ICANN
Moderator: Gisella Gruber White
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8:00 am CT

Grace Abuhamad: Hello. For those of you who are in the Adobe Connect room, we're a little bit late, so we'll be starting shortly. For those of you who are not in the Adobe Connect room but are still chatting, please take you seats. Thank you.

Hi, everyone. We're getting ready to start. So those of you in the Adobe Connect room, you can maybe hear some background noise. We're just getting ready to get everyone started. And then those of you in the room, let's prepare to begin the meeting. Thank you.

Just a reminder for everyone who's in the room, when you're speaking, please remember to state your name and, if you'd like, your affiliation, just so that for the transcript it's a little bit easier for those doing the transcript to know who you are. Also when you speak, please speak close to the microphone. And I will pass it on to the chairs.

Thomas Rickert: Thank you very much, Grace. And welcome back. This first session after the lunch break is often the hardest. A friend of mine who's a professor, he used to call it the graveyard session. So let me try to awaken the dead now.

The purpose of this afternoon is that we hopefully get final agreement on the terminology that we're using. You will have seen the document that Mathieu started to write and then refined with your input. So that's the straw man for the accountability project which helps us understand better what we have to work on. And that includes definitions on accountability and so on and so forth, which we will get to later.

But the purpose of this first session is to make sure that we're all in agreement on the community, the stake holders, that we have to take into the equation, and their respective roles.

So we have produced different categories of affected parties. We have the directly affected parties, which you'll find summarized in the table on the third page of the document. And then we have indirectly affected parties, which are listed. And then we have the parties that are affecting ICANN directly or indirectly.

I assume that you've all gone through the document in preparation for this meeting, so we're not going to go through it in detail. And I would pretty much like to open the discussion on this document immediately.

Mathieu Weill: Just a complement that what has changed since the last meeting last week was that we took into account the discussion we've had about with this type of categories to identify that we had agreed.

Seemingly we were converging on the fact that this was not the most relevant categorization for stakeholders in this context, and put the affected parties - I mean we expanded this category, but tried to identify through which mechanism these parties are affected, whether it's through policy, contracts, or

individual decisions. And those are the main edits that were made since last week, actually.

Thomas Rickert: Steve, please.

Steve DelBianco: Steve DelBianco. I wanted to appreciate and thank you for the table indicating the affected parties. That really addressed a lot of the concerns that some members of the BC and IPC had brought up and had discussed on the last call. Appreciate that.

I was curious about the designation of affected by either contracts, individual decisions, or policy, and only one box checked on the fourth row, which is registrants. So that's our sweet spot is the registrants for gTLD names, and it strikes me that gTLD registrants are affected by contracts to the extent that those contracts then impose obligations on registrants.

I think of things like safeguards in the new gTLDs or potentially a (unintelligible) that's done, that makes its way into a contract requiring no malware be present on sites, whether or not that's even doable is beside the point. I'm just giving you an example that registrants are affected by contracts.

And could you articulate what the word individual decision means in this case? Thank you.

Man: Just the individual decisions, for instance, for maybe compliance decisions that are based on contracts, or policies that are made on a regular basis by ICANN. There's more individual decisions as far as ccTLD manager is concerned, because we don't have contracts, or at least most of us don't have contracts. And so the IANA decisions are mostly individual decisions, or at

least decisions made related to a single request without a contractual - or even if sometimes a policy, a solid foundation for policy, depends...

Steve DelBianco: In a sense, it's above the table. It said ICANN's decisions through contracts, individual decisions, or policies. So the word ICANN kind of modifies all three of them. So the individuals are, in fact, individuals who work at ICANN?

Man: Decisions regarding the individual case - decisions by ICANN? Yeah. We could certainly improve that wording, certainly. And then the question about gTLD registrants being affected by contract or not, I think we just have to decide whether a cascade of contracts - because that's ICANN - is ICANN affecting the gTLD registrant? Probably yes through a cascade of contracts.

Whether we would like to clarify this as contracts or not, it's just - I mean it's up to the group. It wouldn't change many, many things. But okay.

Man: I guess I just want to chime in on behalf of the IPC and say that rights holders are probably affected by some of these individual decisions as well. I mean depending on what they are, the way you just described them, compliance actions, et cetera, can have a dramatic effect on rights holders.

Thomas Rickert: I think that's (unintelligible). (Bruce).

Bruce Tonkin: I'm just looking at the screen, because there may be more material. But what about infrastructure (unintelligible). I'm not seeing that on that list.

Thomas Rickert: We have them in indirect. It would be on the next page. I mean obviously I think this is the starting point for us to - with the aim to be inclusive in terms of what stakeholders there are. When we're talking about individual

accountability mechanisms, we will have to review them one by one and check which stakeholders are affected by certain accountability mechanisms. And then we will come to questions such as standing and stuff like that.

So not every of these stakeholders should have access to every accountability mechanism. So that needs to be further segmented and analyzed on a case-to-case basis.

But with this exercise, which is going to be pretty much - which is likely to be at the beginning of our report, I think we have to set the scene in a way that nobody can say that we missed out on mentioning all stake holders that might be. So I think the purpose of this very exercise is to ensure that we haven't forgotten a stakeholder that would need to be put into the equation.

Yeah, and by the way, Jan Aart Scholte has joined this group after lunch. He is one of the independent advisors who will have a dedicated slot on the independent advisors later this afternoon. But we're very thankful for him to having taken the trouble to come to our meeting and joined the discussion. Thank you, Jan.

Jan Aart Scholte: Sorry. This is disruptive as a clarification question, because I haven't been involved so far, but is there a reason why you draw the direct/indirect distinction? And why is it important? And does it imply that there's different accountabilities depending on whether you're direct or indirect? And how do you decide when someone's direct or indirect?

Man: We based our work on the charter, which mentions that the accountability mechanisms should strive to make ICANN accountable to all stakeholders, and which defines stakeholders according to a specific definition from the European framework for creative management, which basically states there

are stakeholders - are all stakeholders that are either affecting directly or indirectly, or being affected by the organization directly or indirectly.

So we really categorized around this definition which was part of our charter.

Jan Aart Scholte: Just wondering how operationally you actually do that.

Man: So I think it's a good point you're raising, because that's one of the outcomes we need to expect is at some point we must be aware that not all accountability mechanisms will be accessible to all stakeholders. And so not everyone may have standing ground on anything. Or maybe part of the checks and balances that are (unintelligible) within ICANN.

And we need to map between the affected parties and the - whether the accountability mechanisms we set up do not exclude some affected parties from being able to, for instance, ask for redress. So this is really a mapping that we need to be using when we design accountability mechanisms to check whether we're not forgetting someone important.

