplish it?

Or is it not even part of the process and that's just going to be resolved within ICANN and everything after that is just a mechanical process and when it arrives at the root zone maintainers' desks they're just going to assume policy was followed and there's no other body that is even trying to even take in a self-certification that policy was followed.

And I - and I think (unintelligible) was try to capture rogue delegations.

Steve Crocker: With apology, Greg, thank you very much. That's very helpful. I think it gets right to the core of what the IANA function is because if you postulate that there has to be some way of continuing the notion that the IANA operation is going to cross check or double check with policy has been followed then you put the IANA group in the middle of trying to interpret what policy is.

And then they have to have the expertise and the internal governance and authorization essentially, the enablement, to do all of that. The alternative

model, which is what I think is a much better picture of what we want the IANA function to be, is that it is - essentially follows orders and that the real focus is does it do so correctly, accurately, efficiently, quickly and so forth and that if there's an issue with whether the order was a proper order that the place to sort that out is upstream when the order was created.

And by whatever mechanisms are appropriate with that so that that's a very important line, in my view. And it's one of the things which, despite their best efforts and I know they've been very well intentioned in this, I think - frankly the NTIA folks have actually created more confusion than they've solved.

And my perspective on this is that one of the things I'm looking for in the transition is greater clarification and transparency as to what the IANA function is and what it is not. I think that would be helpful for everybody.

Greg Shatan: If I could just briefly respond to that? I think the IANA functions operator itself, I would agree, you know, should not be getting involved in policy or measuring whether policy has been followed or an implementation of policy has been followed.

I think it's where the IANA stewardship function gets involved that there's a question of whether policy has been followed and that really gets to the kind of the accountability question we'll be discussing on the next call.

Jonathan Robinson: Okay thanks, Greg. Thanks, Steve. That's, I hope, helpful this discussion. I know Alan is in the queue and I'm very keen - I'm conscious that time is moving and we've got a lot of substance to get through to try and make the progress we intended to. Alan, if you could come in and then we'll move on to the next point.

Alan Greenberg: Thank you. I'll be quick. Steve's comment is both enlightening - the original comment is both enlightening and disturbing that we shouldn't take every clause in the contract as essentially gospel that we have to replicate. That says we probably should have - or the ICG should have a long time ago asked are there any clauses which really don't make any sense either from NTIA's point of view or ICANN's point of view or IANA's point of view and maybe that's something we need to put on a to-do list to make sure. Thank you.

Jonathan Robinson: Thanks, Alan. Did we capture that? Yeah. Okay, good. Let's keep us moving then from 29-30. We're still only on Section 1 of I think three sections we need to try and deal with in this call. So I'm going to probably have to pick up the pace a little.

Separation of IANA function and removal from ICANN should be seen as a last resort. This comes through as a yellow. There's quite a lot of strong agreement and a dispersal of agree, is acceptable, disagree and strongly disagree.

As I said I'm going to pick the pace so I'm going to look for you to be hot on the button if you want to comment on any of these both in terms of any comments about why you might disagree or any detail you'd like to see happen here. Notwithstanding the fact that this is not green it seems pretty clear. Robert.

Robert Guerra: I just maybe wanted to add a bit of nuance. So the question asked should be seen as a last resort but no steps in between so that may be something that there may be some remediation, there may be some back and forth and that may go to some of the other comments as well too.

So I'm not sure if a question related to that was asked but it's only asking kind of in terms of a (new clear) option and I think maybe some of the variation in the answers here may suggest that there's a continuum and a last resort is removal but some other actions are helpful.

Jonathan Robinson: That's a good point. So if anyone would like to speak that in terms of their answer that may be helpful. Let me keep us moving forward then onto Number 32. And now 32 says circumstances for re-awarding the IANA function contract should be limited to issues of non-performance relating to the IANA function such as a failure to execute established service level agreements for non-adherence to contract terms.

This is a pretty key point. And it's obviously come up as green which means the scope is pretty well defined for the basis on which re-awarding the contract should be considered.

Alan.

Alan Greenberg: I don't think Milton is here to argue it at this point which is unfortunate. Yesterday in the chat I believe he said that there's no conflict between this one and the fact that it should be periodic RFPs. And I find them very much in conflict that there's no point in doing an RFP unless you're prepared to change vendors. And this one says we should only be changing if there is a problem. And I think as we go forward with this proposal we need clarity on that. I'm not sure this is the right time to get it but I wanted to raise that. Thank you.

Jonathan Robinson: Yeah, I remember that issue coming up a little in Frankfurt as well, Alan, so we can take note of that and see if there is - make a point that we need to resolve whether or not those are adherent points.

Greg.

Greg Shatan: I just point out that I think Question 31 kind of gets to that point that Alan is making which asks that regular periodic - or states regular periodic rebidding processes of the IANA function contract could provide for greater stability and predictability. And that appears to be kind of split as to what people thought on that question.

Maybe it's not all that helpful. But I think one of the questions we haven't really gotten to was, you know, should RFPs be mandatory at the end of each contract term? So that's, you know, a question whether those are all related or not. I think it's still something to be further resolved. Thanks.

Jonathan Robinson: Yeah, thanks, Greg. Well what we - I mean, it is clear that the outcome of 32 is a green outcome, a relatively clear outcome whereas, you're right, 31 which considers the periodic rebidding doesn't give that level of clarity. Robert.

Robert Guerra: Just there were some comments related to this in the comment section but I just take off my hat and maybe add some comments of my own. I think maybe with the questions that we're touching on particularly 31 now, is we may want to try to drive that, since we're kind of in the periodic rebidding or RFPs or something where there is a kind of middle ground view or there isn't a clear view is that what - what are we getting out of that?

