ICANN

Moderator: Gisella Gruber-White

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8:00 am CT

Thomas Rickert: Can I ask everybody to be seated? We would like to reconvene.

Man: Yes.

Thomas Rickert: Can I ask you please to be seated? We would like to continue what I thought was a very interesting and fruitful discussion.

And I had promised to give Lars the floor. He had raised his hand before we broke for coffee. So Lars can I please ask you to make your intervention?

Lars Hoffman: Okay thank you very much. Just simply thing - and hopefully this is not going to - you will not hate me for this.

But I think what we're doing here, we are trying to, of course, to have a look on Watch being worked in one and Watch being worked in two.

And we are defining things around Workstream 1. Now I think. And I have no problems with us trying to define it here.

But I think also what is important is to remind the leverage of the - on the whole process of having alter IANA viewer chip decision. So I would also think that there is things which are complicated.

And we have a time issue here, of course. We should this. But I think we should be - what would I say - as ambitiousness as possible. I mean why do things later when you can do already now?

And there are certain things which we could do no. I mean in my proposal of changing the rules of appointment, for instance, for - I mean this is just an example.

But changing the rules of appointment to having the community to appoint the Ombudsman - is something which is very easy to be done.

I mean if you want to do it, then of course the reform of what the Ombudsman is doing and what he should do in the future, then strengthen his capacity - is maybe something for Workstream 2.

So my intimation here is just simply saying, "Let's be ambitious on what we need." There are low hanging fruits out there which we actually could involve also in Workstream 1.

I don't think we need to discuss them here now. We might want to go back and think about it.

But, of course there's a number of issues which are must for the IANA position to take place.

But there are also a number of other issues which we actually could add in the period ending Workstream 1 - which are, sort of, what I then call the low hanging fruit.

Which are simple modifications - which might even simplify the situation and which actually would be helpful for what we were talking about the trust towards ICANN's features, so thank you.

Thomas Rickert: Thanks Lars. Few thoughts I'd like to offer. I think what we have on the table is already more than ambitious. And I appreciate the notion of having low hanging fruits.

But I think we should focus on the hard nuts to crack first. And if time - if and as time permits, I think we can add some low hanging fruits to it.

So I think the issue that we're facing is - you will remember, that Bruce has indicated yesterday that the board would like to see our recommendations in Buenos Aires.

That requires all the chartering organizations to have adopted them before that - including public comment periods and stuff.

So it's very ambitious already. So I would be more than happy to add low hanging fruits that we reach consensus on if they are ready made.

But I think as co-chairs, in order to increase the likeliness of us coming up with implementable suggestions for what inevitably needs to be implemented.

I think should be our top priority. But that is not to lower the importance of the point that you're making. But, by all means, please do volunteer to come up with concrete suggestions.

And if we can we would gladly add them to the package for finding agreement with the whole group. I see Avri's hand is up and then Steve's.

Avri Doria: Thank you, yes. This is Avri. I'm always suspicious of low hanging fruit. And I worry about it. Because I've seen too many groups get caught on what looks like low hanging fruit to find out that maybe it was low hanging, but it was still tightly attached to the tree. The issue I have with the picking of the Ombudsman by the community is that while I agree with that being done but how is that done?

And how do we build the group that does that? And as soon as we get into those mechanisms so - but I'm wondering but not to take it out of stream one.

But I'm wondering if - and this gets into cutting with a finer knife. That there are things that are required in Workstream 1. And there are things that are nice to have in Workstream 1.

That may be able to slip to Workstream 2, if they're not as low hanging as we think they are, right.

Thomas Rickert: Thank you Avri - Steve.

Steve DelBianco: Steve DelBianco, I was hoping to comment on the slightly amended mind map - when we can get it displayed. So I think we're close, right. And thank you.

Thank you, and thanks for the chairs for acknowledging a lot of the comments that came up before the break - with respect to adding things like preventing ICANN from acting outside its mission - which was the point that Becky and Malcolm had made earlier. Those are very helpful.

So I wanted to make two observations on - we added standing for the community under many of these things as an enhancement to the review and redress mechanisms.

This harkens back yesterday's discussions that this community - whether it's a board or membership - would need to have standing to do things like reconsideration or an IRP.

And that is a relatively minor but important change to have. And Alan Greenberg brought up another issue of standing. Alan suggested that this community group - however we structure the mechanism.

It also had outstanding to proactively bring something to the board convention. And Alan I fully support that. And that's on the screen.

But let's not frighten anyone in the room to think that that would be instead of the existing mechanisms that you could use to write a board - to write the board a letter, to meet with the board and raise issues.

All the different stakeholders in ICANN will continue to do that. What Alan has done is enhance the standing of the community on that regard - not to replace it. Thank you.

Thomas Rickert: Thanks Steve - (Pat).

Par Brumark: Yes Par Brumark yes. I do believe that the delegation issues should be - it will come up in the second stage. But it should be on the first. It should be.

Since we were talking about IANA issues - so I think we should have the word delegation put in there - the delegation and re-delegation issue. It will come out. They will come up in Workstream 2.

Thomas Rickert: (Pat) thanks for making an important point. That goes back to the question, to what extent we're going to work on the paper that we get from the CWG.

Right, and so that clearly has delegation/re-delegation in there. So we need to make our work compatible with their demands. I think, for the time being, we have put the items into the mind map that have been raised by this very group.

And we will talk about the, ask of the CWG hopefully today. So then your point is well noted. Becky's hand is up or it was up after you (Pat).

Becky Burr: But Adam deleted it. I don't know why. I continue to be concerned about the specificity that comes before review and redress. Because I think it is incomplete.

And, you know, there's issues relating to the standard - all of those things. And I think it's very difficult for a group this size to sort of - it lists all of the issues.

It could be a very long list and sort of turn into a Christmas tree. So I think Bruce mentioned before and other people have mentioned creating a sub-group to sort of get some meat on the review and redress article.

And I think that that's a good idea. Because I think that there are probably some things that could be easily put in place before the transition to ensure that the other issues that are more complicated can get put in place in a reasonable amount of time.

Thomas Rickert: Becky what we would like to do is agree on this chart as a starting point for further discussion. So if you have a suggested language that would encapsulate what you would feel comfortable with, that would be much appreciated.

Becky Burr: Well...

Thomas Rickert: You know, we would certainly have to flash out each of these points to much greater level of detail.

Becky Burr: So I would. I would add to that list that the panel be independent. And independent in a sort of defined way - in the way that we consider judiciaries. It's important for judicial systems to be independent.

I would also add, you know, that the standard of review - and I think, certainly for the independent review process.

I don't know about a standard for reconsideration whether people think that the recent change that references this information is adequate.

Thomas Rickert: Becky I think I haven't made myself clear. The idea was not to add all the details to it that we might need ultimately.

But if you think that the language is not adequate, maybe we can find, sort of, a catch all or general phrase that would capture the notion of what needs to be improved without specifying all the details.

Becky Burr: Okay, I was. So that was exactly my point. There are some details about cost and accessibility in there. But there aren't details about independence and standing and standards.

Thomas Rickert: So if that would be it then I think we gladly add those two points. And there we go, right?

Man: Independence and (unintelligible).

Man: Standard of review. So as we...

Man: (Unintelligible) points.

Man: Whoever is speaking, we can't hear you.

Man: Apologies, I was trying to adjust the document online.

Thomas Rickert: Okay, so what we would like to do now is to try to agree on this collection of items. Which, in our view, encompass everything - both, Workstream 1, as well as Workstream 2 related.

Not in detail, but it has the mechanism in there, right. And what we would need to do next after we've hopefully agreed on this list.

We will need to take a look at priorities i.e. that will be exactly the Workstream 1 verses Workstream 2 discussion.

And within Workstream 1 the discussion about what needs to be completed and what needs to be committed to.

So can I ask whether there are any request for amending this free, as it stands? There's a queue building. So I have. You can raise your hand in the Adobe.

So we have Kavouss, Robin, Malcolm and then (Roloff) and Steve.

Kavouss Arasteh: Yes, Kavouss is speaking. I just - on the point to that you indicated to be correct - to take out the ANA function.

I think perhaps we should replace that where you're not awarding thing that transfer the ANA functions to other entities, if that is the case.

You cannot take the function. The function should be done by somebody. If it is done by ICANN, so far so good, if it is not okay, that you can transfer it to someone else.

But you could not take out the action. That is action is the cause and its daily work, thank you.

Thomas Rickert: Result prejudice to the comments that were made regarding this particular item. This is includes fewer this way. Thank you very much Kavouss - Robin.

Robin Gross: Thank you very much. This is Robin. I wanted to focus on the review and redress section for a moment and just add issues like time constraints.

You have maybe 14 days to file a reconsideration request from the time that decisions were made and a lot of times that's very short.

So I think we want to consider constraints generally time constraints, cost. And who has standing to bring an action? I don't see that on this list.

Man: Yes it is.

Man: That should be on the list. It's well taken in bold.

Robin Gross: Who has standing?

Man: Yes it is.

Robin Gross: Where's it at?

((Crosstalk))

Thomas Rickert: Community to have standing.

Robin Gross: Okay, yes.

Man: Community to have standing.

Robin Gross: Okay, thank you.

Man: Thanks, Robin.

Thomas Rickert: Malcolm.

Malcolm Hutty: Thank you. You were asking which of these things should be Workstream 1 or verses two. And which - and how it should be prioritized within Workstream 1.

Thomas Rickert: The first question I've warmed you up to asking this question later. First I think we should get agreement on the language of this tree to be acceptable to everybody.

                   And then we'll talk about prioritization.

Malcolm Hutty: Okay, in that case I will only address the first then. This document, in your own mind, that thing is labeled WS1 requirement. I thought this was all WS1.

Thomas Rickert: I think we need to discuss that. But in our view it's a compassing more items than merely related to Workstream 1.

Malcolm Hutty: Okay, then.

((Crosstalk))

Man: If we can have...

((Crosstalk))

Malcolm Hutty: I guess I just...

((Crosstalk))

Man: We can have different views on that right?

Malcolm Hutty: In that case, I'll just offer my opinion that I think it's all WS1.