Jan Aart Scholte: Just on the forgetting, do the 58% of the world's population who don't have Internet access, are they stakeholders?

Man: Thanks for raising the question.

Thomas Rickert: Cheryl, why don't you use the microphone?

Cheryl Langdon-Orr: I said we perhaps could call them potential stakeholders. Cheryl Langdon-Orr for the record.

Thomas Rickert: Next in the queue is (Sebastian), and then we go to (Giovanni).

Sebastien Bachollet   Thank you. One question. When it's written affected by contracts, I guess it's one part of the contract that ICANN has. You are talking about the contract with gTLD registry and the registrar. I don't know if you are talking about any other MOU signed, for example, between the CEO of ICANN and each of the original at-large organizations with a contract from ICANN to the community. Thank you.

Thomas Rickert: Thank you, Sebastien. Would you prefer that to be encapsulated in this document?

Sebastien Bachollet   I really - we have to be sure what we are talking about. And maybe we need to say that there are other contracts. We are not taking them into account or we are taking them into account.

But I think when we will start to discuss about what next after the affirmation of commitment, we have to take into account the contract signed between some ccTLD and ICANN, between - yeah, between the (unintelligible) and ICANN; and others like that, because it could be a good way to finance this affirmation of commitment with the value stakeholder.

Then at least we need to have that on the list as a current contract, existing current contract. Thank you.

Thomas Rickert: Yes, I should maybe clarify that this document does not create an inventory of existing contracts. But we tried to categorize the stakeholders according to the definition that Mathieu referred to. And what you will find going through the document is that certain stakeholders are mentioned in various places, because they might be a contracted party, at the same time otherwise affected, and show up in another category.

So I think this is pretty much a listing of the stakeholders, and we should take a look at it to check whether we've done a good job in aggregating all of them. I think that establishing a complete overview of all contractual relationships might be a too challenging task, but your point is noted and we'll think about that further.

And, (Sebastian), should you have an idea as to how we should rephrase the language of this document (unintelligible), please do share it with us. (Giovanni)?

Giovanni Seppia: Yeah, thank you (Thomas). Giovann Seppia, EURid. As for the stakeholders, I would like to see listed the ccTLD registrars, because I see there are ICANN accredited registrars, but many of the ccTLDs do have registrars that are not accredited by ICANN but are accredited by the ccTLDs. And so I don't know if they are, let's say, embedded in one of the stakeholders already, one of those that I can see on the list.

And the second point is about the ccTLD managers. And in the current list, I see that these are affected by individual decisions. But I will also say that maybe they are also the IDN ccTLD managers, and it's a special, let's say, niche in the ccTLD managers family. And those are - they can be also affected by policy.

Man: Thanks, Giovanni. Your first point, I think, has already been incorporated into the document, as you spoke.

Regarding the second point, I appreciate the fact that there might be special needs for IDN registries. Nonetheless, I'm not sure whether we should split

ccs into IDN and ASCII registries, because you would have most of the other registries also running both ASCII as well as IDNs.

So we would need to change the language for all of them in order to be consistent, so I'm a little bit lost on your suggestion, because I'm afraid if we include it here for the good reasons that you mentioned, that we would cause fragmentation in other parts of the document.

Giovanni Seppia: Yeah, I mean what can be done is ccTLD managers could be left like that, and also you cross affected by policy, with meaning that affected by policy would refer to the ccTLD managers for IDN ccTLDs.

Thomas Rickert: Excellent point. Consider it done. Thomas Schneider?

Thomas Schneider: Thank you. Thomas Schneider. First of all, I think this is a very helpful exercise, because it makes it more clear to everybody on what we're talking about, how do we see who is affected or not. I have one question and a comment.

The question is, is this list and then the other one under indirectly affected parties, does this go for both work streams? Or is it only for Work Stream 1? Because there might be a difference between directly affected parties in particular if you're just looking at the IANA part of accountability. And there might be many more directly affected parties if you look at the broader accountability framework. So this is the question that I would like to ask you.

And then with regard to talking about the Internet users or non-users or not yet users, it might be useful to also have a list like this under the indirectly affected parties as well, because it is very short, the list. And, for instance, if you look at Internet users, does that mean businesses that maybe are not

directly active in the domain name business, but they are competitors to others who are? And so on and so forth.

And the category of users might be specified further into detail, which is not necessary probably for Work Stream 1. But if you look at the broader accountability stream, then this may look a little bit different. Thank you.

Thomas Rickert: Thanks so much. In response to your first question, this definition would apply to both Work Streams 1 and 2. So this is to set the scene for the reader of the report to understand how we understand the accountability to work.

As previously mentioned, we will have to look at individual accountability mechanisms carefully to see what stakeholders are affected. That would be questions such as standing and others. And that's where certainly you have a relevance when we look at Work Stream 1 issues.

So there will be specific emphasis on certain stakeholders for Work Stream 1 related accountability mechanisms. But this definition is broad. It generally would apply to accountability as such.

With respect to broadening or amending the language with respect to users, I think that the point we're discussing - and I think this nicely adds to what Jan mentioned. I think I'm having difficulties with defining a stakeholder, and potentially giving the stakeholder a role that we haven't yet reached out to, or that we can't get access to easily.

So I think we tried to cover this with adding the word potential to see expected demands or current demands. But if you have concrete suggestions for changes to the language, please let us know. I think your points are well

taken, but I think we would need some concrete language to discuss with the group. Jan, you have a direct response to that?

Jan Aart Scholte: Just a quick follow-up on the potential part. It wouldn't be potential if the existing arrangements were working in such a way that made it more difficult for those groups to get online. Then they would be direct stakeholders in the sense that they would be - the existing arrangements were keeping them out.

And they're not potential. They're actually in there, because the existing arrangements are making it less possible for them to have a more direct stake, if that makes sense.

Thomas Rickert: It does. Maybe I'm the only one having difficulties with the implementation of that because, you know, it wouldn't be in ICANN's mandate. And we're talking a lot about ICANN not mission-creeping to have something on that in terms of accessibility. I would find that difficult. (Thomas) has got a direct response to this, because we have (Athena) waiting in the queue.

Thomas Schneider: Thank you. I don't think it makes sense to basically blame or responsible as ICANN for everybody who's not connected. Because if you don't have electricity, you don't have access to the Internet as well. But maybe we don't talk about potential, but if you look at development, we talk about future Internet users. That might help, maybe.

Thomas Rickert: I see a lot of nodding, so let's change potential to future. And with that, I think we can move to (Athena).

Athina Fragkouli Yes, thank you very much. I also think it's a very nice effort to have all these parties, and to show how they are bound with ICANN, and how they're connected. So compliments for that.