Is it to keep - put pressure on whoever the operator is or some other things? And we should try to tease out that because that would be something that we may want to discuss in the accountability section whether it's to promote innovation, service level agreements. And so there's some value to keep the sentiment of that question alive and discuss it further. But that's one thing.

So in regard to the comments maybe three quick comments in regards to - from Questions 26-33 which cover the area we are now is that it should be a contracting entity and not a contract enforcement entity; that rebidding should take place every three to six years and in case of dissatisfaction or not puts pressure on it and whether that should be covered by accountability.

And there's also a comment that creating any alternatives to the existing system would create considerable disruption. And so there's a worry to the security and stability and so something should be close to the existing system but yet provide the stability and some of the features that perhaps the RFPs or that pressure allows for innovation or allows for service levels to be maintained. And so those are key principles or values to think about. Thank you.

Jonathan Robinson: Thanks, Robert. And just to answer the question from Seun in the chat about the sequence we are going through this in dealing with the greens and yellows at a time. Twenty-nine was not marked, which is why I dealt with it - it was not marked properly. It should have been green or yellow. I can' quite tell right now. I think it should have been...

Chuck Gomes: Yellow.

Jonathan Robinson: ...yellow. And 31 was referred to in the discussion on 30 which is why we touched on it. All right, we're going to move now onto the section known as Internal to ICANN.

((Crosstalk))

Jonathan Robinson: And we have an Item 1 which is - or Question 1. Adequate accountability

mechanisms are place and ICANN internal options should be adopted. This

met the yellow threshold. And so that's interesting. And Avri, go ahead.

Avri Doria: Yes, thank you. This is Avri. On this whole section and then specifically on

this question, I ended up as was again operating as - from my understanding

of where NCSG might be on this one is I marked 1, 3-5 and 8 as no response.

So - and the reason for the no response is because of the need to see the details

of an internal solution in order to evaluate any of these questions that sort of,

you know, say, you know, that there would be adequate and what it would

look like and before saying that it would - to say you would strongly agree or

disagree within unknown is impossible. Now unfortunately, no response feeds

into, you know, agreement looking even stronger but how can you disagree

with something you don't see?

The other ones were all accountability issues, 2, 6, 7 and 9, were all

accountability solutions that seemed to pertain whether there was an internal

or external solution in terms of ICANN and its whole, you know,

accountability process.

So - and they seemed to be things that the Accountability CCWG should

consider and part of our, you know, cross community working group -

accountability issue. And, by the way, I'm really sorry I'll miss the next

meeting because I'm traveling because I'm very much paying attention to what

we're doing on the accountability group.

But anyway, so I just wanted to point out that a no response here was because

we really don't have any basis yet especially based on the survey to make

these judgments. And I just, you know, we really need to see more to say we can agree or disagree. Thank you.

Jonathan Robinson: So just - I notice there was a question - thanks, Avri, for that point. And I notice related to that there was also a question about an update on RFP 3b work. I think Allan did say something yesterday but I'll ask him to just say something now just as a reminder of what's intended because it does relate directly to the questions in this part of the survey.

Allan MacGillivray: Thank you, Jonathan. This is Allan MacGillivray for the record. I have agreed to be the coordinator for RFP 3b. And I'm pleased to have a large number of volunteers on the list to participate in this group. It's our intention that the list for RFP 3b would be the same list as for RFP 3 itself which in turn is the same list as the whole group because it's so important and it's central to the work that we're doing.

I have not yet consulted with Grace on the scheduling of the first meeting but it's really my hope to do it on Tuesday or Wednesday of this week. I really want to think about it a bit and maybe even try and present a straw man. I know a couple of people in the community are doing the same thing now.

I think it would be much better if we had something to look at to focus the discussion. And so that's the plan Tuesday or Wednesday of this week subject to Grace finding us a slot.

Jonathan Robinson: Allan, there's a follow up question in the chat which says, "Is RFP 3b exploring all alternative proposals brought up in the public comment or only the ALAC option?"

Allan MacGillivray: As I explained in the email I sent out to the list it's my working proposal that we would focus on options that do not include a Contract Co. So I don't want to say that's the ALAC option because (ODA), has, for example, made an - made some proposals in this respect. I noticed that the Registry option does include a contacting entity and at least it's not my intention to at least initially look at that.

This is really looking, I think, there was a kind of locus of view around an option that does not include a contracting entity so that, I propose, would be the focus of the work of RFP 3b.

Jonathan Robinson: Thanks, Allan. All right, let's get back to the queue then yeah, and Avri does know that that's made part of answering this part of the survey difficult, in that there were several options, and so the internal solutions isn't clear what exactly, what shape that had. Alan Greenberg, go ahead.

Alan Greenberg: Thank you, a number of points. First of all, to counter Avri, I read this question, this question starts with "If adequate accountability mechanisms are in place." I took that as a premise which I could not doubt, and therefore answered the question based on the premise. You know, yes, each of us judge adequately ourselves, but I was told there were adequate accountability and I answered it in that context. So I'm not quite sure what Avri's confusion was or reason for not being sure.

With regard to the question of the ALAC proposal being addressed, the ALAC proposal made it very clear at the start that we are not wedded to any of the details other than a few principles, which include, the first of which is there is no contract code. So the ALAC proposal is the gen(Erick) one when you factor that into place, and we certainly are not going to press for any of

the specific details when we're looking at a solution that meets all needs, thank you.