Thomas Rickert: Thank you. And then maybe during the lunch break you can offer a solution how to implement that prior to the transition. But your point is well noted - (Roloff).

Roelof Meijer: Thank you. It's also considering a (unintelligible) the IANA functions I just want to remark that - and maybe it's included in your ideas. But it's more than just the technical IANA function.

I think far more importantly it's a policy bit that is around it - especially the GTLD policy bit and the new GTLD policy bit. I don't think NTIA ever waggled the stick over ICANN's performance of the NTIA function itself - the IANA function itself. It was probably about policy decisions in the area around it.

So my point would be that it is. The nuclear option is more than just taking away. Well it should be more than just taking away the IANA functions - the administration of the (rootserv). Because that would probably not really bother the entity, as long as it can do the business - the policy business.

Am I making myself clear? I see worried faces.

((Crosstalk))

Man: My concern is, in terms of requirements, are you implying we should add a line around that would say, "Transfer GTLD policy to another organization" as one of the potential nuclear options, you would request.

Thomas Rickert: Well I think that - what my opinion would be there's one nuclear option. And that's the transfer of the IANA function and the DNS call in action.

Mathew Harris: Oh (Chris) is raising his hand. Let's put him on the queue - unless it's a direct follow up.

Chris Disspain: Well it is. But I'm happy to wait. Mathew it's up to you.

Roelof Meijer: No I think it would be good to get your feedback on this one.

Chris Disspain: So I think, my understanding of all of the conversations that are taking place in this working group and in the CWG and then built around the concept that it ought to be possible to separate the IANA functions - to take the IANA function all being run by ICANN and have it run by somebody else.

I think the - and introducing the concept of actually moving the policy function outside of - which I think is (Roloff) is suggesting.

Hasn't been canvassed before and has extraordinary complications and difficulties. I mean you would have to - the CCTLD community would have to agree to effectively rebuilding CCNSO somewhere else.

The GTLD community would have to agree to rebuild a GNSO somewhere else. I can't see how. I just don't see how that would be re-workable.

We would be talking effectively about closing ICANN and opening something new - which makes all of our redress and mechanisms. It would mean that we had failed to run ICANN in a multi stakeholder way.

And that we feel that we would then have the right to set up a new one. And I'm at a loss to understand how that would be working. Why you'd even want it.

Thomas Rickert: (Roloff) wants to respond to that. Can I ask you to be very brief?

Roelof Meijer: Try to - well it's not for nothing - called the nuclear option. And I think very often nothing is left after a nuclear whatever.

But the thing is it's triggered by only in case of failure to carry out the duty. I think the chance that ever happens - are very, very slim.

If ICANN goes wrong it will not be in the execution of the administration of the (rootserv). If we - where we have seen it going wrong it's on - going wrong. It's in other areas.

So if you can only apply the nuclear option of taking away IANA function when ICANN is doing something wrong with the IANA function, then you might as well leave it up because that would never happen. To be quite honest, I think that this concept of potentially removing both the IANA part as well as the policy part has never been raised before - yes.

((Crosstalk))

Thomas Rickert: It was mentioned by you and I appreciate the idea, the way is how we proceed with that. It appears to me - but that might be on the personal view - that this notion doesn't get too much traction. So the question is do we add it to the list? My assumption is that it would not get the support to remain on the final list or maybe we shelf that for the moment. Everybody in the room is

encouraged to think about it further and we would add it at a later stage if there is sufficient traction for it.

Man: Just a message type of suggestion that I think it's important that we put this discussion into the notes of this meeting, that this has been discussed at least for transparency reasons and making sure everything's been heard. And - but I don't see a point in adding this to the list as I see very little traction.

Man: I just want to agree with that, I think that we need to see what the other working group comes up with in terms of IANA accountability. And I think that once their finalized proposal is available and we've had time to review the protocols and numbers of the proposals in respect to IANA accountability, that's the point where we should pick this up, but here and now in the way it is in terms of satisfying it is I think not helpful.

Thomas Rickert: Thank you, thanks for those waiting in the queue for their patience, I would like to close the queue for asking for complete or rewording, after Becky, so should you have the wish to comment on language, please get to the queue now, we will have it closed and then we will move on to the prioritization exercise. For transparency reasons we chose not to make it available for you to read - no.

((Crosstalk))

Thomas Rickert: Next in line can see it please.

Steve DelBianco: Thank you, Steve DelBianco, and I would echo what Chris and Jordan have said is that the red negative symbol should turn into a deletion and that item is not even within our scope - of our charter - it's something that the CWG is handling, it shouldn't be there. And I think there's very close to consensus on

that, so I'm hoping that will happen. The second and only other point is if I can direct your attention to the item above there, it says - it's three above the negative red symbol - and it says direct the board with regards to governance changes. And I believe the party mentioning that one, when a governance and accountability and transparency and so on. I would recommend removal of that item because it's covered in all of the other items. It - if anything - it's an uber requirement in a sense that it's what all the other mechan- all the other requirements on this page are designed to do - is to give the community power to direct the board with regards to governance changes. And in fact, it's proactively suggesting things where we have standing and that's in there as well. Alan had suggested that, proactively bringing up issues, challenging the board's decision when it has to do with governance, doing binding review and redress. So that one doesn't really belong on the list, it's more descriptive of the objective of the other ones, thank you.

Thomas Rickert: Thank you Steve, and I always like when the German word uber is making its way into these discussions, so thank you for that. Kavouss, please.

Kavouss Arasteh: Yes, Kavouss is speaking. I seek some clarification on what we mean by governance changes. And then go through the whole text, direct the board with respect to the governance changes. What do you mean by governance changes? This is one, and my second point of clarification is enhance the board and SOAC are working, is it a day to day, is it a political announcement, is not part of the boiler is not part of the review of the AOC, what do we mean by this enhancement and what enhanced means here? Thank you.

Thomas Rickert: Thank you Kavouss, with regard to your first question, Alan Greenberg is in the queue and I'd like him to explain further the direction of the board on governance changes, so that was a follow up question by Kavouss and as

regard to the second point, Kavouss, you will note that TBD question mark is noted next to the point on SOs and ACs. So this group is cognizant of the fact that we need to provide more detail on that. So that's work in progress. Becky.

Becky Burr: I would like to echo what Steve just said about the transfer of IANA functions, that to me is something that clearly belongs in the CWG and so there's no need to have it here. Just with respect to (Roloff)'s suggestion about a nuclear option for ICANN in general, the reason that the ability to transfer the IANA functions is necessary is that you can't force an entity to be competent, right? You can't - you can have all kinds of things that make it more likely that they will do their job in the way they're supposed to do, but in the end, if there just incompetent, you don't get the functions provided. Here with respect to the IANA policy function, what I think that we are striving to do is to build in mechanisms that ensure that it doesn't go rogue. And so I would be reluctant to put in a nuclear option for the IANA functions because I think it detracts from the focus on, you know, our focus which is on ensuring that ICANN - the ICANN policy functions doesn't go rogue.

Thomas Rickert: Thank you Becky, (Matthew).

(Matthew Shears):   Yes, thank you, (Matthew Shears), I'd like to support Steve and Becky in terms of removing the transfer of IANA functions to other entities, the element in the chart. What we might want to do however, is to note IANA functions and aspheric them and leave it in there as a kind of place holder, if you will, and noting the need to work with the other working group. Also, on the - Steve said we could possibly delete the direct the board element there in the chart, I think that possibly would be fine, but there is the branch there that says and show Workstream 2 gets done, it's rather a kind of a broad statement, but I think there's some importance to having that reflected somewhere in here, I'm just not sure where, thanks.

Thomas Rickert: Thanks (Matthew), Robin.

Robin Gross: Thank you, I've got two points, the first is on the ATRT review recommendations, a significant number of them deal with changing the bylaws and incorporating some accountability and transparency mechanisms in that way and we heard that some of them are being implemented and that's really very heartening, but I don't really see on this table anything that we could point to that say's this is where the Workstream 1 items that are contained in the ATRT reviews fit per say. So I'm not really sure we've encapsulated that aspect appropriately, sufficiently and then the other point that I wanted to raise was - I just want to make sure I understand that when we've got this - the tree - the branch that says prevent ICANN from acting outside its mission and then one of the sub-branches on that is prevent from imposing obligations to others. Is that what we're - what we would be talking about when we talk about, for example, (David Johnson)'s accountability contract idea, is that what that's intended to point to? Okay.

Man: Yes.

Robin Gross: Okay, thank you.

Thomas Rickert: Robin, we are having some difficulties with how to amend language to essentially address your point with respect to ATRT. Is that directly related to that?

((Crosstalk))

Steve DelBianco: This is Steve DelBianco - (Robin), would it be appropriate that after we've decided Workstream 1 and 2 on this list - if there's any item on there that is

already part of an ATRT 1 or 2, we could indicate it in parenthesis and that would be a guide post that there is work to inherit and build upon on them. It doesn't really add new items so much as characterize some of the items as having a Workstream that's already sort of underway. But it wouldn't necessarily mean we have to change it now, we could do that after we've prioritized, thanks.

Thomas Rickert: Thanks Steve, little point of order, can I ask those who speak to not make statements of support what previous speakers have said at this time. So at this time we're focusing on changes to the language and you can express your support for previous speakers and what's already in the table by just agreeing to the table, right? So let's - for the remainder of this - what's that?

Man: So how would we - let's suppose three or four of us have expressed that one of the items we think ought to be removed, how else to signify to the chairs that there's the sense of the room is to remove an item?

Thomas Rickert: This is just for the remainder of the queue, we will come to the prioritization exercise afterwards and then we should all express our support or lack of support for individual items. But for now we should focus on changes to the language on this tree structure. So next in line Alan. And Alan could I remind you to respond to Kavouss's question of clarifying the point of the direction of the board with regards to governance change.

Alan Greenberg: I'd be glad to, I'm not quite sure I really remember the question though.

Man: The question was what is meant through governance changes in expression, director board's regard to governance changes.