I would like to just share my thoughts with you, because I find it very difficult, for example, to classify the (RAR) and the (RAR) communities in this table and why. Because the way I read it, affected by contract would not be ICANN's decision. It's a contract. It's a mutual decision. So if ICANN does something in accordance with a contract, it's not like the decision of ICANN. It's obliged to do so.

The way I read it - please correct me if I misunderstand something. Affected by policy, I also don't think that's our (RAR) global policies or ICANN's decision. These are the community policies. Sure, ICANN ratifies these policies and implements them. But I would characterize this as individual decisions, not as policies or as contracts. Yeah. Yeah, I would like to share my thoughts with you and hear from you.

Thomas Rickert: Athina, let me try to respond to that. I think your point could be further discussed. Let me try explaining why the table is as it is, because you might argue whether contract is a unilateral or bilateral decision. I would argue that it's a bilateral decision. The contractor can also choose to accept something or not. But that would be a different discussion.

I think the point here would be that when talking about accountability mechanisms, if a certain party is affected by a policy that's been established by ICANN -- regardless of whether it's ICANN or its community -- then a remedy should likely be policy-based (unintelligible) be put somewhere into the policy development process.

So if somebody's affected by policy, then the response will likely be one related to policy. If it's a decision based on issues with the contract, then the

answer might lie in working on the contractual arrangement. So I think this is more to spot where areas of concern might be.

If I have no further requests to speak - (Alan) was first. And then - by all means, go ahead.

Alan Greenberg   Sorry. I was reacting to your saying there was no further requests to speak. I'm not sure who's first or not. Just a quick comment that contracts are not necessarily bilateral decisions. We all sign software contracts where one side can unilaterally change terms. And in fact in ICANN's contracts, there are ways that they can be unilaterally changed. So just a comment to set the record straight.

Thomas Rickert: Thanks, (Alan). Next one is (Capus).

Kavouss Arasteh   Yes. I have two comments. In fact one of them is observation. Adding - include - sorry, future covers the point you have recommended. However, the beginning of the table, we are talking includes. That means it does not limit it to that. It may be something other, so that is quite clear language, whether you say includes but not limited, but the word includes covers that there might be some addition in the future. So that is okay.

I have some comment on Section 2, stakeholders. And if you want to come back, we'll take that, because I have some concerns about some things that you put from NETMundial in inverted comma on that section.

If you allow me to make that now, yes, the part of your edit, you refer to the two entities. One is the...

Coordinator: The person you were speaking with has put your call on hold. (Foreign language spoken).

Thomas Rickert: Kavouss, that had nothing to do with your intervention.

Kavouss Arasteh   I said that I have exceeded the order, so I don't want to (unintelligible). But if you allow me (unintelligible). Therefore you may not need to do what would NETMundial. So I think that this force in its own - in the inverted comma to delete it, because there's no value. Thank you.

Thomas Rickert: That's in the progress of being implemented, (Capus). Thank you. Next in the queue is Eberhard, if I'm not mistaken. Yes, please.

Eberhart Lisse: Eberhart Lisse, for the record. I'm also a little bit late here because I had to take a phone call, so I'm not sure I captured everything. As far as stakeholders are concerned, in the framework of interpretation working group we defined three different forms of stakeholders. Somehow we must incorporate this into this, because we can't have it in one but then can't have it in the other.

Delegation or revocation of specific TLDs is affected by different forms of stakeholders. We call them significantly interested party, interested party, affected parties and other parties. And somehow this must be put in here.

And then as much as I was against it when we were in the ccNSO and voted on it, a (unintelligible) is just a normal ccTLD as far as the behavior and policy is concerned. They don't have contracts. They don't have to do Whois and anything. So they, for all intents and purposes, must be treated as if policy is identical to any (unintelligible).

And as far as potential or future Internet users are concerned, how many of us actually know one of those? I do.

Thomas Rickert: Can I ask you to provide some language to incorporate the (FOI) suggestions that you made?

Eberhard Lisse: I should have known better than to volunteer.

Thomas Rickert: Thanks, Eberhard. Fiona, your hand was up, and then we'll move to...

Fiona Asonga: Thank you. Fiona here, for the record. I got a bit confused on your answer to Athina's question, because now I'm wondering what you mean by individual decisions. What are policy decisions? Because then they would need to make a change on the (RAR), because it would - it cannot be both the individual decision and the policy decision as one.

It is either an individual decision or it is a policy decision, based on our definition of what those are. And I'm a bit confused about the definition, right. And if you could please clarify what you mean by individual decisions, what is policy?

Man: I think obviously we need to work on the definition about individual decisions to make it clearer. And I try, when answering Steve earlier, to clarify that to me, individual decisions are decisions made by ICANN - operational decisions that may expand a little bit beyond policy at some point, and are relevant to a certain request by a registry in general, including an IRR.

But it's certainly something we should discuss off-line to make sure we capture the right thing about the IRR in this table. But I don't think it's a fundamental issue we can - I mean we'll solve it easily, off-line I think.

Man: Before we move to (Hubert), maybe one question. I get the impression that you, although you've been working in this space for a couple of months, have difficulties why we use these categories and what it's good for.

So I think that at the outset when I stated that we want to make sure that we have a document addressing all stakeholders that might be concerned, then it might be good enough for us to just list them without having them categorized. Would that help with you?

Man: Well I think what the list is useful. I think there is some value in who is indirectly affected because those are the ones that are usually forgotten when we take into account the impact of a specific decision.

It's easier to forget or to provide a lower weight on the impact on the stakeholders that are sort of outlying of your sphere of influence. So that's I think, one of the potential values from this which is, are we sure we haven't forgotten the ones who do not have a voice within that - within ICANN directly. But certainly we can readjust this.

Man: I think I'm going to ask (Hubert) to speak now and then Fiona again.

Hubert Schoettner: Thank you. I think this discussion is quite valuable and helpful for further understanding.

My question is, is the reason why business users are not mentioned in this table, because I think business users have different requirements, and say active also paired with, so you have a business constituency. And I wonder why they are not listed in this table. Thank you.

Man: They are - we have users, registrars, registrants, and we also have the BC
                        listed as one of the constituencies. It's in the document.

                        So the whole ICANN ecosystem if you wish, is listed. All the stakeholder
                        groups and constituencies are listed. Fiona please.

Fiona Asonga: I was just going to respond to the other discussion and suggest that it probably
                        would be good to still have - there's nothing wrong with the table the way it's
                        structured and trying to identify the influence of each of the stakeholders.

                        But since again, we need to note that all stakeholders listed, are present, so
                        then we would be willing as our representatives here to sit with Mathieu and
                        go through the details and clarify where the IRRs come in, and the IRR
                        community. Thank you.

