

**ICANN**

**Moderator: Brenda Brewer  
March 23, 2015  
2:00 am CT**

Mathieu Weill: ...after Cross-Community Working Group accountability. I am very pleased to welcome those of you who are here today in the room but also those remotely participating.

And as is a tradition, we are going to start with the roll call. And I encourage everyone to log in to the Adobe Connect room which is no longer on your screen but on your invitations and everything - it's the usual Adobe room for our meetings - since we're going to be using it not only for the roll call but also for managing the meeting as much as possible.

So please even if you're in the room log in to this room so that we can manage to queue and (unintelligible). For the roll call we're going to use room, but maybe we may have some audio-only participants, so if there are any please make yourself heard now so we can add you to the roll call.

(On) for the moment. Welcome to our GAC leads. I would like to - while we are doing the roll call - make sure everyone knows who's sitting in the room. So apart from those on the roll call we have - I want to express my thanks to our advisors who were introduced yesterday evening, but we have (Valerie)

here. (Jan) is sitting here and (Lee) on this side. So very pleased to welcome them.

A great many thanks as well for all the staff support we're getting for this meeting. A lot is achieved behind the staff room but also behind our room while we work.

And we're also welcoming to our meeting as observers the people from XPLANE, the company that drew our wonderful graphical design. And they're here to lesson, take notes and potentially we'll turn to them later on in the process to facilitate engagement. Thanks to their outstanding skills at making things simple even if it's not always that simple in our minds. So they're here in the back of the room.

I would like to start this day -- well some of us already had a stress test meeting -- but I think we should start because it's going to be a rough day with a little bit of a warm-up stretch test exercise. It's been long flights and we better be fit for this meeting.

So the first thing I'd like to say is it's amazing the amount of work that's been done since Frankfurt. The amount of documents that have been delivered in time, according to the deadlines by the working parties is absolutely outstanding, definitely exceeding our expectations.

And so I'd like to really start this meeting by thanking all those who participated in the work parties, directors but also everyone contributing concretely to these documents, which are the foundation upon which we can hope to have a very productive meeting.

So the first thing I'd like to say is congrats everyone and please join me in applauding for all this work that's been done so far.

Second thing is a step back upon what's in front of us. We are going to be discussing concrete proposals and be assessing whether we are overall in agreement upon this or if we need further work. And in doing this, we are all here in order for the transition to take place but also to work for the global Internet public.

And I think that there's two things I'd like to ask to take into account into this. We're a group of people. We're a very large group, but we're a group, and there are often risks in making decisions very short time frame within a group. Of course we're not going to make decisions right at this meeting, but we're still going to shape a lot of things.

So the first thing is - and that echoes a number of feedbacks that we had and I've had personally but we've had also as co-chairs - a look at our group is important before we get into the decision-making.

One aspect of our group is - which I think we need to be aware of - is that we're all (unintelligible) related people. And then one test I'd like to do, it's the stretch test. But can those of you who have more than five years' experience of ICANN raise their hands? More than five years' experience within ICANN. That's about two thirds, three quarters. So that's one aspect I want to stress.

Another one which - no, I don't want to be - no, no, no, no - it's not going to be good for everyone's - I mean I want to keep you happy at least during the beginning of the meeting.

Another one that's been thrown back at me for a couple of times is how many people here - and please raise your hands - have English as their native language - native language? So that's roughly - probably about roughly half. Well, that's 5% of global population.

So I think we need to be very aware of the risk. I'm not speaking about bias but the risk of bias being introduced by the way a group is conceived. And I think that's something we need to keep in mind when discussing is let's take a step back and think how our input is actually focused on the goals that we're having of making the transition happen and actually improving the situation for the benefit of the public. So that's really two things.

And the third one is I've seen numerous occasions of groups like us getting into key meetings like this one and coming out very happy with what they delivered. And then getting the pushback from the community because there have been some form of group think that the excitement of being together was actually overcoming the perception of how this recommendation would be received.

And I think it's a traditional thing and there are two things that can be useful to avoid this. One is if you have doubts, voice it. And I'm speaking of doubts, not only you don't agree or you have a very strong view. Doubts need to be voiced. So please voice the doubts if you have any because it's going to be useful.