Alan Greenberg: Okay, thank you. I will come to that - I - the issue of a nuclear option with regard to policy, I think that scope creep in the extreme. It's nothing that we've been charged with doing and I just don't see how it fits anywhere into what we're talking about. I disagree with Steve that all of the ones above direct the board with regard to governance changes, that it is a summary for ones above and can be eliminated. I think it is the key one and what I mean by it in answer to Kavouss or anyone else who cares, and I've said several times, governance and accountability and I hope that is captured somewhere - essentially what I'm saying is that I believe the community should be able to instruct the board that it needs accountability and governance changes in the bylaws. So all the things that we want the details up above, I think all fall into that category and could go into Workstream 2 for that reason. I think the core one of the ability to say this is a change we need, you can take almost any one of the specific ones, the refinements of the IRP, fall into that category.

And obviously there needs to be discussion, we're not saying the community comes up and says here's the bylaw board, do it. But I believe that's the key one.

Thomas Rickert: Thanks Alan, Steve. Or was that an old hand?

Steve DelBianco: Question for Alan, if the ATRT were made more compelling for the board to execute, wouldn't that exactly deliver what you're after? Because that's the mechanism we have to develop recommendations for the board with respect to accountability and transparency.

Alan Greenberg: My personal experience on ATRT in the form of ATRT 2, would say no that is not the appropriate vehicle to go into details.

Thomas Rickert: Next in line is Malcolm.

Malcolm Hutty: Thank you, I support the retention of all the items on this list. I speak directly to the proposal to remove transfer of IANA functions to another entity. I depose to removal of that, the reason is this, the possibility that the IANA functions could be moved to another entity has historically been the major point of leverage over ICANN. It was the fact that the U.S. had the power to do that that gave rise to the occasion for the affirmation of commitment, no other country has had the power to extract those sort of concessions. The possibility that it could be transferred as a result of proposals from the transition proposal was the occasion by which this very group was instituted.

So the IANA functions group, the CWG stewardship, has that as one of the things that it's considering, but it considers within its own scope - according to its own understanding of its scope - the only purpose on which they would have the basis for recommendation for the transfer of functions would be words relating to operational failure. So if there are any other reasons other than operation failure, or the IANA functions to be transferred, it is up to us to propose them. Otherwise we are signifying that we - they shall never in the future be the possibility for the community to demand the initiation of a process for the transfer of those functions. That would be what we're signifying.

In my view, it should be possible for the community to do it, if the community had fundamentally lost confidence in ICANN in its entirety. And having exhausted all other possible approaches, it should be possible for the community to initiate a process that could result in a transfer of those functions. So I think that the reasons and methods for achieving this should be narrowly limited and tightly defined. But they should exist and we should not strike, therefore we cannot strike it off this list, thank you.

Thomas Rickert: Thank you Malcolm, I think it might be appropriate for us to task work area number 3 which deals with the interaction with the CWG with looking into this further. Because that's an item that's closely related to the CWG's work. So we will get back to that, we have a - we have Chris, Jonathan, and Sebastien.

Chris Disspain: Thank you, Chris Disspain, two points I think, one just to respond to Malcolm just in case it's not already abundantly clear, I would hold the reverse view, I think that there's no issue with leaving it out because of operational failure, but I say again, the concept of using a technical function that is being run and is being run in an exemplary manner in the future as leverage to deal with a community issue or that has nothing to do with the IANA functions, is not acceptable to me. But that's not why I put my hand up, I wanted to ask a question, and I'm not sure Thomas, if this is the right place to be having - to be asking this question but I'll see and if it isn't we - you can move it on to where you need to - it strikes me that the number of the things that are listed on this chart are not so much accountability but giving the community power to direct the board. That's not actually accountability, that's direction - I don't have a problem with it, just saying - accountability is making people accountable for their decisions. Some of this is giving the community the power to instruct the board to do stuff.

Have we considered whether we need in fact to include on our list the - in Workstream 1 or Workstream 2 - some mechanisms for ensuring that the community itself is accountable? Once you've actually got to a point where you've just decided what the community is that can instruct the board to do something, do we need to in fact consider putting some checks and balances in place to make sure that that power itself isn't abused?

Thomas Rickert: Thanks Chris, good point and as regards to sequence of the discussion, we will need to talk about the composition of the community and what they can ask for and what circumstances and then certainly that will back the question of how the community or the body, the function, the mechanism that we will present the community in whole or in part, will be held accountable. So that's certainly on the radar, but I think that is a little bit further down the line. Sebastien - sorry, Jonathan.

Jonathan Zuck: Jonathan Zuck, for the transcript, I - a couple of points - I guess the first one that I have is that we're trying to put accountability mechanisms in place that allow us to - the community to be empowered within the ICANN context. And then trying to come up with a nuclear option for what will happen if the community doesn't get its way inside of ICANN and I guess I kind of wonder if the community is unable to exercise its power in a transactional sense, how on earth would it exercise the nuclear option, right? I mean, the truth of the matter is is that if we have the right accountability mechanisms in place, the most nuclear option that we would ever need - and I think it somehow fell off this list - was filling the board that came up pretty early, is that if we have that ability then there's no need to leave the organization behind because all we would be doing is going in and creating the same organization. So I think if we sufficiently empower the community to handle things on a transactional basis, the need for anything approaching, you know, getting rid of ICANN itself, I think becomes redundant because - like I said - if we couldn't get the board to do what we wanted with all these mechanisms in place, we're not going to get ICANN to fold either. So I mean, either we've managed to empower the community or we haven't. And so I think again, speaking to Alan's point, I think that whether or not ATRT is specifically the mechanism, I think he even said himself that the - it's this overriding thing that we want of the community, and I'm included to agree to put the notion of directing the board or community empowerment vis a vis the board - into the preamble of

this - of the chair's report but I think as I said in the comments, that lacks sufficient specificity to get the questions answered we want to get answered by legal experts and others that we need this more - one step more granular list of community functions and empowers to come up with the actual mechanism by which that - uber - as you appreciated, you know, power is enumerated.

So I think we need all these items in order - or some set of them - in order to ask the questions we need to of experts. But I think we're doing a red herring trying to get rid of the IANA functions or ICANN policy functions. We need to solve the problem of transactional accountability and if we do we'll never get to a nuclear option.

Thomas Rickert: Thanks Jonathan, and just to remind that we have the dismissal of board members in the chart already. So that's been taken care of, and I'd also like to say that it's good to see the likes of Jonathan speak up, I think it would be good for more people that haven't been that vocal over the last two days to join the discussion so that everybody has a fair share of speaking time which would.

Alan Greenberg: Be careful what you wish for.

((Crosstalk))

Thomas Rickert: Alan, that's humor, right? Sebastien.

Sebastien Bachollet: Okay, I wanted to agree with Chris and with Jonathan and why not to disband ICANN as what you call nuclear option, I don't like this (unintelligible) at all, because I love peace, but maybe (unintelligible) for solutions.

Thomas Rickert: Thank you Sebastien. We will certainly get to the question of defining the community so that, you know, that topic came up multiple times so that's going to be in the discussion in a bit. But before we do so, let us please try to find priorities here and dependencies to get this list manageable. And to get the measures arising from the requests implementable. So I would like to ask you to come up with ideas of where we could create those dependencies, so what has to go first so that other points can go to Workstream number 2 and I think that, you know, to kick off the discussion, I think what might be an idea to say is okay, if we can challenge what the board has done, and if we can challenge the board if they are inactive, you know, if we can ask for action and inaction, and if we perpetuate ICANN current mission, than maybe we're already halfway through. So any volunteers to maybe come up with their top three items so that we can move subsequent points to Workstream number 2? Steve is frowning. Yes, please go ahead.

Man: Thanks Thomas, you have a habit of making very good sense and that habit makes me believe I'm just misunderstanding you.

((Crosstalk))

Man: Because if we delete the two items that a number of us have suggested, we are left with just six things. Six major branches on the tree and maybe the appoint ombudsman goes to Workstream 2 as a capability. Maybe the enhancement with the TBD question mark goes to Workstream 2. So now I'm left with four branches on the tree. So potentially those four branches are going from the top, approval, review and redress, AOC - we'd put all those in Workstream 1 and that is a method of prioritizing - I'm not ranking them 1, 2 and 3, I'm just saying if you had to put Workstream 1 next to anything, it'd be the first three major branches and then potentially - four, five - the sixth one down is another

branch, under number 1, and then go to the very last one. So I've given you our five that are number 1 and the rest are either deleted or go to 2 - the last one being the board so I've said that Workstream 1 would be those four - five branches - I think we should prune two branches away and the rest could go to 2, thank you.

Thomas Rickert: You have underestimated yourself because you did exactly what I asked for. One additional thought before we have a hopefully - we have a queue forming - is that if you have review and redress i.e., forcing ICANN's board to change decisions and calling them to action, that could include reviews, right? So one might be able to cover even the third tree - or the third branch - if you have the second.

Man: I'd agree with you. So the affirmation of commitments could potentially be done once we assured ourselves that the other powers were there so that we would have a bottom up process to amend the bylaws so that they incorporated the affirmation of commitments. And if the board chose not to accept that change, we have powers to impose that. Do I have you right? So it's potential that the building on AC reviews, is potential that they could go to 2. I would agree with that.

((Crosstalk))

Thomas Rickert: Let's change it so that everybody can see the line of thinking. I mean, we can always revisit it, but I hope you get the idea that we need to understand the dependencies so if we give the biggest stick to the community, to force the board to do or omit certain things, then we can force the implementation of other points. And again, that doesn't have anything to do with the importance of these points, all of them need to be taken care of. But we need to make sure that there is a sequence which is manageable. And once we've made sure that

the things that we don't implement right now can be committed to in a binding fashion, I think we would be safe, right? Can you identify more of those dependencies? Becky.

Becky Burr: I think Steve said this but I'm not absolutely certain - I certainly would think that one, two, three are critical but I would also add the mission and scope item which is think is six now - yes, okay great.

Thomas Rickert: So Becky, just for me to get this right, so you would not agree to the notion that three could be a natural consequence if we had two? I think if we had two in place.

Becky Burr: Oh, I agree with that actually - I completely agree with that.