Jonathan Robinson: Thanks Alan, Olivier.

Olivier Crepin-LeBlond: Thank you Jonathan, Olivier Crepin-Leblond speaking. Just a quick question on logistics, Alan mentioned (unintelligible) so that's, I believe that the RSP3 would be used for these discussions, would it? Because I have seen some strong objections to that and some people saying "Well, we could make up another list that would have exactly the same people on it that would then, because we've got these two proposals, we could actually then use automatic filtering and so put them into different folders in our computers, in our mailbox.

Jonathan Robinson: Thanks, Olivier. Grace, did you want to speak?

Grace Abuhamad: Yeah, I just wanted to clarify that indeed it was, the plan was to use the same (unintelligible) as RSP3.

Jonathan Robinson: With no distinction by...

Grace Abuhamad: Correct.

Jonathan Robinson: That would be...

Grace Abuhamad: And RSP3, and the RSP3 mailing list and the (unintelligible) stewardship mailing list have exactly the same people, it's a copy of the same list, essentially.

Jonathan Robinson: Will there be any basis on which to filter those, Marika?

Marika Konings: It does, people in their, make a habit in their title, subject line very clearly indicate whether they're talking 3A or 3B. Of course, it makes it very easy for people to scan whether they (unintelligible) respond.

Jonathan Robinson: Sure.

Marika Konings: It's just creating a whole separate mailing list does have, a lot of admin hurdles that we need to go through to set that up and if an mailing list is already in place and you need exactly the same people on it, we're hoping that the convenience of just skimming through and the need is that people make a habit of clearly identifying as a habit in their subject line whether it's 3A or B that will complete, be sufficient to people to make that selection, whether they need to read it or not.

Jonathan Robinson: Okay, I'm going to keep moving us through the points here, as encouraged by my co-chair and my own sentiments. All right. So question, we dealt with question one, question two, did we do, we didn't do question two yet. (Unintelligible) accountability mechanisms in ICANN internal option to include the possibility of removing the IANA functions from ICANN, which gets a green ranking.

Item five, in yellow, an ICANN internal solution will be cheaper to implement (unintelligible) than the contract co-option. That's a tough one to judge, I imagine, but nevertheless, a sufficient number did to give us a yellow position. I think that obviously, self-evidently in my view at least depends on the nature of the solution and the detail of that, so it's quite clear that at least quite a few view that that's a likely outcome. Olivier and Alan. Olivier first.

Olivier Crepin-LeBlond: Yes, thank you very much Jonathan, Olivier here. We're saying that green was beyond 75%. This one should be green, I think, I've just done the sum and it looks like, that is (unintelligible) percent looking at the percentages.

Jonathan Robinson: Robert. Robert is going to respond and explain that, please.

Robert Guerra: Sure. So let me, just a little bit more information regards to number five is, there is an issue in regards to the percentage of responses, so I'll post that in the chat after these comments. The way I calculated the percent agree, percent disagree is, percent agree is, I lumped together completely agree, agree, and is acceptable. For percent disagree is the disagreeing, completely disagree, and did not include the non- responses. So in regards to question number five, there is an 86.6% agreement, 13.3% disagreement and the difference between them is 73%, so that's not higher than 75, and so it's flagged as yellow.

Jonathan Robinson: Thanks Robert. Alan, you're next.

Alan Greenberg: Thank you. I was just referring to I think you're comment on it. It's not clear, it's not, it's hard to determine whether it is going to be more expensive or not. Since we have a whole entity which we have to fund, and there are going to be costs associated with it, it's hard for it not to be more expensive. The question is, is it going to be substantively more expensive so that it matters. In my mind, anyway.

Jonathan Robinson: Thanks, Alan, that's helpful and it's a fair response. All right, I'm going to, agree or disagree in the chat and I'm just not sure whether the disagree with it on the cost...

Avri Doria: Yeah, I was disagreeing with Alan's point that you take one unknown and then you take another where there's the creation of an (unintelligible) that therefore shows. We have no idea what sort of internal structures would be needed. What sort of support would need to be added within an internal solution, taking into account all the accountability measures that would need to be in place to support it, that it indeed ends up cheaper. It's basically saying "We don't know anything about B, but we know a little bit about A." Well, you know, so that is obviously more expensive and I just, I can't agree with that. And that's why I put up the disagree flag, thank you.

Jonathan Robinson: Yeah, thanks Avri, that's clear. And so one theory is that the respondents to the survey thought it would be cheaper, and there are some comments too, and I see there's some sport in the chat that question whether we can, that that's a reasonable point to have at this stage. I don't think we can resolve much more at this point. There's got to be more work done on that in the very near future, where we can deal with it then.

Item, point six was that an ICANN internal solution should include a mechanism where IANA functions can be removed from ICANN for cause related to IANA functions and contracted out to a third party, just past the green threshold test. So seeing a broad convergence of views there. Item seven asserted that an ICANN internal solution should provide a contract co can be created if necessary in order to carry out the IANA functions. So this looks at the ICANN internal solution, then the possibility of creating a contract co under certain conditions, and this doesn't get the green threshold but has a yellow threshold level of support.

So it's kind of contract co on the shelf, as it were, ready to deploy. Keeping us moving then to item nine, the next item that received a, I suppose this access guidance for Allan MacGillivray and others work on 3B to take this as in

effect a certain level of initial input, these points to your work. Item nine, an ICANN internal solution should include a mechanism where multi stakeholder community may remove ICANN directors or entire board for cause under specific circumstances related to IANA functions.