Man: Thank you. (Thomas)?

Thomas Rickert: Thank you. Actually I have a comment. I was wondering where I should make
                        that on the general structure of the document, but it's also linked to the
                        discussion here. It may contribute. I hope it contributes.

                        I think we might think of changing the structure of the document in a logic
                        that makes it more easy to follow and build on what you had before.

                        So what I would propose is that before you talk about to whom, you should be
                        accountable. You should say, what is accountability so, I would start with this.
                        Explain what it is, how we understand it, and then as a second step, define
                        okay, to whom is this applicable? To whom should be accountable? That's my
                        basic remark on the structure of the text.

And with regards to the list, it goes in the line or I had some similar thoughts than (Hubert), but I was trying to say earlier. First of all I think if you look at the AUC, then ICANN should be accountable to the global public. That's basically the beginning.

And then of course how - maybe there's different levels of fixation or of direct and indirect and this list helps to better see some distinctions of how people or stakeholders are affected.

But as I said, I would make a difference between Work Stream 1 and Work Stream 2, because of the narrow IANA function, only some stakeholders are directly affected.

And many are indirectly affected, but maybe only very indirectly affected. But when you take the whole accountability framework of all activities and decisions that ICANN takes, this may look different.

So if you have such a list I think it might be worth maybe to specify it more. And then what I would add in any case is to say that this is a tentative - this is not an inclusive list. This is an attempt to help and guide and provide for orientation so to take off the weight of this list and also to signal to people that we don't have to spend hours and weeks on this list. It's just supposed to be an orientation but, it may not be inclusive.

And with regard to (Hubert)'s question about the businesses, if you see them under Internet users -- this is what I was trying to say earlier -- that might - that list of Internet users might need to be specified a little bit more. Because you have businesses that are not represented in the BC, but they are affected as well by ICANN's policymaking and so on and so forth.

So - and also users of registrants and users of domains and not the owner of the domain name, but the user of the domain names are maybe affected, but in a different way. An individual may be affected in a different way than a company who is affected in the competition policy because something is decided by ICANN. Thank you.

Man: Thank you very much (Thomas). We have three minutes left in this part. Actually part of what you suggested is covered in the current language relating to users.

It's funny because you suggested to put more detail into the list. I was - you know I was thinking of how to recap this, and I wanted to suggest that we make it lighter.

And I think we will take this back home for our debrief tonight and look at ways to maybe restructure the way we present this. Certainly your point about changing the order and having the accountability definition at the very beginning is a very good one. So you can take that for granted that we will change that.

And in terms of the table, I'm not quite sure. I think we might lean towards making it simpler. Maybe prefacing a list with identifying the different groups and why we include them, but then maybe not categorized, because then there's - we have some who will say okay, this needs to go into the first category. Others would say into the second.

And so we might cause ambiguity by picking through that list, which I would try to avoid. On the first couple of pages of the report we shouldn't lose the readers.

With that I would like to thank you for what I thought was a most interesting discussion. I think for the purpose of being inclusive, we have to make sure that we cover everybody who needs to be covered. And I have heard no objection that this list is not good enough to be used for the report. Certainly we can always revisit. But for the time being I suggest we take it on an as-is basis. I see first Kavouss wanted to have some final remarks.

Kavouss Arasteh   Yes, I have no problem that you take it, but the basic question that at least I have raised from the very beginning still has not been answered.

When we say ICANN is accountable to the public, we should mention the modalities to what extent and how? There's three million users (unintelligible). I have given examples in my email list that a company is accountable to shareholders but to a means, and that means is the admin council of that company, and so on and so forth.

So the board of management, they are accountable to that. And so you cannot say that accountable to the group of people that you cannot assign or provide them the possibility to examine the accountability. There must be something.

Whether you refer to that as a mechanism or a review or redress or committee or that is something else that we have to give clear reference to this modality.

This question has not been answered and it is not clear to say that ICANN is accountable to public. It has been told in many meetings, but still the answer is not (unintelligible). Thank you.

Man: Thank you Kavouss. Before I reply I will go to Chris Disspain.

Chris Disspain   I have a separate question (Thomas), so I'm happy to - you want me to ask my question now?

Thomas Rickert: Yes, because my answer to Kavouss will be an excellent segue to passing on to...

((Crosstalk))

Chris Disspain   Okay, so thank you. Just wanted to check in. Before we went to lunch I asked about whether we were going to talk about who is the community, so I want to make sure that what we - the discussion we've just had is an attempt to answer that question. This list, this is the community, right?

So does that - that means then, does it, that when we're talking about redress mechanisms and so on, or where we say, the community must approve the budget that means all of these groups of people? When we say the community, is that what we mean?

Thomas Rickert: No. This part of the discussion is to make sure that we have listed all stakeholders when we're looking at accountability. When we're talking about accountability mechanisms that would be review or redress, we would need to look at what the subject matter concern is, what the mechanism would be, and then there might only be a subset of the stakeholders that are concerned and be relevant for that.

Chris Disspain   Yes, that would be the case with redress mechanisms. But when you're talking about overarching principles, and some of the things I've heard today include the community should approve the budget, then I assume that would be this list.

Thomas Rickert: Not necessarily. I think it needs to be discussed on a case-to-case basis
whether let's say, for financial questions, whether you want all these
stakeholders to be included, which I dare to doubt, right.

So there might be a subset, depending on the question. So that's - the answer
to your question Chris, I think we will get when we look at several asks that
have been listed in the document produced under Steve's guidance or when
we look at contingencies. And then we will further thrash out what
stakeholders are concerned by the individual problems.

Chris Disspain   Thank you.

Thomas Rickert: And with that Kavouss, again this specific question that we've been
discussing over the last 50 minutes was to look at the stakeholders. What
you're looking for is I guess more a question of accountability - accountability
to whom, and that's something that we're dealing with in other parts of the
document. Hopefully to your satisfaction and if not, we will have to make sure
that we work on revisiting the language if need be.

I see that Alfred E Newman has raised his hand. No? So it's lowered? And
with that Mathieu I think we can close this section of the agenda and you will
take care of the next section.

Mathieu Weill: Thank you (Thomas). And I mean Kavouss provided an excellent introduction
to the next issue we've set on the agenda which is the purpose of
accountability.

So it might be a little bit frustrating for people who were - who are not yet
familiar with our definition of what is accountability, which is right in the
middle between those two sections. And we'll come back to that because

we've had an interesting discussion on this regarding the distinction between review and redress.

But just to recap, our definition of what accountability is, is the NETmundial definition. So, independent checks and balances, review, and redress mechanisms.

So that's three the how we provide accountability. And the purpose is what we have discussed already a few times over the mailing list about what - to what goal should ICANN be accountable.