Thomas Rickert: We can force three to be done.

Becky Burr: Yes.

Thomas Rickert: Or we can even have - basically this boils down to what needs to be done by the transition and what needs to be committed to, right? So we can have a commitment to do point three, but we have to make sure that number two is robust enough so that all the other actions will fall - will come subsequently. So we have - if I'm not mistaken - Alan next in the queue and even if Alan weren't next in the queue, I think an (unintelligible) amount of time to do you justice with this, right?

Alan Greenberg: The shame factor - a question for Steve or anyone else - and Thomas just said that if we have the tools to force action, we don't need other ones. In Workstream 1 we don't - in other words - I don't see that tool except in the direct board with regards to governance and accountability, I don't see it

anywhere else. I see redress and reaction - review and redress - which is a reactive thing, not initiating something. I see the ability to initiate a discussion but that doesn't necessarily yield anything, I don't see where you have that point covered above. Maybe I'm missing something and my eyes aren't good, but I don't see it.

Thomas Rickert: That initiate action against board inaction? Doesn't that cover that?

Man: That's supposed to be okay.

((Crosstalk))

Thomas Rickert: It's meant to cover it.

Man: Okay, we have requested you to take action on this recommendation, you have either not responded or chosen not to do, and therefore we are initiating action - that's usually where you deal with administrations and the refuse to take action.

Alan Greenberg: Okay, I yield, that one in combination with the other ones has a follow on measure when they don't do it right the first time, its close.

Man: Can we take the I yield in the notes please.

((Crosstalk))

Alan Greenberg: I still like the direct path, but I give up.

Thomas Rickert: Avri.

Avri Doria: Thank you, Avri speaking, on the one we were talking about, the build on AOC reviews, while much of that could possibly be passed to two, I think the urgent bylaws couldn't be. So perhaps we have to drop down a level to figure out what's one and what's two there, but merging the bylaws seems to me to be one of those things that should happen in NWS 1, the rest of it, you know, could go further under, I'm just looking and we really put prevent ICANN from acting outside its mission as a number 1?

Thomas Rickert: So we've covered that, and Avri, please help me - the last point was about the mission?

Avri Doria: I had two - I guess I had two other points, one on following ATR 2 of the - if you want to more precise you could actually say following 9.2 because it's - that's the specific clause if you want to make it specific.

Thomas Rickert: Yes.

Avri Doria: And then I was just wondering really that prevent ICANN from acting outside its mission seems a sort of an amorphous goal in putting that in Workstream's 1 seems challenging to me at best.

Thomas Rickert: If we had, let's say, number one being able to have board decisions reversed or force the board - having board decision reversed - let's leave it there - that could cover the ICANN board mission creep - no? Becky is showing disagreement, so is Malcolm - so let me allow you to.

Becky Burr: I actually think that, you know, preventing mission creep is most fundamental accountability provision that you can have. And I think that it's fairly easy to engineer that to, you know, take the steps that are necessary to create - to make that part of the standard for independent review, for example.

Thomas Rickert: Okay, so you - we would leave it as it is, right?

Woman: I would leave it as it is.

Thomas Rickert: Okay, you're point is well heard. Malcolm is next in the queue and can I encourage those who haven't spoken yet, please to consider getting in the queue and that goes particularly for our remote participants.

Malcolm Hutty: I would like to agree with what Becky just said. I think the thing that gives rise to Avri's concern on this being amorphous is that the first two items are expressed in some sort of mechanisms whereas this item is expressed in some sort of what the mechanisms are intended to achieve. And they're both necessary, we need to have - as we've said repeatedly in this discussion over these last two days - a standard by which these mechanisms achieve. And that prevent ICANN from acting outside its mission is the fundamental thing that these review mechanisms are - the standard that those apply and it calls on afterward on developing - reviewing and potentially refining and potentially improving the existing statement to what that mission is and therefore, the standard that these review and redress mechanisms are supposed to apply. So I think it's essential that be retained.

The other point that I was going to make was about the one on which Alan just yielded, I actually was persuaded by what Alan was saying before he yielded.

((Crosstalk))

Malcolm Hutty: The idea - the review and redress is Americanism for saying the board has done this and it's wrong. If we - there is a new topic that we wish to bring up

to initiate something new, that's something else. In a review and redress mechanism can't do that. Now there is listed in review and redress, initiate board action against inaction. But in the context of review and redress mechanisms, that surely refers to initiate action where the board has an existing obligation and hasn't done it. So a failure to implement, bringing up an entirely new topic is a different thing. So I would say that one of the ability to sunset review teams and launch new ones, all these build on AOC's reviews or direct the board with regards to governance and accountability changes. One of those needs to be listed as Workstream 1 so that new things can be brought up. And the ability to bring up new things is a - is considered a Workstream 1 requirement. Personally, I think that those third and fourth trunks of the tree build on AOC reviews and direct the board on governance changes.

When we actually end up discussion them, I suspect they will fold and become really one thing. But something in there, I would say, needs to be considered as a Workstream 1 discussion.

Thomas Rickert: Malcolm, we've flagged that as Workstream 1, but I've asked (Matthew) to please do that, but I think I might have gone too far because the whole review and redress section is Workstream 1. So it's all the points listed in there would be Workstream 1.

Malcolm Hutty: Yes, what I'm saying is that the initiate action against board inaction.

((Crosstalk))

Thomas Rickert: So we take that out and not be a branch.

((Crosstalk))

Malcolm Hutty: Make it not be the ability to initiate action on new - entirely new topics.

Thomas Rickert: Okay, so you're suggesting that we make that.

((Crosstalk))

Malcolm Hutty: What we need is the ability to initiate new topics and that's what the ability to sunset review teams and launch new ones will achieve, yes - or alternatively the direct board goes to accountability and governance changes - that would achieve the same thing. But the - nothing under review and redress can be said to be about initiating an entirely new topic.

Thomas Rickert: But Malcolm, the next point was meant to cover that, the initiation of new things. So you would.

((Crosstalk))

Malcolm Hutty: No, no - I'm saying I don't think it does. It can't because that can only be read in the context of initiating something against board inaction on something on which the board is required to act. Not on something on which the board is not currently required to act.

Thomas Rickert: I read that differently, but I'm not a native speaker, so can I ask you to sort that out with your fellow native speakers and get back to us? Because I think it's covered, it's good as it is - yes, please.

(Sabine):   (Sabine) from the German Ministry of Economics, I'm also not a native speaker, but just going on methodology, we view in redress as they were defined yesterday of both ways of addressing some specific situations,

problems, and so forth, so I'm absolutely with Malcolm that this point that is now currently flagged on the main branch, initiate action against board inaction, can only refer to something that has already specified as a board action to be taken that has not been taken under whatever circumstances. So I really would also advocate for putting in a more general point of just, you know, starting something new which I don't think this addresses.

Thomas Rickert: (Sabine), that's a good point, I'm not challenging the fact of your request, nor do I challenge what Malcolm said. I think the idea is clear, the question is whether we've covered that adequately. Steve, you're next on the line, maybe you can also chime in on that one.

Steve DelBianco: I would because I made this point yesterday during the pitch and speaking personally, because I don't really know what DSG would say, I was very worried about letting our new community group, however we define it as members, a supervisory board - was very careful to say that it should not pick up the pen and write stuff because then it circumvents the bottom up policy development processes.

The bottom up ATRT, the bottom up review teams that we do, it involves the whole community and public comments. I'm very nervous about endowing us the powers to write new stuff. To reach into a budget and change something, to reach into a bylaws change that's already gone through eight months of work and it comes to the board and then suddenly the community council changes it. So it's my view that we should try to structure this so that the bottom up community process generates change upon which the board is compelled to take an action.

If the board action frustrates the will of the community, then it's the - the community power that we're creating is to reconsider and reverse that board

decision or that board inaction. So I don't want to endow the community the new structure that we'll eventually design, in the mechanisms. I don't want to endow that with the ability to circumvent the bottom up process.

Now speaking as the (rapiture) for group 2, the reason that the mission statement item is down there is because there were suggestions during the last six weeks of limiting the mission entirely by reacting to ICANN's efforts to expand the mission through budgetary foray - I'm jumping into NetMundial - how the heck do we challenge that - but the idea would be if there was a board motion taken on something like that, we'd have an ability to do a reconsideration. So the part of mission creep - part of mission control we'll call it, was through the mechanism of review and redress.

But there were members of the community, (David Johnson) among them, Becky Burr echoed this, to say that isn't sufficient but it could - there needs to be another way to do it. And (David Johnson) had said a contract, others have said maybe it could be done through a golden bylaw that couldn't be changed by anyone. Where the mission would be circumscribed in a certain way - so that is why that is on there as a separate item.

But I want to fully acknowledge that there are many in this room who believe we can limit the board's mission with the review and redress tools that are in there. So this is an alternate way and we might explore this limit the mission item, the one near the bottom of the tree there, we might explore and discover that it isn't easy to do and we can't come to consensus on how to constrain imposing obligation on others, but that wouldn't be a disaster, because if we failed to come up with a prescriptive way to do it, we always have the review and redress mechanisms to accomplish somewhat the same thing.

(Matthew Shears): Thank you Steve. I just want to pick up on this point that we're making regarding bottom up processes, because I think it touches on one of the ambiguity that I'm feeling in the room as well as in the chat room about what we're trying to achieve, we're not trying to reproduce the board, we are not trying to reproduce the board in another form. We are trying to define accountability mechanisms related to among other board decisions, and when we say that, these mechanisms should have no power to redefine policy. To direct one way or another if they are not a bottom up type of process.

And I think that there's a - there might be some type of misunderstanding because of our discussion being so focused on review and redress that it might feel like we are actually going to review every single decision, whereas what we're trying to achieve and what we need to find is the last resort mechanisms that address the corner cases in the hopefully never happening case where something goes wrong and the - there is some form of consensus within a very large group that it has derailed.

And I think we need to remind ourselves and communicate very regularly on this because we want ICANN to be able to operate. We don't want to paralyze it, but we are aware of some corner cases and we are also doing contingency work because we are trying to set up mechanisms that would resist also for the next 10, 15, 20 years maybe? Who knows? And accommodate the contingency that can happen during this time.