Visually this looks pretty dispersed, technically it passed the yellow level of test. Feels to me like this is something for accountability. Maybe that's an exception for the survey, that would be at least. Any comments?

Okay. So let...

Woman: Jonathan? Steve Crocker has his hand up.

Jonathan Robinson: Steve, again I was looking away from the screen. Steve, go ahead.

Steve Crocker: So I empathize with what's going on there but I take it one tries to think through how are you going to remove ICANN directors, doesn't that get at the issue of general accountability of ICANN overall, and if you postulate that there is a very specific pathway for removing a director because of an issue with respect to IANA, how do you sort that out compared to all other reasons why you might want to remove a director.

The, I understand the impetus, the impulse to think about how can one hold the directors more accountable or make them more responsive or deal with them if you think they're not behaving properly, but I don't see how to, and there's a lot of issues associated with that. But I don't see how to provide a very specific pathway related to IANA that is not tangled up with all the other reasons that one might want to deal with the ICANN board.

So, you know, I understand the results of this question. I just raise the question that if you want to pursue this somehow and put this into a proposal that the kind of question I'm asking is one that we'll have to come up in terms of taking it as a question, well how would you implement this and how would it actually play out?

My own view is that this isn't the right place for this question, and this question should be pursued as far as accountability overall. But that's, but even if you choose to pursue it within this, you're going to have an issue of how it relates to the overall accountability questions.

Jonathan Robinson: Just to remind others that part of the work we are going to do in this working group and indeed has been at least asked to help with by the accountability working group is to provide specific hooks, points and links from our work into the work of the accountability group, so this might well be a pointer in that direction. Greg.

Greg Shatan: Greg Shatan for the record. Just to point out that the question, kind of a fairly long statement, is that this refers to removal of directors of the board only for specific circumstances relating to the IANA function. So this goes to, as we discussed yesterday, there are, you know, different layers or tranches of accountability and one is accountability for the operational, for the operation of the IANA function. This, and that's supposed to fall into this group.

Clearly there, so there could be a circumstance where it's decided, I'm not saying that this would or should happen, but it's decided that the only reason that one should remove ICANN board directors is for problems with the IANA function and that there's no other reason to remove directors, in that case that really does fall within this group's mandate and not the Accountability Group's mandate.

It may be that the Accountability Group comes up with a broad, general process for removing directors based on a variety of significantly terrible occurrences, and that this, in terms of implementation, could be folded into their protest, indeed I think it should be. You don't want to have two inconsistent processes that arrive at the same result. But from the point of view of the concept of removing directors for IANA performance problems, that's our job.

Steve Crocker: Just a quick comment. Whenever you put a mechanism like that together, you have to consider that it may get, that the various parties may attempt to use it for motives that are not 100% aligned with the intention, so if somebody has a problem with the director, they may seek any and all mechanisms to remove that director, even if they're off target. So you could have an attempt to remove a director for IANA performance when there's no IANA performance issue or not one above threshold, and burden the system to deal with that, and you can see where I'm going with all that. So I'll subside.

Greg Shatan: I guess abuse is always a problem with any mechanism

Jonathan Robinson: Okay, thanks Steve, thanks Greg. I see there's a queue that exists at present with four people in it. Alan, Avri, Chuck and Steve, and I'd like to call it a day at that point to try and spent the last 15 minutes looking at the IAP section. So Alan, Avri and Chuck if you could be brief and then we'll move on. Alan, go ahead.

Alan Greenberg: Thank you, I'll be very brief. Greg said basically what I was going to say, that this was our requirement. I would expect an Accountability Group to come up with a more generalized one and hopefully one that will address the kinds of

concerns that Steve has. But this was only what we needed to do this particular job, thank you.

Jonathan Robinson: Yeah, agreed. To the extent that this group can be holistic in our thinking and provide conditional hooks, I think that it gets the desired outcome but potentially passes us across the CGW group, CCWG on accountability, that could be very helpful in making a holistic outcome. Let's tackle that in the next meeting, the next call, call four. Avri, go ahead.

Avri Doria: Yes, thank you, Avri speaking. And unfortunately I have to say again, I'm going to miss session four. But one of the things that this brings out is that different solution packs have different demands on the accountability structure. And that perhaps that is one of the things that 3B and also 3A needs to do is to differentiate and to list what indeed their accountability requirements are for the solution.

And one of the things that will have to be taken into account is then looking at the degree of change, the degree of extra accountability mechanisms that need to be created at ICANN manifold from one decision or another. So that's the part of the picture we will need. Thank you.

Jonathan Robinson: Yeah, that's a helpful contribution, thanks Avri. That's useful. Chuck.

Chuck Gomes: Thanks. Two points, first of all in considering how the board is or is not involved with regard to specific IANA actions and what happens there, it seems like, you know, the board isn't really very involved. So if we're restricting this particular idea to just IANA activities, it's not clear to me that there's a close relationship.

Now, I raise that and say well, if this idea is considered further within the CWG or in the CCWG, then I think that needs to be looked at. In the broader sense of the CCWG, it seems to make more sense, which others have I think indicated as well, than it does here. But secondly, I want to say that I'm not sure I want, and this is surely personal. I haven't talked about this statement with anyone. I'm not sure I want a board member making a decision based on a threat of removal on one specific action. Maybe it's a trend of actions would be a different thing, but on one specific action I would rather they make a decision based on public interest and the overall value of the situation.

So again, that's strictly a personal view, I throw that out just with regard to this issue. I personally think this was more of the CCWG issue than it is us.