And so far we have four we have identified. A couple are back and forth. I will recap them as an introduction. And I think it's important that we get agreement on that because they will be important when we design accountability mechanisms to check whether a specific mechanism can be used to hold ICANN accountable to certain purposes or all purposes.

And just like Chris' question earlier, I mean we have the flexibility to maybe say that a specific mechanism is appropriate for a certain purpose, and another one for another. But, we need to keep things simple at the same time, so we need to be careful about this.

So the four purposes we've identified so are is ICANN should be accountable to complying with its own rules and processes. So what I call a compliance purpose.

Is ICANN should be accountable to achieving certain levels of performance as well as security. And obviously earlier this morning when we heard about the CWG input, there was a bit - I think a couple of items that were specifically

referring to a certain level of accountability regarding performance by ICANN. Meeting service level agreements for instance.

And thirdly we've had good discussion on the list regarding that ICANN should be accountable to comply with applicable legislations in jurisdictions where it operates.

This is also a form of compliance, but not to internal rules, rather to external rules out of ICANN.

And last but not least, ICANN should be accountable to ensure that its decisions are for the benefit of the public; not just in the interest of a particular set of stakeholders.

This was - we've had a number of back and forth on this particular definition which is meant to capture some of the orientations that are already in the Affirmation of Commitment; already in some of the Board's guidelines for instance. And trying to capture that in a manner that would be useful for our work to make sure we capture the interest of stakeholders before we actually make decisions.

And of course I should remind, this is not to imply that ICANN so far is not accountable to those purposes, it's just trying to recap what should be the goals and purposes of accountability mechanisms that we design or that we review in the course of our work.

So the goal for this particular section would be to make sure we are in line around those four goals - those four purposes. And the next step would be when we design mechanisms to check, whether they are appropriate for this and that and that purpose or not.

So I think for the introduction that will be it. And I am looking at the queue forming and I have Tijani willing to provide some input.

Tijani Ben Jemaa: Thank you Mathieu. So I agree with the new draft. This issue of the draft. Just change two by four in the first paragraph, because you have sealed two times.

Mathieu Weill: Thanks. Thanks. Sometimes you get betrayed by some of the typos about the past. Any other comments or have we already reached some form of agreement on that which would be good news and we would definitely move on.

Maybe I could turn to (Yan) which I'm seeing frowning a little bit on the first row, to make sure this is addressing the kind of question that you were raising in London about the purpose of accountability.

(Jan): No, it's doing it. The categorization is different than I would do, but that doesn't make - that doesn't mean it's wrong of course. It might work better for you.

I'm seeing that A and C are both about legality and holding to the law. And so just in terms of logical order, maybe A and C kind of belong together, and B and D are more about delivery and service. So maybe...

Mathieu Weill: Reshuffling the order would be...

((Crosstalk))

Jan   Yes, you're right. That's one thing. And then it's maybe the heading under
                 four, it's what are the purposes in the plural. Because it's not just one purpose
                 but its multiple purposes. But that could go out one way or the other.

                 The one where I'm wondering a little bit is whether the fourth one conveys
                 enough the notion of democratic accountability. It depends also on what you
                 want to convey. But that fourth one is - there's also something about listening
                 to consulting in order that the affected publics tell you what is their benefit.

                 This sort of says there's a pre-defined benefit. And then you go - but actually
                 there would be a democratic process in which the actual definition of what
                 those benefits are would come from the affected parties.

                 I'm just - for me, D isn't - doesn't have sort of democracy, capital D written
                 into it. It's a little bit more customer service.

Mathieu Weill: I think it's going to be interesting to you here - those of you in the room. My
                 personal view would be that consulting with every stakeholder to be very clear
                 on the impact on each other is one of the ways, especially in democratic
                 systems, but not only, to assess whether your decision is appropriately taking
                 into account everyone's input.

                 And so it's a means to an end, to councils. But yet the purpose would always
                 be to find the right balance in a way, between those interests.

Jan   But the purpose would be to make sure that you hear all of the voices?

Mathieu Weill: Yes, I think the big question is, is that a purpose on it by itself, and is that
                 even achievable in a context where some of them do not have Internet access
                 and so on?

And I think that's an issue that many governments for instance have, on a regular basis is how to make balanced decisions, considering that some stakeholders have louder voices than others.

So yes, but it's - (Thomas). So I think it's a good discussion and certainly we can take it on. (Thomas)?

Thomas Rickert: Again here I find it a little bit difficult to talk about the purpose before we talk about what accountability is. So I would have preferred a different order. Sorry for not having been able to come in earlier in the process with this.

Another difficulty that I'm having with this chapter is under the purpose heading, I see some elements of actually elements of what is accountability. And on the other hand I see some elements of how to achieve that accountability.

So for me, that purpose is lying somewhere in-between the, what is it actually, and how are we going to get there.

For instance, the new D, where you say, ICANN should be accountable to ensure that its decisions are of the benefits of the public and so on, this is basically a part of the concept of accountability.

For me, that's belongs to the, what is - or what belongs to the, what is section. Whereas then something like ICANN should be accountable to comply with applicable legislation in jurisdictions and so on, that is part of how to get - that is part of the how accountability is implemented.

So I have a general difficulty. Maybe I'm the only one; maybe not, with the concept of the purpose because it's mixing apples and pears to some extent for me.

But we can only really discuss this after we've defined or agreed on what accountability is. So I'm waiting (unintelligible) to comment on that section. Thank you.

Mathieu Weill: Thank you (Thomas). Robin?

Robin Gross: Thank you. This is Robin for the record. Yes, I also had some concerns about D, similar to the line that we just heard. So I actually support wanting to incorporate more of democratic principles in there.

And in particular, I think that we need to, since this is a section that deals with ICANN operating for the benefit of the public, I think we need to include in there, human rights concerns and make sure that its policies and procedures don't - or that they do in fact, respect human rights that people have.

I think we would all agree that that's for the benefit of the public, so I think that should be in there. Thank you.

Thomas Rickert: Robin, don't you think human rights existing agreements should be under, comply with applicable legislations?

Robin Gross: Not necessarily because there's a good deal of debate as to the extent to which applicable legislation on human rights would apply to ICANN as a private corporation.

So I'm trying to take it out of that kind of language and broaden it so ICANN begins to respect human rights without national laws needing to be passed in order for it to do that.

Mathieu Weill: Okay, thank you Robin for the clarification. Eric?

Camino Manjon-Sierra: Hello, this is (Camino). I'm also a GAC member for the European Commission.

For supporting the discussion of the definition of accountability, I was also a member on the Cross-Community Working Group on IANA transition. And before we put together the different set of documents in which we worked on before the final document - final proposal was put forward for consultation, I remember that one of the documents included a paragraph with widely accepted definition of accountability.