And I think it's very important that what we're saying here is we should - the mechanisms we're setting up should not break down the bottom up (meristic) order - I mean the principal of who has the initiative on a policy or a decision should always be bottom. And we're only setting up controls at the end if really necessary. And that's just a point I wanted to stress because although we're spending a lot of time on this, these are exceptional processes and

should stay like this. And I think we should keep that in mind when discussing Workstream 1, Workstream 2 as well.

Thomas Rickert: Thanks (Matthew), for that clarification, I think what we should do is close the queue after Kavouss and then actually test the water - no, no - we have others in the queue - but again, this is just a heads up that if you want to speak to this, get into the queue now because after that queue, I would like to test the waters whether we think that we have - that we can reach some sort of agreement on what we have so far and then go to the next question - Lars.

Lars Hoffmann: Thank you - I hope that I'm not unhelpful - that I'm helpful, but I still have problems with this type of - the whole discussion, the whole concept about Workstream 1 - Workstream 2 - etcetera - etcetera. I think like Malcolm has said previously also is that the whole list here is pertinent to it and I have difficulty to divide them into two different Workstreams. And I would instead say is that everything is pertinent.

Some things would have to be introduced immediately and some things we can agree on immediately. Some things might have place holders or if I may use a European term - traditional periods - periods that will take longer time to be implemented, but which cannot be done then by the moment. But to divide it artificially into Workstream 1 and Workstream 2 is for me - we can continue to discuss this and see what is going to be in One or Two, but I don't think we'll get to it so I would suggest that we keep everything in one, what is pertinent issues - two; I guess accountability which I think is the whole list.

And then we see what, you know, what needs a transition and what does not need a transition. And not to say that certain issues should be discussed later on, but - so this is - I mean trying to get away from these two things of saying Workstream 1, Workstream 2 - hope that I expressed myself clearly on this.

Thomas Rickert: Lars, let me try a response to that - I think that we are in agreement that all of these points need to be worked on. But there's only a certain part of it that we can do prior to the transition.

Lars Hoffmann: Why? If you want look at review and redress mechanisms you would need to rewrite policies on those, but my point is that they are still pertinent. It's just that we need some more time to do them so I talking about the transition period of something which has to be implemented also. I'm not talking about, you know, we'll take this later because if we take it later and if we don't have it as more of a transition period that we will say, that this has to be worked - this is important that is part of the deal, but we can have some more time to actually workout the quality.

Instead of saying we will, you know, we will not do this and then by - after the transition we can then start working on the quality. I think we should be more ambitious than that - thank you.

Thomas Rickert: Again, I think we are as ambitious as we can be, but I dare to doubt that we can mature the discussions on all the individual items to a level where we can agree or put that into one recommendation to the chartering organizations to adopt. So I think the best we can do is specify a subset - work on those so that they're good for being fleshed out for concrete recommendations and have a promise in there that the others will be worked subsequently. I think that comes very close to your notion of a transitional period so it's not that things shall be shelved for the next few decades, but I think there's only that much we can do within Workstream 1 otherwise it's going to be a process that's going to take like three to five years potentially.

Lars Hoffmann: Maybe it's a question of definitions and the way that we talk, but I, you know, I think that in a transitional period you would also have a deadline - a strict deadline where we should have - be able to come forward with a process like that or proceed as that we would like to develop. So that's how I see it. I don't - because what - maybe I misunderstood the Workstream 1 and Workstream 2 divisions, but I've understood that we have in Workstream 1 the things that are -- as we say -- required. And then the (ID) for Workstream 2 is that we have a number of issues that we will deal with later, but we don't really know when we are going to deal with it and it can take 20 years.

What I would like to have instead is the Workstream 2 then - if you would like to talk in - Working One and Two - it's (full of) a list where there is transitional periods and clear deadlines on when we are suppose to do these things and also an agreement that they are pertinent to the whole exercise of ICANN accountability. I think it's a slight different in ways of seeing how we should do - I think that all the lists - the whole list is pertinent to ICANN's accountability and they have to be addressed in an appropriate manner and we should agree with the board that these are issues that have to be taken care of.

((Crosstalk))

Thomas Rickert: If I understand you correctly there would never be any Workstream 2.

Lars Hoffmann: I fear that if we have a Workstream 2 and if we don't have clear deadlines in it - transitional period - that they will not happen - yes. That is - I'm really worried about that. I think it's a common worry in my organization at least.

((Crosstalk))

Lars Hoffmann: The leverage that we have at the moment on ICANN because of the (unintelligible) position and because of the whole process that is happening right now is a formidable leverage. And if we don't do it now we will never do it. So instead of them having a Workstream 2 I would call it - okay issues that need more considerations, but onto that deadline. So one year - two years - I, you know, it's possible, but it's - to be clear about this because I know how it can float into something that then becomes five to 20 years and we'll disappear - thank you.

Thomas Rickert: Thank you Lars. I think we should take this offline - I see certain conflicts with the charter because that specifies how we have to operate and I think there are - something comes with this work with the charter, but I think we should actually take that offline and listen to the others in the queue so I have Jonathan next please.

Jonathan Zuck: Jonathan Zuck for the transcript. There's a number of very interesting sociological issues in play here and the one I think was very well articulated is that there's just a fear of a loss of momentum in Workstream, you know, after the transition that means that Workstream 2 won't happen. And I think that that fear is real - etcetera, but I think we do need to stick to the charter and also stick to the areas where we have good consensus in order to make this a realistic exercise for a pre-transition, you know, set of functions.

I think the other thing that has come up is a distinction between intentions and sort of functional powers that we're trying to enumerate. So the idea of restricting scope is an intention and I think maybe one way to interpret Avri's point -- if I may be so bold -- is that it's an expression of an intention on which we haven't done sufficient homework to look at what the enumerated powers would need to be to facilitate that intention.

If we look at this document as a document which is going to be something we turn into a list of questions we handle over to a legal expert - i.e. here's the powers that we would like to create - what is the best mechanism to create them - it should only be a list of enumerated powers. And so if we think that the ones that are enumerated are not sufficient to restrict ICANN's scope, for example, which is an intention, then we need to add more powers.

I mean if that's really the issue -- I think -- is that we can't have the abstractions of our intentions because the legal expert is going to say, well when we present them was give us some mechanism that would allow us to prevent scope creep on the part of ICANN - they're going to throw up their hands and say, I have no idea what that mechanism is. I think that's our homework - is to turn our intentions and the stress test into specific enumerated powers so that the legal expert can help us find what the right mechanism is to turn those - that wish list into a real framework for accountability in Workstream 1.

So that's my interpretation of Avri's point is that it's the expression of an intention and not the rigor of identifying the powers necessary to accomplish that.

Thomas Rickert: Thank you Jonathan. I'm reminded that we - that all the speakers should identify themselves to make it easier for those participating remotely and also I would like you to keep the statements brief so that everybody gets a chance to talk. So we have a two with Jonathan - Alan - Jonathan just spoke - Alan - Jordan - Kavouss and Malcolm.

Alan Greenberg: Thank you very much - Alan Greenberg speaking. I guess I should take pleasure in the fact I'm talking - no - I'll talk closer. I guess I should - Alan Greenberg speaking - I guess I should take pleasure in the fact that Malcolm

agreed with me. When I yielded it I presumed that the words of the co-chair that the line initiate action against board in action covered the case I was talking about that despite it happens to be under review and redress in that chart it was an open ended statement.

If it didn't mean - if it couldn't be taken that way then I unyield my yield, but I'm assuming as Malcolm has said that it needs to be something that we could initiate new action not previously enacted or not previously ignored even though it is under the sub area review and redress. So that's just a statement - I'm presuming that it will be moved to somewhere proper afterwards.

Thomas Rickert: Yes, well I mean it would be hard to re-elaborate, but my understanding is that that's the way it happens in many organizations that you can initiate a topic by initially asking for action and if no action is taken then you ask for review of this implicit decision not to act on it. That's what I'm familiar with at least in my context in France and that's what I was implying so I think that covers at this stage and we will need to be further elaborated and we'll have to check whether that addresses the expectation that you've been having.

Alan Greenberg: I was just saying that despite it being a sub-bullet to review and redress I was assuming it was somewhat independent. Regardless Workstr- regarding Workstream 2 I've worked on many work groups within ICANN. A couple of them have abandoned their (job) part way through - not many and it was usually for really good reasons. I do not expect this work group to abandon its work after Workstream 1. I also do not expect this CCWG to go on for 20 years - not with me anyway.

I would hope we could perhaps go to a slightly more relaxed schedule after we finish Workstream 1 so that we'll survive the rest of it. But I would like to

think it will be part of our task and we will complete it and it won't just go by the boards or last end years - thank you.

Thomas Rickert: Thank you Alan - Jordan.

Jordan Carter: Thank you - just two points to add to the conversation. One is on this scheduling - Workstream 1 and Two thing. I don't know if I understand you exactly like (Derrick), but to me we shouldn't be thinking of these as discrete categories. We should be thinking as we hopefully are at this time as though - the set of accountability improvements that we want to deliver for ICANN. And the ones that we have to narrow down into Workstream 1 are the ones that we've got to get done before the transition to allow it to happen or whatever the wording is in our charter.

And that's either because without them the US government isn't going to agree to a charter - to a transition or without them as a community isn't going to accept a transition. And so they might directly to be - they'll the IANA accountability stuff the other working group does - the (unintelligible). So if we think about it as a whole suite of things and don't worry so much -- just for a moment -- about the sequencing we may need to adjust our plan - sequencing between Workstream 1 and Two as we do more work on what's workable as we have legal advice.

So I think it would be great if the point where we gotten consult on our Workstream 1 outputs in April - it'd be good to be able to show a bigger project plan that shows the sequence thing - the transition periods -- if you'd like -- of all of the other things that we've got on our list to show the community that it isn't just going to be dead water after Workstream 1 and that we've actually do have a clear understanding about the fact this is all interlinked. And - so I hope that's helpful as people get really - really stuck in

the ruts about which exact category - I think we're just creating problems for ourselves.