And this other aspect is let's avoid as much as possible any interventions that would only echo a previous intervention. I think plus one interventions can be on the chat, can be on the Adobe room approval kind of setup. But leaving space for controversy is going to be important.

And so short interventions focused on why we are in agreement or disagreement in the requirements are certainly the kind of things that are going to be of use for us to achieve the very ambitious goals that we have to look at all of material that's been produced so far.

So that's the introduction I wanted to make and then the stretching. Now if we were going to go to the how are we going to work in this meeting, then I'm going to item "working methods" if you want to follow on the agenda.

We are going to use the Adobe room as much as possible. So once again please log in. And we're going to use it for managing the queue. So I think all of you are familiar with how to raise their hands on the Adobe room. We may be using it as well for assessing support or agreement.

So if you're not familiar with it right now you have this shape of an upper human body on the top of the AC room. And you have the ability to agree, disagree - step away is going to be disabled. And (apples) is also approved. Very important. You have something to say Avri. Go ahead.

Avri Doria: ...for deciding anything, for indicating where positions may or may not lie, but you did use the word deciding or something similar to that in your sentence - or at least something that gave me that impression. So I wanted to indicate a doubt about making decisions using the polling stuff. Thanks.

Mathieu Weill: We're not deciding anything. We probably won't be in a position to decide anything here in Istanbul. And especially because we set up this rule that we're not deciding anything on the first meeting. Has to be two readings before it's decided, so probably most of our upcoming decisions will have to be approved at the next meeting, at the next goal or something like this.

So it would be to assess agreement, support on proposals, but certainly not on voting on a decision-making, which would be quite complicated because we would have to distinguish members and participants and everything. Does that clarify? Yeah, okay.

So that's the Adobe room. I hope you're all warmed up with the Adobe room. And I have Alan for a question or comment.

Alan Greenberg: ...taking them down. Hosts get a message saying someone has raised their hand and the information for those who haven't done it before is to change it into a microphone. That makes the ordered hand go away. So the host has to make sure not to do that.

The reason I raised my hand was your comment about people raising concerns. We tend to operate with long speaker queues. And if one person raises concerns, the next person goes on to the subject they were going to talk about. The scribe has to catch those.

Mathieu Weill: Good point. (Unintelligible) has their hands raised. So I will consider the Adobe room to be mastered by anyone now. I think it's going to be (unintelligible) for the day. Becky trying to raise hands outside of the AC room, which is the yellow couch probably.

Okay, the second thing we need to be aware of is we are very focused on Work Stream 1 and we should keep our focus on Work Stream 1 throughout this meeting, although it does not mean we cannot flag items of particular importance for Work Stream 2.

But you need to ensure the goal of this meeting is actually to roll the proposals out for Work Stream 1. And that's the main goal. So the focus on that is going

to be important things we want to achieve -- something by the end of this meeting.

And a number of key principles that we are suggesting we rely on. The first one is re-aiming at quality proposals first. Key aspect is we need to deliver quality proposals. And the way to achieve this without going too much over time is to adjust sometimes the level of details, sometimes to focus on the principles rather than the full details.

And of course time permit - if time constraints come then we'll have to adjust the timing. But the first thing we can do is really deliver the principles, then the requirements, and then the level of details and push it as far as we can, but focusing on Work Stream 1 proposals that are really strong, solid, consistent. I think that's a very important point.

And we also have to start with what we know. Starting with what we know is going to be important. Otherwise we're going to get lost into speculations. And what we know may be existing mechanisms within ICANN that we know. What we know may be the legal advice we've received so far. And I think many of you have other ideas about what we know.

But rooting our work into something that exists first and then of course being creative is certainly going to be useful for us if we are to achieve the level of Work Stream 1 proposals that we are aiming at.

So stay focused on Work Stream 1. Start with what we know. And quality first, detail second is probably going to be a number of key rules we may as co-chairs remind ourselves of in the course of these two days. Any comments on that point? Not calling for support. That's going to be our chair reminders. Good, it's moving well.