I do not have those documents at hand right now, but perhaps someone working right now in the (unintelligible) of this Cross-Community Working Group can give us a hand and retrieve that definition. Thank you.

Mathieu Weill: Thank you Camino. Tijani?

Tijani Ben Jemaa: Yes, thank you. I do agree with Robin to try to include the human rights - the human rights here. But I want it to be clear that what we are doing - what ICANN is doing is not about the content.

And so we cannot speak about freedom of speech for example, because it's part of the content. We have to speak about what is related to the work of ICANN that means names and numbers. Thank you.

Mathieu Weill: Thank you Tijani. Yes, go ahead Thomas.

Thomas Rickert: Or Becky.

Becky Burr: I actually think that's a really good suggestion. I mean, you know,
                  international human rights, if you take the Universal Declaration of Human
                  Rights, or the European Convention or what, there are lots and lots of things
                  that are simply not relevant to ICANN. Presumably ICANN is not going to
                  enslave people or you know, it's like women and stuff.

                  And so it might make more sense to be clear about the limits of ICANN's role
                  and the fact that it does - is not responsible for content rather than invoking
                  human rights that in many ways just don't apply in this context. It's a bit of a
                  stretch.

Mathieu Weill: How would you do that?

Becky Burr: Well I think, you know, I think in ICANN's mission statement core values, to
                  the extent that that's not clear there, it could be clarified. But it just seems
                  like, you know, the concept of human rights is really about what Robin was
                  saying, it usually is human - its governments imposing on that.

                  And so we should just try to be as specific as we can rather than invoking
                  something that's much broader and not entirely relevant to ICANN's work.
                  Because there is - you know there is a risk that, you know, the reference could
                  backfire and suddenly ICANN's mission statement is, you know,
                  encompasses fighting all of the ills that are prohibited by international human
                  rights treaties for example.

Mathieu Weill: Thank you Becky. I have a queue with Robin, Eberhard and Wolfgang. What I'd like to stress is - and encourage everyone to provide - contributions that could be incorporated in the document we have now. So not into a (unintelligible) mechanism at this stage but into what (unintelligible) of ICANN's accountability should be.

                   And I think it's important that we have this discussion now. But as much as possible if you can provide suggestions for how to maybe rephrase or capture the idea you're having into the purpose of accountability that would be most helpful.

                   Robin?

Robin Gross: Yes, thank you. I just wanted to clarify some of these points with respect to human rights. So I don't think anyone's really proposing that ICANN might be in the business of inflaming people or - I mean we could imagine all sorts of wild stories that, you know, could frighten us but I think if we look at three very specific things; freedom of expression, privacy, and due process of law. ICANN's policies and operations do impact these things.

                   Domain names are content, that's not - that's something the courts have ruled on for many years. So these policies are affecting content, they are affecting human rights.

                   And so when we hear the argument, well, ICANN's a private corporation, it shouldn't have to comply with the same kinds of obligations that governments do, well, then I think then - then ICANN is not quite adequate enough because governments have an obligation to also protect our freedom of expression rights.

So if the deal is we're going to go with the multistakeholder model and - but the multistakeholder model can't accommodate freedom or human rights in anyway then I think that the multistakeholder model is broken.

Unless we can figure out a way to realize that we are undertaking governance responsibilities which means we have governance obligations including protecting human rights in those narrow areas and I do agree with you that these are very narrow areas, free speech, privacy, due process of law.

I think ICANN's going to have to pay attention to these things going forward or the multistakeholder model is inadequate, thank you.

Man: Okay, so we have - now - and I'm echoing one of the discussions on the chat regarding some form of inclusion of human right concerns or - sorry, just not quoting the right ones. Including consideration of human rights as bounded by ICANN's core mission and values or something to this equivalent, thank you very much, Robin.

Eberhard?

Eberhard Lisse: We had this discussion about human rights at (unintelligible) interpretation working group and I am quite ambivalent coming originally from a democracy with a poor history or young history. And then moving to a country where I lived for a year to - under apartheid because my wife fell under the - call it, pigmentation rule.

And so I'm fairly (unintelligible) on what I think human rights are but ICANN is not in the business of providing human rights. ICANN is not in the business of delivering content. ICANN has never been sued about a domain name

being content. It's the registrar and the owners that are being sued mainly or let's say successfully sued.

For me it is absolutely clear, ICANN must obey human rights. The ccNSO of the GAC policy is that ccNSO dealings are subsidiary, must dealt by the country. I don't really think ICANN should do that but as far as the situation is at the moment, ICANN cannot - if a ccNSO falls under a certain refugee - where I don't like certain movies to quote one, ICANN can't really do something about this.

So I'm not saying ICANN should break human rights but ICANN is in the business of running the root. And we should run it so that everybody is - can benefit from it. As said, I feel a little bit ambivalent but we don't really need to deal with this at the moment.

Man: It's important to remind ourselves that we're not trying to expand ICANN's mission in any way and I think that was the intent behind the proposal that was shared a bit earlier.

Wolfgang and then I have (Thomas Schneider).

Wolfgang Kleinwachter: Yes, I think the last two speakers has already explained some of the things I just wanted to say. And became also clear that this could become slippery to (unintelligible). It means we should be very careful and say, you know, that ICANN is - has a limited technical mandate and should not be a human rights organization.

However, in the articles of incorporation of ICANN it's very clearly stated that ICANN operates in the framework of international law, which includes international convention.

So that means ICANN has to make sure that whatever policies are developed and decisions are taken has to respect existing international human rights convention so that - whatever said, you know, ICANN cannot adopt a document or a policy which would violate human rights.

But it means I have to make very clear so that everything what ICANN is doing and - you know, if it come to the (unintelligible) and to domain name we know that there are elements which are very close to right to freedom of expression, right to privacy are involved.

And we have to make sure that decisions we're doing with human rights related aspects of names and numbers, you know, has to be in line with the existing legislation. So that means that ICANN should not start to draft special human rights for names and numbers, this is not needed.

But it has to make clear that it respects the existing legislation and the text is made by somebody else and not by ICANN but human rights are. I think this is really important to have this differentiation, thank you.

Man: Okay, thank you very much, Wolfgang. Thomas?

Thomas Rickert: Thank you, Thomas again. Just to support what Wolfgang just said, of course ICANN has a limited mainly technical mandate and that shouldn't be expanded in ways that the community does not want.

However, it is clear that technical decisions, regulatory decisions if you want, may have or do have implications that affect the internationally agreed law - laws and also national legislation, which is based on human rights.