The second point is I wanted to endorse something Steve said a little while ago about the community role and not wanting to second guess or create new materials. We have to look at the interaction between all of these recommendations and if we've got the ability for the community to dismiss board members to approve budgets and strategic plans to force recommittal of changes - to bylaws and stuff then hopefully the instinct that sometimes comes through to micromanage or to micromanage the boards should diminish. So we can't - we don't need to eat this entire whale if you like. By making some to these changes we will hopefully reduce the requirements and make other ones - thanks.

Man: It makes a lot of sense and at this point of today I would really be keen on eating a whole whale - is what I was about to say. No, I think we should move on to the next queue, but your points are well taken regarding not being (unintelligible) to next stages for - to increase (stress) on the Workstream 2.

Thomas Rickert: Thanks Jordan - Kavouss.

Kavouss Arasteh: Yes, I do my best to be brief as you have advised. I have two points. The first point is ability to sunset review teams and launch new ones. Do we know that we would have several teams - several review teams from now because they say teams?

Thomas Rickert: There are several review teams - the Whois review team and all this - it - yes...

Kavouss Arasteh: Yes, that (unintelligible) okay, but the issue is that do we mean that this ability would be to first of all instead of sunset - it is better to use some standard

(unintelligible) that is disband or dissolved, but not sunset. We don't have sunset - we don't have sunrise - we have disbanding or establishing. Either we establish a team or we disband that team.

We are not sunrising a team and sunsetting every team. This is some (words), but then do we totally envisage that a team will be disbanded and replaced for the same subject by a new team or part of the member of the team will be taken and will be the new one - so what is the issue here? What do you mean by disbanding or dissolving a team or teams and launching a new team on the same subject or different subject?

Sometimes maybe an activity is completed you disband that activity and you have another activity then you establish a team for that activity. What do you mean here? This is one of the point and I have two other points here to make and the reconsideration you put reconsiderations and send me (unintelligible) and then to have (unintelligible) as well as - this is not a part of the (unintelligible) that these major things and then you want to have (unintelligible). What do you mean (unintelligible) as (unintelligible) processed a standard of review. What is the process of standard of review?

Thomas Rickert: Okay Kavouss I will ask Steve to extremely brief you because he was introducing those points to very briefly clarify what is meant and I mean we have to be very concise on such formats so obviously we would have to be operated, but I think this is just miss...

Steve DelBianco: Thank you - Steve DelBianco. I'll be very precise with you, but Kavouss, we'll give you all the time you need to explain it to you afterwards if you wish. The affirmation of review calls for four reviews and it calls for them to be repeated every few years. So by sunset or by disbanding you don't interrupt a review that's in process. You just remove it from the commitments that

ICANN has. See ICANN is committed to do a (ATRT) every three years - it's committed to do a (release) review - it's committed to do a security - stability and resiliency review every three years. So the notion of sunset is to say that commitment will go away and we might create a new commitment to do a review of something else. So it's not messing with a single team, it's changing obligations.

And to your second point of reconsideration what I understand is that the standard for review of a reconsideration is only whether the board followed process - only whether the board or management followed process. Yesterday there were many people in the stream who said, shouldn't just be about process - they all ought be able to do a reconsideration on the substance of what was done even if process were followed - thank you.

Thomas Rickert: Thanks - next in line is Malcolm.

Malcolm Hutty: Thank you - I would like to support the comments from our colleagues and their commission - Lars - that this list is now done. You have had input from the whole room supporting each of the points that are on this list and supporting them as being things that need to be discussed as part of our consideration of what is necessary to be down before transition can have our support. That's the purpose that we're aiming for here. Miss (Chow) I address you directly - when you challenge Lars you (unintelligible) gave me the impression that you were thinking that we could only accept those things that we believe that we can achieve - an agreement as to the - detail of the implementation of these things within a short timeframe that we have available.

Respectfully that is not our - what we are charged with. We are charged with identifying those things that the community believes must be put in place

before transition happens. Each of these things have had people speak to them as being necessary before that transition happens. Therefore each of these things must be considered. Not everything has consensusized - in particular the transfer IANA function to different entity item has had conflicting discussion. I've spoken in favor of it especially spoken in favor of it - there have been people on the list or in the chat that have spoken will support that point with qualifications.

Against that there has been passionate arguments against notably Chris Disspain and Martin Boyle for example. I'll point out same that this should be removed. So we don't have consensus here - that's not a consensus to remove it. This is something that needs to be considered as part of our deliberations. So I respectfully put to you that we should move -- one this list is cleared -- to conclude discussion on this and accept this as our working plan for WS1 - thank you.

Thomas Rickert: With respect to the IANA functions we have noted that the subgroup will need to take - need to work on that further so its not removed, but it will be looked into. With respect to agreement or disagreement on the whole notion of Workstream 1 we will, you know, after closing the queue we will test the waters as to whether we have consensus - consensus not necessarily being full consensus so we can agree on or disagree on certain points. And I think we need to further elaborate on what implemented or firmly committed to be. I think that a lot of the items will need to be firmly committed to without having flushed out all of them in glorious detail. And I think by doing that we will hopefully bridge the gap between the views of last year's (staff) and potentially many in this room. I have (Matthew) in the queue now.

(Matthew Shears): Yes, thanks Chair, (Matthew Shears). Actually you have just said exactly what I was going to say which is I'm comfortable with the list of mangers that have

been identified for Workstream 1 as they stand at the moment. I think our charter does point to exactly as you said that we have to have measures in place and we have to have measures committed too. And that allows us to some flexibility in terms of the work that we do on these and which ones we absolutely identify as must haves.

So I think our path is relatively straight forward, but charter shows that we have some flexibility and I'm comfortable with the list as is - thank you very much.

Thomas Rickert: Thank you very much (Matthew) - Alan.

Alan Greenberg: Thank you - just a quick clarification on the sun setting of reviews. A significant part of the current reviews are to look at the implementation of the previous one. So even if we were to sunset the AOC - the ATRT or who is review there would still likely be a need for a significant effort to look at the previous implementation judging certainly for ATRT it's a very significant part of the year's work.

Thomas Rickert: Thank you Alan. Sorry for the brief interruption, but our suggestion would be to, you know, in order to bridge the gap that our aim should be to get the point tack as number one - to get those implemented and to strive for committing to the rest of the points. So I think that might help avoid friction between the Workstream 1 and Workstream 2 discussion. I think it's nobody's intention to shelf any of these points for too long. They can be committed to, but I think chances are not good for us to having worked them out fully under Workstream 1 in the sense of having implemented them - any objection to that understanding of the table - Lars?

Man: Thank you for giving me...

((Crosstalk))

Thomas Rickert: Sorry Lars...

((Crosstalk))

Thomas Rickert: ...Avri was a little bit earlier than you were - Avri please.

Avri Doria: Avri speaking and actually I put my hand up before you asked the question.
                   So it was not an answer to your question - I was just indicating that I am still
                   somewhat uncomfortable with the list because some of them are easy to say,
                   yes we must have and they're doable and therefore, you know, can be said to
                   be required. While some of them are fuzzy and one could say they're
                   committed to and so I really worry about having a list with risk things that
                   cannot be checked off on the list that is seen in some sense or in a strong sense
                   by some as being a gate (hang) factor to the transition.

                   So while I think that some of them like the change of by laws - the review and
                   redress - the removal of board members are absolute musts before a transition.
                   I get concerned about the rest of them being absolute musts before a transition
                   and see them possibly -- not that anyone intends it this way -- but things that
                   can actually draw out the process for a long time. So it concerns me in answer
                   to your question - it concerns me having this whole list as sort of prior to
                   transition list - thank you.

Thomas Rickert: Thanks Avri - Lars.

Lars Hoffmann: Thank you - no my answer - my intervention is the answer to or at least our
                   answer to the question - I think we're working well on this and I think as long

as, of course, we appreciate the (durations) which we are not able to resolve and to find exactly the right formula before we - before the transition is going to take place or hopefully to take place. I think though that it's important that we commit ourselves and commit - ICANN, of course, to a strict deadline to strict points where we should be ready with a number of issues. So that we know that these will actually happen in the future.

And it's not driving to something which takes ages. I mean this is a way that we work in the European Union very often with different things - including implementing directives, etcetera, in the European Union. So I think this is a good way of putting the whole thing forward so I think we're all coming to common terms through this. But I still do agree with Malcolm that the whole list is pertinent to the Workstream 1 so Workstream 1 plus a number of issues that can - that'll be recognized would take longer time to implement. Thank you.

Thomas Rickert: Thanks and with that I think we can all move to trying to sense the atmosphere in the room. Just to be very clear this is not the formal consensus call - right? This is just to identify whether we're moving into the right direction - whether we have forgotten important things. Also we haven't looked at the feasibility of the individual item so we will need to flush that out further - work on that, but we need to have a basis from which we go to a more detailed discussion on the individual items. So can I ask whether there are any objection to using this document subject to constant review as we progress as to basis for our next pieces of work?

Sebastien, you want to expand on the reason for your objection so that we can put it at least in the notes if we decided to proceed or...

Sebastien Bachollet: I guess I already explain why some intervention - I don't need to explain now - I have no time for that - thank you.

Thomas Rickert: Thank you Sebastien, Martin?

Martin Boyle: Thanks Chair, Martin Boyle. Following an exchange in the chat room I actually wonder whether one of things that does need to be on this list is the commitment and probably a timetable for anything that is then put on to a Workstream 2. So as part of Workstream 1 we actually identify a pathway forward for stuff that is then in hand and I think that might go someway to addressing concerns that things on the to do list can sometimes take an awful long time to be done. So with that one - addition to the list - I think than that would actually make me reasonably happy with the list as a basis for our work - thank you.

Man: Yes what we are discussing (unintelligible) we are reluctant to qualify this as a requirement in terms of - because we're in a section describing some (type) of mandate or powers for the community or things, but for our internal processes having a time line is -- as I said -- when Jordan was speaking - it's perfectly relevant and we were discussing dimension to put it into the provisions that would encapture all - before this list - saying this is under provision that is visible - that we get consensus and obviously that the rest of the list that's not Workstream 1 gets a detailed timeline agreed on and so I see that an over (action) provision to be provided before we can agree on using this list to structure our work. And remember this is a list that is going to structure our work - it's not yet the agreement that this is what has to be done or....