Agenda. So we've tried for a few calls now we've been saying we'll try to build an agenda that is issue based rather than trying to systematically look through all the items. And the spirit behind the agenda that we've been preparing is that we try and look at as broad a landscape in Day 1 as possible, although we might not be able to flesh everything out in all of this.

And we've left a significant amount of time quite open for Day 2 to give back to some of these outstanding items, depending on what we feel like is most appropriate. So we've left some time quite open on Day 2.

And on Day 2 we've also ensured that we have sufficient time to discuss the next steps of our group. Timeline, discuss the public comments, and of course discuss communication out of this meeting. This is the part that might - we might adjust.

We have a very - I'm looking forward to a very productive working sessions with the co-chairs tonight while you will be enjoying dinner out in the city or maybe working in separate meetings. Depends on how the day is going.

But the agenda for Day 2 is still very tentative. We want to be flexible and adjust to whatever comes up. But on Day 1 we want to go through the various building blocks that we have been discussing and you have been working on so that we all have a generic picture - a general overall picture - of the Accountability Work Stream 1 proposals that we are working on.

And we highlight the items where we seem to be in agreement and the outstanding discussions points that we need to come back to tomorrow. That's really the spirit of the agenda.

For today we'll start with the missions, values that have been worked on by Becky and her group, go to the community (powers) after that. After lunch we'll look at the AOC transcription into the bylaw and independent panel.

Set up some time to discuss one small outstanding issue. It's named jurisdiction something which we think is important to have a quick discussion on day one so that depending on the outcome of this discussion we can still have a turnaround on day two on this.

So that's what we have - that's the menu today. That's the first cookbook analogy of the day. Line 25. So that's the cookbook. And I see no hand raised. So I think we can move on with this agenda, can we? Yes we can.

So I'm turning now to Thomas to start to contribute to (unintelligible) now. And maybe can Becky join us on the table? We'll try to have directors join us while we address the work of their group. And we as co-chairs will keep sharing the session at that point. But it will be easier with the (unintelligible) sitting in front of you rather than (unintelligible). Thomas, up to you.

Thomas Rickert: Thank you very much Mathieu. This is Thomas Rickert for the record and welcome to two days of endless pleasure. We're going to talk about the outcome of the preliminary findings of Work Party 1, which is ably chaired by Becky. And maybe we can bring up the chart from Singapore please.

This is just a very quick introduction to refresh our memories on where this mission and core values document that Becky's going to discuss with us is going to be placed. I was thinking of the cartoon with the four building blocks.

Not sure whether you've experienced the same but when talking to people outside our working group, the analogy of why don't you do it like (states do)

when it comes to checks and balances, when it comes to bearing or dividing powers.

And actually what we have with the four building blocks that we worked on in Singapore, it pretty much looks like a (micro-space) that we're creating or revisiting. You have the empowered community, which would be the people more or less of the Internet governance country if you wish.

Then we have the board, which would be the executives. You have what we call principles because at the time we didn't know where exactly that would go. It could be bylaws. It could be policies, but that's something that would resemble very strongly constitutions.

And then we have the independent appeal mechanism, which would be the judiciary. And as we work through the various accountability mechanisms you will find that our theory that we could build everything we need out of these four components would prove to be true, unless we're seeing some new trends or some surprises here.

But the principles or we earlier used the word compact which we dropped using because that caused a lot of confusion and everybody who's using the word compact owes the whole group a drink at the bar. So we're not going to use the word compact. But we're rather thinking of mission and core values.

And that's going to be the central language for ICANN, which (unintelligible) that we go through that one by one, as Becky's going to do in a moment. But that's basically the test - well let's say the judiciary has to find out whether the ICANN board has done something wrong, has violated the constitution.

Then they're going to test it against the mission and core values. Likewise, we have established a set of contingencies that we need to save ICANN against. And these contingencies are sort of mirrored. And we all have to double check that in the mission and core values.

So if the board makes sure that the mission and core values are followed, then we will likely be very safeguarded against the contingencies. So it appears it has multiple purposes. I'm just saying all this so explicitly because I think we all need to make sure that this set of principles that's going to be in the document, if we get that right because a lot of the other powers are derived from this central document.