If you take the whole issue about data retention waivers for instance for European registrants, there is an affect on European private sector actors through ICANN's contract that are clearly in relation to human rights, the way they are embedded in national laws.

And this is just one example. And another one is freedom of association. If you discuss who should have the right to use .gay or not or .Islam and names like this that are relevant to some communities in different ways, of course, there are elements of freedom of association that are touched.

Another right is the right to a fair trial, which is something. And - but also the right to property, intellectual property is also a form of property where rights are involved.

So but it doesn't mean that ICANN should become the expert party on these rights but it should be in compliance with internationally agreed laws, including human rights related ones. I think this is the point and this is one way - one element of the how to achieve accountability in order to - if you say we commit to comply to these internationally agreed laws so we are accountable via adhering to this legal framework that we respect certain rights of others. Thank you very much.

Man: Thank you, Thomas. I understand you would be in agreement with the provision slightly rephrased that we were exchanging, which would rather see under ICANN should be accountable to application legislation, just as clarification that as part of the applicable legislation is internationally agreed laws including human rights, provisions, and staying within the narrow scope of ICANN's mission and values, something around this lines.

Okay, I have Malcolm.

Malcolm Hutty: Thank you. I'm not - I'm a little concerned about that last formulation. While it's pointing - edging in the right direction and the - with the - within the scope of ICANN's mission and values, nonetheless, I - generic reference to human rights there seems to be broadening as to what it is that we ought to be arguing about within the ICANN environment.

Now clearly, the matters that ICANN deals with implicate some human rights issues, some - like absolutely accept the point that Robin Gross was saying earlier about the free speech implications of being able to register - enter a user domain name.

But even from that perspective, if you start making general statements about human - human rights in the ICANN context you run into - both problems that the arguments is - well, do these laws actually adequately protect the rights in an enforceable manner as you would wish them to be applied in the ICANN context?

Actually what you're really seeking is not just the application of existing registered standards as they were intended normally to apply to government action and applied out to ICANN. You're actually expecting that ICANN policy should be rights protected, which is something rather different.

On the other hand, if you also - if you introduce a generic question like that then you have very difficult issues of the balancing of different people's rights, just as has been mentioned a moment ago.

And bringing - and may bring in issues to within the scope of the ICANN environment that really should not be there. ICANN's job ought to be to be supporting the domain name system. What people then use the domain name

system to do and to achieve and the potential of that to implicate different questions of implicating other people's rights and the challenges between them?

That should be adjudicated completely outside, that's a matter for sovereign law, not a matter for really ICANN policies.

So I would suggest that the best way to be appropriately right protective in this is not to say, yes, everything that we do in ICANN should be subject to a general wide reaching search for rights compatibility. But instead, that we should be focusing on limiting ICANN to specifically - and narrow statement of its mission.

And that other things that it - and things that it does that may enable things to happen outside the DNS context but nonetheless because people using the Internet and therefore domain name should not be sufficient to bring it in - those questions within the scope of ICANN.

And that should be regarded as clearly outside the scope and that that is the means by which we ensure the rights protected by stopping ICANN, from having the opportunity to violate them. Thank you.

Man: Thank you, Malcolm. Steve?

Steve DelBianco: Steve DelBianco, first thing I'd say as the repudiator for work area two, give you a heads up, there are several items in the work area two inventory that specifically reference human rights, freedom of privacy, freedom of expression. Because as repudiator I've tried to faithfully put in anything that people have suggested and asked about.

So there will be tomorrow morning at a least a discussion of some specific items. I should give you a heads up though, there are also several items in there specifically limiting ICANN's scope so that it could not cross into that area.

So there are both prescriptive and proscriptive elements that clash with each other among the inventory. The second point would be that under purpose of accountability you do have Purpose C with respect to ICANN should be accountable to comply with applicable legislation and jurisdictions where it operates.

And so to this discussion of, say, privacy as a human right, we're all aware that ICANN is in fact relieving registrars from their contractual obligation for Whois when their registrar indicates they're in a jurisdiction where that kind of disclosure would be in conflict with privacy laws.

And I don't know for sure if those privacy laws were adopted by those nations pursuant to the declaration of human rights from which privacy might be drawn for Robin. But I did want to indicate that where it does make its way into law ICANN is within its limited agreement fully respecting what those legal obligations are.

And finally, a third and final point, if the chairs do feel the need to accommodate something the lines of Robin's suggestion I do believe it requires us to add an initial statement in front of the purpose section. And I'll - I put it in the chat earlier.

But I suggested that in front of the word purposes you say that within ICANN's limited mission of providing the integrity and availability of unique identifiers in the DNS, the purpose of accountability is - so that we find a way

to remind everyone of the limited scope of availability and integrity of registrations and resolutions.

Because that is all that ICANN does and that would perhaps put some people at ease that we're not attempting to expand the scope while we may be saying that there are other purposes. We fulfill those purposes - still must fall within the scope limited as it is. Thank you.

Man: Thank you, Steve. So Thomas, you wanted to be added to the list so I'll come back to this. I have quite a long queue now and I would like to close it. So I will close it right after Thomas. And right now I have (unintelligible) Camino. Robin, you're on the list.

Camino Manjon-Sierra: Thank you, Camino is coming in from the European commission. I wanted to come back briefly to the obligation of - or not obligation of ICANN to abide by human rights. And we had this discussion relatively at length when we were at the GAC last meeting in the GAC.

And I was slightly perplexed by some of the delegations in the GAC mentioning that ICANN does not have to abide by any means that are human rights. I don't think personally that is a matter of whether it has to abide or not, it's a matter of whether it pays off to abide or not by human rights.

And I think it's a commonly accepted practice to have policies incorporate social responsibility.

And in this regard I think it's a necessary practice. It's implemented worldwide and in this case there is several countries that - several states worldwide, which are pushing for their companies and private sector to do so.

We tend to treat also the DNS and the ICANN world as if it was a bubble and it is not. Private sector doesn't to abide by human rights and in this regard I would like to mention some general principles in which the United Nations and sorry for mentioning the UN in this setting, I know that some of you may about to jump up in your chairs.

Please do not do so. I would like to mention the general principles in which the United Nations - rugged principles for human rights and business are based on.

The first one says states existing obligations must respect and fulfill human rights and fundamental freedoms. The second mentions that the role of business and enterprises as a specialized organs of society perform as specialized functions are required to apply with all applicable laws and to respect human rights.

And the third mentions the need for rights and obligations to be matched, requires to be appropriate and effective when remedies - with remedies in case that those are breeched. Thank you very much, I'll leave it at that.

Man: Thank you, Camino. So on the list that is now closed, I have Robin and then (unintelligible), (Jan), and then (Thomas Schneider).