Jonathan Robinson: Thanks, Chuck. I'll refrain from commenting myself, and move us straight on to the next section, which is the final section we will try and cover in this meeting, and that is dealing with the IAP. The first question being question one, which is past the threshold test for green. And that is to say there should be a standard, there should be standard procedures for catching IANA process errors before resorting to an appeals process. No disagreement on that. Varying levels of agreement, but no disagreement.

Item two is yellow, although when you look at it visually it looks pretty balanced, so I guess this is removing no responses, you can see why it comes out yellow. Existing arbitration providers should be used instead of creating a new body. Alan.

Alan Greenberg: Just a question. Was there ever really any discussion about using a new body? In the discussions I recall, we were talking about you know, things like the ICC and other groups that are in the business of arbitration.

Jonathan Robinson: Does anyone remember where this came from in terms of the survey, what was the genesis of this particular question was?

Greg Shatan: If I could interrupt, this is Greg Shatan for the record. This was in the original CWT proposal that there could be a new body but in any event that (unintelligible) used, that are set forth by a group like the ICC or triple A or the like. So there was a thread there potentially of that, I'm not sure to what extent the comment, specifically anybody specifically suggested that a new body be taken, there were some comments along the way that the ICC may not have done the best job, or at least certainly didn't do a meticulous job of being an arbiter in the objection process for these. So that may be for another discussion body but it came up.

Jonathan Robinson: Thanks. Item three. The mechanism for an affected party to appeal a decision relating to the route zone would be beneficial for Internet stakeholders and consumers. Steve? Steve, go ahead.

Steve Crocker: Sorry, I was on mute. So again, let me raise the question of whether or not this was within scope or not, it's a question whether or not this is for the IANA function or whether or not those decisions which are made elsewhere upstream if you will should be appealed upstream.

Jonathan Robinson: Any comments, questions relating to the scope of this relative to the charge of the group or any other point? I've got hands up from Chuck, Robert, and Alan. So go ahead Chuck.

Chuck Gomes: Well, I guess my feeling is that a GTLD registry, and let me restrict it to GTLD because again it gets more complicated with season, that's really their issue, not ours, but I mean the Gs. I think if a decision, if a delegation decision for a GTLD is denied, and there is belief that policy wasn't properly followed,

for example, the new GTLD process, that that operator should have a right to challenge that decision. And I recognize Steve that that's not a decision made by IANA, but this goes more back to the stewardship role that in NTIA played I think, where there was some recourse, however, in direct or whatever in case policy was not followed.

So I do believe it is in scope, but not because IANA made a particular decision, because I understand the IANA team doesn't do that.

Steve Crocker: So Chuck, there's no question that if you're unhappy as a GE, that is a decision made you should have an appeal process. The issue in my mind is that the notion that NTI stewardship as related to the IANA function is relevant here.

This is exactly where I think there needs to be some sorting out of what is and what isn't IANA, and if there's an issue about recourse for G decisions, then you know, no question that that's a relevant question, worth sorting out but there are obviously places to sort that out and entangling IANA in that seems to be exactly the wrong thing to do.

Chuck Gomes: Thanks Steve, Chuck again, and I'm really not trying to tangle IANA in it at all. But I don't think we're far apart, I guess what we're really talking about is where it should be handled, and if the accountability, working CCWG didn't cover this, I would want it to be covered in our group, and we're not going to know that until we see what happens there because I do think, and it sounds like you're saying the same thing, there should be a means to deal with that. So in that part I think we're agreeing. Thanks.

Jonathan Robinson: Thanks.

Steve Crocker: And to start, you know, just to start that discussion, isn't there already plenty of mechanism to do that. I'm not looking for an answer to that, just posting that, we'll have to pursue that, then one has to examine what the recourse mechanisms are that exist within the contracting process and appeals process over in the global domains divison. Thank you.

Jonathan Robinson: Certainly reminding all participants in this CWG that we, again I'm very keen to see us produce the relevant and appropriate hooks and guidance into the related work of this ECWG on accountability. So I'll be looking for us to produce those and give as clear assistance to that group as we can. Alan Greenberg, go ahead.

Alan Greenberg: Thank you very much. My recollection of the origin of the whole appeals process was not that people had a long list of grievances that were not addressed before, but that there was a feeling that, and for a level of comfort we needed an appeal process going forward, not being sure whether it would actually ever be used or not, but there should be such a process.

And I think that that was the, the origin of it and I know from my point of view in any case, at the very least there might be the need for the equivalent of an injunction type of process to halt an IANA change if indeed, you know, there was a dispute going on. Thank you.

Jonathan Robinson: Okay, thanks Alan. I've got Donna and Lise and we'll move on to the next question. Donna.

Donna Austin: Thanks Jonathan, Donna Austin. I think, I accept Chuck's point with regard to GTLD but I also accept Steve as well, and I think the thing that makes it quite different for G, particularly the new GTLD but a contract is also actually signed some time before it gets to the IANA delegation process, so any

problems with a new GTLD should have been sorted out much before it gets into the IANA basket. So I'm not sure, I'm not 100% sure that there is the necessity for an appeals mechanism that would be related to a new GTLD (unintelligible). Thanks Jonathan.

Jonathan Robinson: Thanks, Donna. Lise?

Lise Fuhr: At this point I'm speaking as a member of the CC community, and I kind of sense that within the CC community there is, it's divided. But some of the CCs are asking for a cheap, often intended appeals panel, and it's, and independence is also a key issue here, because as far as I recall a lot of those appeals mechanisms are mostly within ICANN and having an outside ICANN appeals panel would be preferable. Thank you.