Man: Okay it doesn't - it...

Thomas Rickert: Yes I think it's more important to ask the room whether they agree...

Man: Yes.

Thomas Rickert: ...with that...

Man: First of all Martin's just using - that captures your concern about the timeline?

Martin Boyle: Martin Boyle - I think it does empower us - it was just - I was wondering whether as part of the role of Workstream 1 - the things that have to be delivered before we meet our - before transition. One of those is to say, well we've got this list on Workstream 2 and against the things on Workstream 2 we have worked out the project plan, the timing, the scheduling for that and it is a commitment that it will be done that we can then hold the Board and the community to doing that work. Thank you.

Thomas Rickert: Thanks Martin. What might do the trick is let's remember that the purpose of this exercise is actually to identify the requirements that we have where we need to talk about mechanisms to ensure commitment or guarantee implementation at a later stage.

But let's keep that, right, but I - it's not part of the requirements for this one. I think it's part of the commitment part that we're going to get to. We need to make sure that for Workstream 1 items that ICANN commits to do certain things, and that would include potentially a timetable that we can agree on. Avri has raised her hand. Please.

Avri Doria: Okay thank you. Avri speaking again. So when you asked I certainly didn't raise my hand to say that I object to the list. But I want to indicate that I'm still uncomfortable with it, and I'm still uncomfortable with the division

between that which is required and that with which we can take a commitment and that - and the things that are ones that really end up 1.5s because they're being worked on but they're not necessarily complete before.

But as long as there's kind of a stipulation that this list is not used as a blocking list, then my discomfort is somewhat (alleved). But that's really what my worry is is that the fuzzy items on this become blocking items and that I wouldn't want to see. Thanks.

Thomas Rickert: I think that's a good point Avri. As mentioned this is neither consensus on this list nor have we spoken about feasibility. I think this shall be guidance to the group in terms of how to prioritize their work and to identify some of the dependencies inside the list of requirements.

And so if you agree and if there are no objections we would conclude the discussions on this particular item and move on. I think one of the next questions that we have to answer before we break for lunch is the composition of the community.

That was one of the points, you know, and we have certain requirements here and we're talking about empowering the community to get certain things. But I think we need to discuss a little bit as to what we mean by community in this context.

I think it should be clear that it can't possibly be that the community or individual sectors of the community can get access to all this for each and every decision that was made or not made.

So I think we need to try - shed some light on what we mean by the community and getting access to these rights. I think it can't be a one size fits all solution for everything.

I think there need to be escalation paths for different items. So to illustrate this there might be issues that certain parts of the community have with ICANN, and there might be a - an appeals process for that that ends below this bigger stick that we have, right.

And then the question is who could deploy or invoke the mechanisms here. I think it can't be individual stakeholders in the community for every of these, nor might we agree that you always need full community consensus to invoke any of these.

I'd like to get some instant feedback from the group and the first in the queue is Chris.

Chris Disspain: Thank you Thomas. Chris Disspain. I - I'd actually like to ask a question for people to think about when they're discussing this topic, which is whether it is something that you would have different sets of communities for different remedies and different things.

It strikes me that probably some of the major ones -- so let's maybe take something like dismissing the Board -- is something that you would have maybe a different threshold than some of the lower ones.

But where I think it gets complicated is not just, "Okay so let's say dismissing the Board has to be cross-community. How is that represented and how does that happen?"

That's complicated enough. Where it becomes more complicated is would you consider for example the possibility of having a bylaw change that is affecting only a particular part of that community, being able to be directed by that particular part of the community?

And how would you decide that the bylaw was only affecting that particular part of the community? So I think there are lots of different ways that we're going to need to look at this, and I just wanted to say, you know, to finish one size is definitely not going to fit all.

There are going to need to be tailored bespoke community solutions for a number of these particular accountability mechanisms. Thanks.

Thomas Rickert: Thanks Chris. Alan?

Alan Greenberg: Hi. Thank you. It's Alan Greenberg speaking. I think Chris covered in general terms a lot of what I was going to say. I believe the threshold is going to have to be different for different kinds of actions.

Some are far more onerous. I would like to see from a personal point of view that if this Working Group is, you know, consisted of one person per AC/SO or something like that, that decisions for substantive action have to be ratified by their AC/SO.

That is, I would like to see that the community itself say, "We want to initiate this," not just the person that we've put at, you know, at the desk so to speak. So I think that that's important and I can see that, you know, the example that Chris gave of a bylaw - the request to change a bylaw may well come from one constituency.

It would still have to be ratified by a large majority of them to actually go into the bylaws. So, you know, there might be different thresholds in either side of the same action from starting it to finishing it.

Mathieu Weill: And we need to remind ourselves that except if - that's our intent but that's not what we're intending so far. Change of bylaws are supposed to be bottom up as well and therefore we're only discussing about how we would approve the - bring the final approval or maybe the final redress or review if - what we come up with.

And if - so I think that because we're considering a counter written mechanisms and not new decision making processes, that gives us a little more room of maneuver to set up something that is not too complex, although I acknowledge that there's no one size fits all for the variety of mechanisms we're considering right now.

((Crosstalk))

Thomas Rickert: I think there's a follow up.

Alan Greenberg: Assuming we're including the item to initiate discussion, that may well have a lower threshold than the action that comes out of that discussion.

Thomas Rickert: Yes I guess that's a good example.

Chris Disspain: Can I follow up on that as well just before we lose the thread? Is that okay? It's Chris.

Thomas Rickert: Chris, please do.

Chris Disspain: So sometimes real life examples - I just wanted to pick up on what Mathieu said. Sometimes real life examples are useful. If you look at the last - I think it was the last bylaw change that was mooted, which was to change some specifics of the way that the Board or the GAC interrelate.

What actually happened was that that bylaw went through the process, which is it went out for public comment, et cetera and there was a significant amount of pushback in the public comment period.

And that was the process at the time and the pushback happened, and in fact that was then put into - the bylaw change was moved to the side if you like. It wasn't - it's not that it may not happen but it was put into abeyance while we looked at the public comments and so on.

Now if you assume that we have this new process in place, let's assume that we start with going out to public comment with the bylaw change. Let's assume we get a lot of pushback from all of the constituencies, all of the SOs and ACs or a majority of them.

And then we go ahead and say, "We're going to make that bylaw change anyway." It's at that point is it not that a mechanism like this needs to kick in?

And the question is what - how - what's the threshold at which that would kick in because if you take that example - and I'm not picking on the GAC here. It just happens to be a GAC example.

If you take that example one would assume that the GAC would be in favor of the bylaw change, and that everybody else might not be. So that's the - that's where we need to sit.

That's - the level at which we're going to need to discuss this is where is the thresholds for each of those - for each of the examples, that being just one?

Mathieu Weill: I fully agree with you Chris. That's what kind of flesh we have to put into the bones of this particular fish. I'm not managing the queue so Thomas.

Thomas Rickert: Next, Steve please.

Steve DelBianco: Thanks. Steve DelBianco. As rapporteur for Work Area 2 I can try to answer some of the questions just with respect to the ideas that were gathered over the last nine months.

The powers that are indicated here were in most cases tied to a supermajority of the community. Now that community was anticipated to either be a permanent Cross-Community Working Group with the heads of AC/SOs and SGs or members as anticipated in ICANN's Articles.

And so supermajority - what do we mean by supermajority? I'm going to read just one sentence from ICANN's current Articles of Incorporation, because as I've said in the notes to the Work Area 2 ICANN Articles already anticipate the existence of members.

So quote, "These articles may be amended by the affirmative of at least 2/3 of the directors of the corporation. When the corporation has members amendments must be ratified by a 2/3 majority of the members voting on the proposed amendment."

So I just read you a quote from Section 9 of ICANN's current Articles of Incorporation. They anticipated having members and said that the members

just like the Board had to achieve a 2/3 majority - supermajority to approve a change to the Articles.

So a similar proportion, 2/3, would logically seem to apply to changes to the bylaws and it would be 2/3 of whom - 2/3 of the members or 2/3 of the supervisory board to use (Roloff)'s point of view.

Adding to that Alan and others have added some other proactive, preemptive initiative items that this community structure would initiate. And Alan has said that perhaps a simple majority would be sufficient for that and I think that makes sense as well.

Thomas Rickert: I guess there are two ways how we can approach this. We can try to go through the list and try to get some instant feedback or maybe even agreement on notions of what thresholds might be needed.

We can also try to come up with some general statements that this needs to be segmented, that we need different thresholds for different types of incidents. Looking at my fellow Co-Chairs with 20 minutes left, it might be too ambitious to go through all of them. Shall we try at least to get...?

Steve DelBianco: This is Steve. Given the - what the community comments were in the inventory, 70 items, I would propose to make it easier for you. Put supermajority of 2/3 next to all of them and let people say for which ones it shouldn't be 2/3. It - might be able to get it done in 20 minutes.

Thomas Rickert: Good suggestion. That's useful as the starting point and I assume that Alan would ask for a lower threshold for this purpose of triggering a Board action. We have certain thresholds for let's say initiating issue reports for policy

development. Maybe that could be a role model for kicking off such discussion. Chris.

Chris Disspain: Only just to throw maybe a small spoke spanner into the works, which is that - and I'll vouch and my GAC colleagues in the room here - but the GAC doesn't work that way.

So how would you get a 2/3 majority of the Governmental Advisory Committee? That would have to be I'm guessing consensus from them. Is that right?

(Suzanne) - I can see the back of (Suzanne)'s head shaking so I assume the front of her head is shaking as well.

Thomas Rickert: Okay Chris let me jump in. I think - or my understanding is that we're talking about a committee of whatever shape or form that would need this type of voting threshold.

Chris Disspain: Oh I'm sorry. So...

Thomas Rickert: It would not be an individual stakeholder.

Chris Disspain: But I thought that Alan had said that we - they would have to go back and get a mandate from their relevant SO and AC.