I think I should leave it there Becky, hand over to you (unintelligible) sorry.  
Sebastien.

Sebastien Bachollot: It's very interesting because you saw how the board used to work when I was board member. And it's not a joke unfortunately. I wanted to raise maybe again that I consider that we need to take into account the whole organization.

And again and again you talk about the board, the board, the board. Yes, board it's important, but board it's not ICANN. We don't talk about staff, and that's an important part of the organization. And we don't talk about all the SOICs and so on and so forth.

And I would like very much that we have the broader view and not just to concentrate on what the board only is doing. So second point is that our board community seems to say that the community has no power today. But the community selects the board. The community selects their leaders.

The community do a lot of things that define policy and so on so forth. And they have already a lot of power. And we can't just once again have a closed topic on that issue. We have to talk about ICANN accountability and not once again board accountability or any part of the organization but the whole in one. Thank you.

Thomas Rickert: Very briefly, we're talking about the board as the first agenda item or about the bylaws, the better way to phrase it. We will talk a lot about the role of the community during this two-day session. One of the very central notions of this whole exercise is to empower the community.

And that community empowerment is mirrored in being able to call the board to action or have board decisions reviewed. And also I would like to say that we have not come up with these ideas in isolation. What we're discussing is what the community put on record as their asks.

So we're working off a list of what has been gathered in the public forum. So your concerns are well understood. Nonetheless, I personally think that we are taking into account all facets of what makes ICANN accountable and where deficiencies are and we're working on improvements in all areas. We're not specifically looking or exclusively looking at the board.

So with that, I'd like to hand over to Becky to introduce the excellent work that she and her group have done.

Sebastien Bachollot: And I know that you are the board but I humbly disagree with you.

Becky Burr: First I want to say thanks to all of the people who have been working so hard on the documents that we're going to discuss today from Work Party 2. It has

really been great to see people just dive in and run with the assignments. And it's been very gratifying.

We had a very good three-hour discussion primarily about the first document that - the mission and core values statement that we're going to talk about this morning. And what we're presenting here is very much a work in progress.

It has changed since yesterday and reflects my attempt to implement what we discussed. But it is not a document that is vetted with the group in its final form. So people may disagree with how I've implemented it. That's fine.

The first thing when we talk about mission that I think it's important to start with is to dive a little bit deeper into what the community has already agreed ICANN's mission is. We have a mission statement in the bylaws that talks about coordination at the overall level of various unique identifiers.

But what the coordination means is something that's worthwhile talking about because I think people sometimes get concerned that we talk about coordination and technical parameters and they say well what about WHOIS? What about various consensus policies, all those kinds of things?

And in the document that we're going to go to in just a minute, I've shorthanded some of this into a reference to Specification 1. Specification 1 is a more fully blown articulation of what's fair game for ICANN in the contracted party documents, the registry and the registrar agreements.

And so if we can just talk about that a little bit so everybody gets on the same page about sort of what's fair game. The primary test is that ICANN has the ability to develop and impose on contracted parties consensus policies that are

- that relate to issues for which uniform or coordinated resolution is reasonably necessary to facilitate interoperability, security, or stability.

And I think we would add in the modern world the resiliency issues. And that includes things that talk about performance specifications. It also includes - and this is why I wanted to address it - resolution of disputes regarding the registration of domain names as opposed to the use of such domain names.

And that really gets at all of the trademark and Whois kinds of work that ICANN does. So I want to make sure everybody is comfortable that that is covered.

Can I get scrolling authority here?

And specifically that goes on to talk about principles for allocation of domain names on a first come first serve basis or otherwise, prohibitions on warehousing, reservation of names that may not be registered and then maintenance and access to accurate and up to date information concerning domain name registration. That's the Whois piece.

So as we go into the document if we can go into the next document now that this shouldn't - the commitments and core values segment I want to make sure everybody is comfortable that we are that we are talking about the universe of policies and programs that are fair game for ICANN right now, not anything narrower than back. There's no attempts to narrow ICANN's mission.

Man: All right. So can we please have this?

Avri Doria: Thank you. Yes I put but are we going into these things specifically now because I was going to ask about a specific phrase in one of them? Are we

going back to these because I can wait until later if we're going back to go through these one by one?