Robin Gross: thank you, yes, I just wanted to clarify a couple of concerns that people had with - concerning - excuse me, us wanting ICANN to turn into a human rights organization or to now be inventing human rights. And I think that that's not at all what I'm proposing.

Of course, ICANN is not a human rights organization and shouldn't be inventing human rights the same way ICANN isn't an intellectual property

rights organization. But we spend a lot of time making sure our policies and practices respect those intellectual property rights.

So all I'm saying is we can make some small effort to make sure those policies and practices also respect those human rights that are implicated by ICANN policies. And you know, we've heard four very narrow, free expression, freedom of association, privacy, due process of law.

Particularly how - as they relate to ICANN's operations and ICANN's policies and that's very narrow and isn't about inventing human rights. It isn't about turning ICANN into a human rights organization.

But it is recognizing ICANN's role as a governance organization and the kind of responsibilities that it has even if there isn't a law that can pin it down. It is the right thing to do. And ICANN should do it.

Man: Thank you, Robin. (Unintelligible)?

Man: Yes, just may I request you kindly to sum up this specific part of the discussion that we mentioned, ICANN should abide or shall be bound to abide to - to what? Could you explain ? if we are saying they should abide the national legislation that each country, that doesn't work.

           Totally that does not work. It is difficult to do that thing. But I - a question to kindly summarize what was the - your understanding of this discussion that ICANN should be abide to what? Thank you.

Man: I promise I'll try to do that right after the last couple of comments. (Jan), I think you were on the line.

Jan   No, it's just to say slightly devalue in the sense that these arguments about
                    whether you'll include human rights amongst the purposes of accountability
                    are rehearsed in so many different organizations.

                    Debates around this have been going in the international monetary fund and
                    the world bank and the WTO for 20 years, whether human rights are part of
                    corporate social responsibility, whether they should be in the global compact
                    or not, at the United Nations and so on. Let's not belittle anything nor to raise
                    it.

                    It's just to say I think it's a real problem at the moment because traditionally
                    governance was done by states and the promotion of human rights was very
                    firmly with states. Now there are a number of regulatory functions that are
                    moving outside states like these multistakeholder arrangements in ICANN.

                    And now the question is, okay, in what way and to what extent and in what
                    form do you take on the human rights promotion and protection, things that
                    used to go through states? I don't have an answer for you but I'm just saying I
                    think it's a - just saying it's a technical or political problem, I don't really
                    think gets to it.

Man: Thank you. IT's a word of comfort that the discussion we're having and
                    obviously to - there are differing views around this topic and different
                    approaches being put forward is not specific to our own community.

                    And so we need to acknowledge that and keeping in mind that we need to find
                    some form of agreement about how to move forward even if - even in the face
                    of something where we may not all be agreeing on this specific aspect.

                    Last comment to (Thomas Schneider) and then I'll try to recap and check.

Thomas Rickert: Thank you, just a follow on to what I think his name is Jan who spoke before me said, in fact, we're in a new situation where the roles of governments and other stakeholders is changing and regulatory governance systems.

And with regard to what (Malcolm) has said, of course ICANN shouldn't expand its mandates in areas where it basically has nothing to do. I think there's nobody who would say something different. The problem is when you discuss who has - is allowed to get - as I said, .Islam, .gay, dot (unintelligible), .sport, .rugby, this is not a technical decision.

This is a decision about access of communities, whether these are communities that want to make money or whether these are communities that want to exercise their freedom of expression or assembly.

This is the discussion that ICANN has gone into it so it's too late to say we shouldn't expand the mandate through the new gTLD process at the latest ICANN has somehow a role in the content business.

The question is, of course, how do we deal with this and for instance, we might come to the conclusion, maybe this question or the question with regard to .vine and (unintelligible), whether this is the right - or the Patagonia example and so on and so forth. We are discussing about balancing trademark rights with other rights.

In ICANN maybe these things shouldn't happen in ICANN but they have happened in ICANN. Maybe the conclusion of this would be that these things should not happen in ICANN in the future but we cannot say that this is just a technical decision making body. This is history, thanks.

Man: Thank you very much, (Thomas). So I did point - I have the interesting task to try and recap and suggest a way forward.

So I'd like - I think we can acknowledge that the issue of how to take on human rights into our discussion is a very wide one that there is - of course we have different perspectives on it and that it's not going to be solved magically through - within this room right now. So we certainly have to live with different perspectives on that discussion.

And yet we have to move forward so what I've heard was reasonably agreeable and I want to check that assumption of mine were two things. First, to add in overall comment that the purposes of ICANN's accountability are to interpreted within its scope, the mission and the value.

And I would encompass all four of these items. That's the first thing that I've heard, which I would like to - which I think qualifies as a potential agreement on personal accountability.

And the second and the third item, at least for the moment is the third because we're going to reshuffle so you get lost. But to one regarding compliance with legislations, could be expanded to accommodate a comment that says including considerations of human rights as bounded by ICANN's core mission and values.

So that we still acknowledge and there was a mention of international agreement, I'm sorry, I don't have the final wording right now.

But we'll try to do that very soon but I think those were the comments where I sense we could agree on and because that's a common - something that I heard - that I feel is reasonable and acceptable and that would enable us to

move forward into designing the accountability mechanisms and checking whether they are appropriately taking this concern into account without going too far one way or another considering the different perspectives.

So - and I'm aware we - don't have a wording on the screen right now. But in terms of this period of what I would - my recap, my question now to the room is whether someone would either object or propose some form of amendment that we would have to consider.

Okay, it's agreed. No, and (unintelligible) raise your flag because I was still - did you raise your flag or...

Man: Yes.

Man: I was trying to recap and answer your question earlier.

Man: Yes, a small comment. I don't think that's easy (unintelligible) mandate is to inter into the detail of how one could apply for particular string or particular domain name or gTLD and how should - this is outside our mandate and this is something we should (unintelligible) guidebook. And that's that.

So I don't think the example given by some colleagues is relevant to our work to discussing how - the ICANN say that who has the right to ask for what? I don't think that this is applicable at all. It's outside our mandate and if it's something you should not discuss here, thank you.

Man: Okay, I don't sense a contradiction with what I was suggesting. So just making sure. So it is - no objection, the way forward would be that we would - we, the co-chairs, are (unintelligible) document just like the stakeholder section and circulate a new version for consideration.

But I think it was extremely value that we address this discussion directly without leaving it as the elephant in the room or anything. And even though not everyone has the same perspective I think it's good that we try and find some common ground to move forward. And it bears well for the rest of the discussions.

With that, I think we can have a coffee break, right, that was planned at this point. And we reconvene in five minutes should I say? We'll reconvene before 4 o'clock sharp, whatever. So let's try to be on time because we still have to close the day.

END