Jonathan Robinson: Thanks, Lise. I'm noting as we're coming very close to top of the hour, but we have the opportunity to complete the work on the session and I'm going to ask your indulgence everyone on the meeting to stay for no more than 15 minutes to try and conclude this part. I'm sorry we have run over, run to the edge of the planned hour, but I think it'll be very useful if we can nail this so that we've got a clean start on accountability at the next meeting.

So number four, Donna is that a new hand, let me come to you if that's a new hand. Oh, that's great, thank you. So item four then, appeals should be managed differently, depending on whether the appeal involves a GTLD or CCTLV, and that's past the green threshold, so there was pretty strong support for that, the sense difference being 92%.

Item five talks about the terms of reference for the IAP and details on the composition of the panel should be defined. Again, green threshold approximately 87%. Item six, less strong IAP component of the IANA TWG

proposal is crucial, and its location outside of both ICANN and IANA oversight is necessary.

Again, and just to remind you, any reasons if you were in disagreement here, in other words your disagreement stopped this from being green as opposed to yellow, any motivations or reasons for that is, it's never bad for the group to hear and understand why that is the case or indeed if for whatever reason you might have moved on from that position since filling in the survey. Eduardo, go ahead.

Eduardo: (Unintelligible). Are we, what are we doing here, are we looking at green ones or are we looking at the green and yellow ones, because I see on the right side that this one's been put at, in conversions, in green, so what are we doing, thank you.

Jonathan Robinson: Robert, can you help me with Eduardo's question? Eduardo, if you could just repeat that for Robert, and perhaps he can assist here as well?

Eduardo: Yeah. Okay, can you hear me now?

Jonathan Robinson: Yes, no problem.

Eduardo: Okay, my question is, is what are we doing now? Because we, I thought we were looking for convergence, and this one, number six for example, is a yellow one, and it's been put right side on the notes that it is a convergence. We're converging on that one, even though this is a yellow one, thank you.

Jonathan Robinson: Okay, let me explain. Yesterday what we did with survey one, we went through all the greens first and then the yellows second. The subtle difference today is that we, because we believe that the questions are, if you like, better

organized or better structured in terms of the sequence, we are going through yellow and greens simultaneously, that's why there's jumping between yellow and green. So strong convergence and weaker convergence as represented by green and yellow. Grace and Robert can you respond to this.

Marika Konings: This is Marika, with Martin (unintelligible) as well, at the top of each heading, the green items are areas of convergence unless marked differently. And for each of those questions that are marked yellow, we billed it so in the notes, in the brackets, behind each question.

Jonathan Robinson: Okay, so the notes highlight whether the item was yellow or green.

Robert Guerra: Right, and let me just add, it's just one of the lessons learned...

Eduardo: Thank you.

Robert Guerra: ...Eduardo, going from poll number one to poll number two, one of the constructive comments was that it was important to, instead of having very large sections to break them up by logical questions, and so that, as I mentioned earlier this morning, that because the questions are chronologically arranged in the section surveys as opposed to the first, it might be worthwhile to go through the yellow and the greens together to see whether there's convergence or whether the questions can give us some sentiment that's a bit more nuanced than going through the difference in the survey caused us I guess us to go through both of the type of questions now.

Jonathan Robinson: Thanks, Robert. So the next point that receives the yellow level, yellow threshold test I note is not marked on the spreadsheet that you received, and that's number nine, question nine. And it's yellow in the negative, if you like. So there's a sufficient threshold of disagreement to mark it yellow in the

negative, although it isn't marked on the spreadsheet you've got, and that is that an appeal mechanism is not needed. And there was disagreement on that, in other words, the converse is true, an appeal mechanism is needed.

Item ten. (Unintelligible) across the . The grounds for an appeal should be limited to whether or not relevant policy was followed. This is, start as a yellow test, perhaps somewhat surprisingly. I don't know if anyone who disagrees with this would like to speak up, I think this is probably a relatively important point to understand. Why people disagreed with this. Steve.

Steve Crocker: Well, the same thing that I've said before, it would have to have clear definition of what is policy and what does it mean to try to sort out whether or not policy was followed. This is I think a very important, there has to be appeal mechanisms if you think the decisions are wrong, but equally I think it's vital that IANA functions be protected from this, that this is not an IANA issue, this is an issue that is, who makes the decisions and what's the basis for making the decisions for the changes that are going to be posed through the IANA function. The IANA function is a publication mechanism in effect, not a decision-making process.

Jonathan Robinson: Thanks, Steve, and that is why personally I was slightly surprised that this wasn't more strong in, why the yellow, only a yellow threshold. Alan.

Alan Greenberg: Thank you. I've always read this as very much a lower case policy, which implies policy, practices, rules. You know, if IANA decides to change the route zone entry without having being directed to do so, and has it published, that's a violation of policy, lower case policy. So I, certainly I read this as very much, you know, policy/something/something, not uppercase policy that's being decided by the GNSO, or the CCNSO.

Jonathan Robinson: Okay.

Steve Crocker: If IANA were going to change the route zone without having been properly instructed to do so, the speed of the reaction would be blindingly fast, and this whole mechanism of having appeals and external processes would not have a chance to come into play. The results would be overwhelming and instantaneous.

Alan Greenberg: Perhaps less so if what they change was a contact name or a number. I'm giving examples, you know, not saying how often this is going to happen. That was my understanding of the intent of this, not necessarily a capital policy.