Thomas Rickert: I think Alan's point was that the individuals being on that committee would potentially need to be mandated by their respective groups by whatever rules.

Chris Disspain: Oh okay. I understand and I apologize.

Thomas Rickert: And I think that would be a different discussion whether we want to have these individuals' binding votes, right? So that's a question of this independent...

Chris Disspain: But I still think you need to address the GAC point because - well not - a slightly different point perhaps in respect to the GAC, which is whether the GAC itself with its own rules would be able to nominate representatives to a committee that effectively voted to do something. I think - I - so I don't know. I'm just raising the point that's all.

Thomas Rickert: Yes I think Chris your question doesn't - or observation doesn't come as a complete surprise. But I think it would be good to get some input from the GAC.

I mean, we - the - we are chartered with looking at independent mechanisms giving - empowering the community and the community would include the GAC.

And so I think it's a primary task for the GAC to look at its own processes and procedures to be able to participate in such new mechanisms as we recommend them or as we see them evolving but I might be wrong.

So we have a couple of GAC representatives in the room so I would like to encourage you to share your view with - on that with us. I know that there might be limitations in what you can and what you can't say, but I think it would be good to get an indication of what might be possible and what - I think we're more than happy to discuss whatever suggestions you make. Hubert.

Hubert Schoettner: I just think you're - I cannot speak on behalf of the GAC. That's rather clear. But I think it's - probably we can evaluate such a proposal. It's also important to know what is the task in this - of this elected person and whether it has very - a narrow mandate for example sitting in some Accountability Committee or in a ATRT team that is something that we already had in the past.

Or are we talking about giving some sort of rough advice for the General Committee? This would be something that would be rather complicated from my point of - thank you.

Thomas Rickert: Thanks Hubert. That's well understood but I think as far as the charter for this group is concerned we can hardly prescribe how the GAC is going to do things.

I think we can try to define a framework into which the GAC needs to find ways to operate with the group. I know that this is all very general at this stage but I think there needs to be further communication on that. There's a queue forming so we have Kavouss, Alan, then Thomas Schneider and Becky. Kavouss it's your turn.

Kavouss Arasteh: Yes Kavouss is speaking. At some point of time in ICG we faced the same situations of what are the communities and how the decision should be made, although we have not followed that for other reasons but the work on that for several days and many, many exchange of views.

The beginning of your charter starts at - that community. Then we have to say how many community we have. Then community would decide on something.

We have to decide on the criteria or threshold of decision - what that threshold would be: simple majority, supermajority of 2/3, supermajority of 3/4 or supermajority of 4/5.

And then in order to have a share of each community you have to define then which are the community and how many shared each community would have to establish the composition of the total community.

So the first issue is how many community we have and after that whether all these communities - for your information just but not applicable here in ICG we have 13 communities - whether all those communities they have equal footing or dependings on the size or the mandate or the complexity of the world we have different shares in number of member of that.

These are the things that we have to discuss and then you come to the threshold, what you want, which one of those four type of threshold you want in order to arrive at the decision-making. Thank you.

Thomas Rickert: Thank you Kavouss. Excellent points. Alan.

Alan Greenberg: Thank you. Alan Greenberg speaking. The discussion we're having now is the reason I suggested or one of the reasons I suggested that the people on the group, whatever the group is, do not vote in their own right but trigger a referral back to their home group to make a decision under whatever rules they make so you're not - the group does not empower the person necessarily to vote on their behalf, but to discuss whether something needs to be done and then refer it back to them for a decision.

It bypasses a lot of the problems and I would note as much as we discuss difficulty of GAC coming to a decision and empowering someone, I think it's harder for the GNSO.

Thomas Rickert: It's always good to see that even though we've been talking for a couple of hours we're - we don't lose our sense of humor, which is refreshing.

Alan Greenberg: Excuse me. Alan speaking. That wasn't a joke. I've spent eight years in the GNSO watching it not be able to make a decision. Thank you.

Thomas Rickert: Thanks Alan. Thomas.

Thomas Schneider: Thank you. Well the formally consulted position on the GAC - of the GAC on this is the following. Of course there is no such position. We've had similar discussions also with the - or are having similar discussion with regard to GAC participation in the NomCom and in other institutions.

And for the time being from informal discussions there are differing views in the GAC on how representation in smaller bodies or representation by a smaller number of GAC representatives would work and if that would work at all.

But as we've heard we have some examples within ICANN where a smaller number of GAC representatives have been participating. We also have examples from institutions outside the GAC like governments agree on - if you look for instance at the IGF MAC what governments agree on two, three, four or five representatives from a region and so on and so forth.

There are a number of other examples. So this is something that we will be going to discuss also in Singapore and probably also later so there's no consolidated view on this but rather divergence.

But it might be possible that we might come to some kind of way forward. Thank you.

Thomas Rickert: Thanks Thomas. And now we have Becky and Jordan and after that we're going to close the queue and recap before we break for lunch. Chris is also headed to the queue. Sorry for that. Becky.

Becky Burr: So I actually just wanted to ask Chris why the working - the manner in which a SO or AC works - why that makes it difficult because the ccNSO also operates by consensus.

And I'm quite sure that, you know, if the - if there was a, you know, a committee or whatever we're talking about the ccNSO would expect its participants to come back to the ccNSO to get the kind of support that is generally required for something, which would be consensus.

So it strikes me that that doesn't, you know, that doesn't make the GAC unusual in the ICANN world and in the GNSO I know that they have different rules and they count in different ways.

But it seems to me that that's doable. Now I also do think though that we need to be mindful of where power for policy development has been set so there is a division between who sets policy for the season, who sets policy relating to the gTLDs for example and we would need to account for that in any issue like this.

Thomas Rickert: Thanks Becky. Jordan?

Jordan Carter: Thanks. Jordan Carter. I think in a lot of ways it is often helpful to think of ICANN as being a federation. There are a lot of independent groups that kind of come along and get a bit coordinated or talk together their names, numbers, protocols and Gs and Cs and so on.

But often they're doing their own thing and so in terms of defining the communities and the approach to voting of this hypothetical committee or membership structure or whatever, in part it comes down to what its powers are.

If all it can do is ask for recommitals of things or suggest that an item be done again, reconsidered by Boards or sacking Board members - if it can only do things that affect the whole organization only then it's okay for it to have a high - a unitary threshold, so 2/3 majority or whatever.

If it is - if it's got more power then it needs to have more restrictions so that it can't - for instance you don't want this review group or this body of members to be able to dictate to one of the operational communities that they should do something that they don't want to do or shouldn't do something that they do want to do.

So I think we have to approach the two questions on a parallel track. What are its responsibilities and what is the constituency? But if we can't they have to be meshed. They have to be simpatico.

Thomas Rickert: Thanks Jordan. Chris.

Chris Disspain: Thank you. Chris Disspain. Two points. Just to respond to Becky, yes Becky I agree and I had misunderstood. I had thought we were talking about 2/3 majorities of SOs and ACs in making decisions and that was my point there.

But I think one other point I did want to make which is to build on what Alan said, which is if you say that this committee has to go back to its SOs and ACs for the vote - for a vote to do something then that does two things.

One, it means that it allows the - each SO and AC to use their own mechanisms for agreeing to do the thing, which I think is important; and secondly, it reduces the requirement to build a set of accountability mechanisms for the committee itself.

If the committee is - if the committee does the discussions and then goes back and says, "Look we think maybe this. Will you agree to empower us to do it?" then that puts the power in the SOs and ACs rather than putting the power in the committee. Thanks.

Thomas Rickert: Thanks Chris. And with that we've ended the queue. Think these are all excellent points. Mathieu is going to do a little recap for you. But - and I like the notion and while you can build up a sufficient level of fear...

((Crosstalk))

Thomas Rickert: ...for doing that, there's just one point that I'd like to make in response to what's been said by the previous speakers. There might be a beauty of the individuals on this uber group, right, to go back to their respective constituencies as well as in ACs.

But if you did that there might be issues with their independence if we wanted to use that mechanism for review and - or redress. Think about it over lunch.

So I've - I think I've given you enough time to make up something so over to you Mat.

Mathieu Weill: Yes. Before lunch just making sure we recap what we've been doing over the morning. And it may have appeared slow, maybe painful, although I haven't seen anyone suffering and no animal has been harmed in - on the process.

But I think we have made a very, very significant progress. We have agreed that the list we're considering is still provisional in the fact that it's not yet consensus on the items; that we haven't been able to check whether they're actually feasible or even what kind of delay we're talking about; that this list should remain flexible and not just - it shouldn't become a blocking list to pursue the rest of the work; that we need to have this timeline for the overall items and not only the one marked with 1 in order to feel confident that a process is mature enough to proceed; and last but not least, that this is a list of accountability mechanisms that should not put - that are - that is not just then to replace the bottom up process that are in place.

So these are not decision-making process. These are accountability mechanisms to review, redress, provide checks and balances and so forth and we may have some transparency or consultation issues later on.

So I think those are very strong principles but taking them and keeping them in mind, we have a list and that is the building blocks upon which we can organize our works now.

The discussion that was way too short we've just had highlights a number of items that we'll - we would have to consider. Kavouss intervention showed that, I mean, setting up groups has a lot of tricks and is, I mean, some people are very experienced at that.

And I think Kavouss you are and others sitting in the room and we will need this expertise to avoid the pitfalls of setting up groups and decision making methodologies and so on.

And that's where we will have to focus right after lunch is how we organize this work concretely with maybe - I cannot choose workstream. Working Group is already taken - parties.

So we will - we'll have to organize parties this afternoon. Jamboree's trademarked a center but we have to organize working parties around this and scope them and provide another kind of requirements about what we're expecting.

And then as we sift through these details certainly a number of things will surface that we will have to address on a global scale. But I think we have now a sufficiently solid basis to get into some of the details finally with the good confidence that this is the direction that at least gets enough support at this stage to be investigated further.

And that's I think fair to say that's - that was one of the challenges we had to rise to going into this face-to-face meeting so I'm very pleased with that and I hope tomorrow - this afternoon we can sustain this momentum. Bon appetit.

END