Jonathan Robinson: Nevertheless, Alan, that's a useful illustration to the fact that the question may have been interpreted differently and that's why there's some less (unintelligible) in the outcome that one might have expected.

Alan Greenberg: Indeed.

Jonathan Robinson: (Patron)?

(Bertrand):   Yeah, just a brief, clarification, I think here we're talking about two different things. The, as Steve said, the IANA function is a cl(Erick)al publishing function, and I think the appeal regarding the IANA function itself should be limited to questions or procedure, because today that's what NTIA does, it verifies that the procedure has been followed.

                  And I think that I could agree with what Steve said earlier, that if it is related to a policy decision, i.e., to decide to enter a new GTLD for instance, and though also it is a separate process and it is another type of appeal. I think

here it's, we're more talking in the IANA function per se as whether relevant procedures were followed or not. It is not in the IANA appeal mechanism per se to basically become an appeal regarding the decision of putting a new GTLD in the route for instance or doing a re-navigation. That's my understanding.

Jonathan Robinson: Thanks, (Bertrand), for that clarification. I've got Robert and then Lise, then I'm going to move us on to the next question.

Robert Guerra: I just wanted to flag that (unintelligible) parts to the section where, in the summary of results which I'll try to cover a couple of them right now. Two of them are of particular note, which is that the interest for an appeal could be related to errors not corrected or other customer service issues that are specific to the specific registry that don't rise to the level of policy exceptions. It could be to correct documentation that is wrong, and so there's kind of a technical administrative correction relevant here that's not necessarily policy, and so there's that nuance that's there.

And then there was another comment as well too that for these type of questions it's very important to understand what IANA does, the cl(Erick)al function, and what it does not do. And so I think that's where the comments are very much helpful in that regard and if we are annotating what's possible and not definitely the cl(Erick)al correction, or other type of non-policy exception the questions need to be addressed as well.

Jonathan Robinson: Thanks Robert. (Lise), last word to you and then we'll move on.

(Lise Fuhr):   Thank you. Lise for the record. I agree with Steve that it's very important to conclude what is relevant policy. Apart from that, I can imagine situations where you have IANA not doing anything. I know if there is a change that

would create a strong reaction, but you can also imagine IANA postponing doing a change because certain issues and dragging this for months. And I think it's very important to have an appeal mechanism that can really short cut if you were experiencing this. Thank you.

Jonathan Robinson: The fault would be not acting rather than acting in error or not in accordance. Okay.

(Lise Fuhr):   Yes.

Jonathan Robinson: All right. Nudging us forward then to item number 11. All decisions and actions of IANA functions that affect third parties and impact the route zone or route zone who is (unintelligible) should be subject to an independent appeals process. There's a more mixed response as to whether the scope of appeals is overall.

I'm sorry, is that an error, I've got question 11 instead of 12. Apologies. Eleven is white actually, that's, yeah sorry, so 12, forgive me, I'm switching between documents and screens. So 12, the appeal process should only challenge whether established policies have been properly applied to or adhered to by IANA operator. It should not evaluate the merits of such policies.

That's pretty strong as a yellow. Visually, that looks very strong, it surprises me slightly that it's, that it comes out in the yellow. We have, I guess we've discussed this appeals process in general and various ways so I'll keep us moving on, and if people want to come back specifically to 12, I mean, the next item 13, appeals process should be binding on the IR functions operator, that's green.

Number 17. Standing to file appeals should be defined. In other words, it should be known who can and who cannot file for appeals. And that received a green threshold of support. In other words, not anyone could come along and file an appeal. Eighteen, registry operators should have standing to appeal delegation and re-delegation decisions to which they are a party and they believe are contrary to approved GTLE policy.

Twenty, CCTLE operators should have standing to appeal delegation and re-delegation decisions to which they are a party and that they believe are contrary to applicable laws and all applicable approved CCTLE policy.

Alan Greenberg: Green is showing 19, not 20.

Jonathan Robinson: Green is showing 19, thank you Alan. Twenty-two. CCNSL or GNSL as applicable should have standing to appeal implementation of any approved policies relating to delegation of CCTLEs or GTLEs as applicable, that they believe are inconsistent with those policies. It's yellow, there is some strong disagreement, yellow was standing. I wonder if anyone would like to explain why there's strong disagreement. Is there a particular grouping that's coming, that the strong disagreement is coming from.

Alan Greenberg: Yeah, I could hypothesize that it should not be the CCNSO or the GNSO but ICANN proper or something, you know, some other aspect of this. That the GNSO and CCNSO are not legally incorporated and it's not clear that, you know, that they can take that kind of action unilaterally on their own. They don't, for instance, have budgets to stick with.

Jonathan Robinson: So in other words that may be a reason Alan for why there was strong disagreement was because of the nature of the CCNSO and the GNSO.

Alan Greenberg: That is what I'm suggesting. If we said they were allowed to do it, I don't know how they would do it.

Jonathan Robinson: Thank you, that's helpful. Martin Boyle.

Martin Boyle: Thanks Jonathan. Yeah, I actually marked, completely disagree with this one, because it seems to me to start pushing the arguments on the understanding of the policy into the wrong place, and it seems to me that that was a description that needed to be had on the understanding of the policy itself, and therefore you didn't need to have an IAE to judge on that, rather it should be the policy authority that was now seeking to clarify where the, where the misinterpretation was coming in as far as they were concerned. So that was the reason and sole reason why I marked against that, thank you.

Jonathan Robinson: Thanks Martin. Okay, let's try and conclude then with item 24. And that is that governments should have standing to appeal CCTLE delegation or re-delegations decisions that they believe are contrary to applicable laws only where that country's CCTLE is involved, in other words the country appeals in relation to its own CCTLE. And that was a pretty even spread across the answers, which is why, yeah, a lot of no response. To let the other, it's worth noting aside that no response, depending on how one outlines it, that no response was counted might further weaken that outcome there. (Erick)?

(Erick):   Thank you. I repeat something that I said yesterday. I want to know what exactly (unintelligible) the solution will be (unintelligible). If not, we will furnish that, a majority of (unintelligible) could be from people related with the government, (unintelligible) the attendant's point of view of them is not necessarily the same of civil society when they are apart. So I want to take a special care about this answer, maybe put in frozen time to perhaps more clear about who answered this question. If not, will be only one point of view.

Jonathan Robinson: Good point, thank you. Robert, will you respond?

Robert Guerra: I'll respond, unfortunately (Erick) the same way I did yesterday. The data points that would allow us to do that type of analysis were not collected, and so we cannot do the analysis on that point, it is (unintelligible) consideration, but we just can't do the analysis given the type of variables that you're talking about, which is civil society.

All we asked for was name, affiliation, and e-mail address. And again, when we were identifying the polls, so any addition polls get developed in the future, I ask that you, if you think that's important and there's consensus on that, then that could be included as a variable that we can collect. Otherwise, we can't do that analysis. Thank you.

Jonathan Robinson: Thanks Robert. I'm going to give...

(Erick):   Sorry, I have, so a comment. Thanks Robert for that information, I really, really appreciate. That reason, these questions specifically, is related what can do or not a government, need to take care of all in this moment of the analysis of the situation, don't take this question specifically in part of our analysis at this moment.

Jonathan Robinson: Okay, Greg looks, I was going to give you the last word but then Alan's hand snuck into, I'll close the queue up Alan, we've run 20 minutes over the allotted time. So Greg and then Alan and we'll close things off.

Greg Shatan: Just to respond briefly to (Erick), I think you know all of these questions are being answered by stakeholders from their points of view, so I don't think we should single out any one question as somehow being more dubious for the

reason the answers are coming from the positions of self-interest or interest. There are no disinterested parties.

Jonathan Robinson: Thanks Greg. Alan?

Alan Greenberg: Just quickly, it might be useful if the, for each of these two surveys if the respondents were broken down by their affiliations as shown in the membership list, not identifying the individual people who answered but just showing how many government, how many GAC people, how many NCSG people, and whatever. You know, based on their own admitted affiliations did answer the questions, it may be an interesting number. Thank you.

Robert Guerra: This is Robert again. The analysis becomes a lot more complicated given the way the Google survey was designed, to be able to do that. And again, as I mentioned early yesterday, and perhaps should have done that earlier today, this really aggregates all the data points collectively to give us a very quick kind of sense of the room.

If you want, something far more sophisticated as I think Bernie mentioned as well, a lot more thought on needs to be taken in terms of how it gets designed and then the appropriate tool to do that. I volunteered to do this, and use a very quick tool, if you want to do that sort of analysis of the tools to do this start getting a bit more complicated. So it's something to take into consideration.

That being said, being the only one who has access to how everyone voted, I think we're just maybe trying to dig too much into this, and you know, there are comments here that maybe ten GAC members participated and stuff like that. I'll just say that it was a reasonable distribution across stakeholder groups of people that replied. And so you know, on average given the small

length of time the poll was open, I think it was a good representative in my personal opinion, snapshot of the community and that we're just really going too much into this. Thank you.

Jonathan Robinson: All right, I said I would close the queue. Alan, I mean...

Alan Greenberg: Yeah, I just want to answer Robert, I think you misinterpreted what I said. I was not suggesting that the analysis be done on a question-by-question basis, just on who answered the survey, period.

Robert Guerra: Okay. Let me just go back, you have the survey results in front of you. One of the very first graphs is there, basically shows whether it's a member participant. So that's available for there. That was not included in the table, but for, sorry, poll number one and poll number two, we have a breakdown of how people self-identified themselves, whether member participant or other. We did not ask country or other things, and so I don't have that. But that, for the overall poll, that's how folks got broken down. I hope that answers your question, thank you.

Jonathan Robinson: Thanks Robert. Donna, the last word goes to you and then we'll wrap up. Donna?

Donna Austin: Thanks Jonathan, yeah, sorry it took me a while to find my unmute button. I think I was a non-response on this, and last week it caused, CCTLD delegations, re-delegations can be quite sensitive, as you see involvement of governments in that process.

And I just want wonder, just as a, you know our thinking moving forward, whether there's benefit in any of these questions associated with CC delegation, re-delegation, that they be using the wrong word here, measured

against the framework of interpretation work that's being done by the CCs and that will be moved through the GAC as well. Because there's certainly (unintelligible) activities around CC delegations and re-delegations. So maybe we need to kind of measure that against what's been going on in the community on an issue before making any major statements on it.

Jonathan Robinson: Yeah, and this doesn't give us the strength of response in any event to be too forceful on it, but yeah, that's a good point, to be mindful of the framework of interpretation working group. All right. We've run well beyond the initial allotted time, but thank you for your patience, we are in a position now to look at the accountability and the links with the accountability group clearly in session four, which gets us in a good position.

So thanks for your patience and indulgence with that, and of course we'll have a slightly later start as well. So let me let you go off for the next hour and a half, we will reconvene in an hour and a half and look forward to welcoming you back on for the final of our four meetings on this session. Thank you very much, we can stop the recording now and look forward to reconvening in an hour and a half.

END