Becky Burr: We're going to go through these one by one.

Avri Doria: Okay. But then I'll wait until...

Becky Burr: But if there's an issue it might be easier to just get it out.

Avri Doria: Okay. It was in 1.2 where you mention specifically the operators of gTLDs as the - among the stakeholders.

And I was wondering why the necessity to single out that one stakeholder group?

And if you were going to single out one because the argument might be well they're the contracted parties that we're making consensus policies about and we want to make sure they are included then why wouldn't you use a more general term like contracted parties since there are more than just operators of gTLDs in the contracted party relationship. Thanks.

Becky Burr: So the answer to that question is I just pulled Specification 1 out of the registry agreement. It uses a different word in the registrar's agreement. And so that's a very well taken point that we have to have a certain collaborative, a comprehensive document.

Okay. So...

Man: I had my hand raised but I reread it and I don't think there's an issue. Thanks.

Becky Burr: And I might just point out that Specification 1 was the topic of quite a lot of discussion in connection with the new registry agreement and the registrar accreditation agreements so it's fairly recent.

This document that we're talking about today is intended to be a - I've restyled it as a mission - statement of mission commitments and core values. And that reflects the discussion that we had yesterday. I will explain that a little bit more.

On the chart, on the left-hand side of the chart we have the current ICANN bylaws statement. In the middle column we have the proposed working draft. And it is very much a work in progress.

And in the right-hand column we have relevant provisions of the affirmation of commitments. And I'm going to say right now to Steve DelBianco I failed to add the 9.1, 9.2, 9.3, 9.4 parts from ALC and but we'll get there. They were intended to be there.

Pardon me?

But in any case the notion here is you can see where we are, where we're proposing to go. And the inputs from this obviously are the inputs from the community comments, the inventory that Steve put together.

The first point here is the mission statement. The current mission statement talks about coordination at the overall level for the assignment of domain names, IP addresses and autonomous system numbers and protocol port and parameter numbers, coordination and operation of the DNS and name server system and coordinating policy development reasonably and appropriately related to these technical functions.

We're preserving - propose to preserve all of that. But to be a little bit more specific about the scope of ICANN's mission by including Specification 1 by reference here but it probably has to be more directly incorporated so that we have the entire flavor of ICANN's mission here.

But wording in the proposed language is pretty much the same for IP addresses and protocol and port and parameter numbers.

But it is a little bit spelled out when it comes to the domain name. So it's what we propose is coordinating the development and implementation of consensus policies. There's a reference to Specification 1 that ensure the stable and secure operation of the Internet's unique name systems and that it involve issues for which uniform or coordinated resolution is reasonably necessary to facilitate openness interoperability, resilience, security and stability.

So we've expanded this to include the language that we now commonly use regarding openness and interoperability as opposed to just security and stability.

We also propose and it's not - the language hasn't been fully fleshed out is to include a section that says pretty concretely what is not in ICANN's mission.

So ICANN is not about regulating content. And some members of the team are working on drafting some language that would go in there. I've just sort of put a placeholder in there. And perhaps one of the discussions we can have is about what doesn't go in there.

The affirmation of commitments reference on the right hand side I've left the numbers from the affirmation and commitments and the bylaw numbers as they are so you can go back and reference them.

Going down to what I am calling commitments and what is more generally referred to as core values in the ICANN bylaws.

ICANN has a set of 12, 11 core values in the bylaws. And we had started out by saying, you know, there were 12 core values because ICANN has 11 core values plus an overarching nondiscrimination provision in the core bylaws or in the bylaws.

We started outputting all of those 12 things on the same level. And in the core sub discussions began to feel uncomfortable that if we put them all at the same level and gave them all the same weight we would be creating a potential nightmare with something that would give anybody who had any issue that they didn't like something to complain. And it sort of diffused what are the really fundamental core things.

So as a result of our discussions yesterday we've broken the core values in the bylaws into two separate categories.

The first I am calling commitments. That is a name that I made up so there's no magic associated with it.

And those are really the basic and most fundamental things about what ICANN is, how ICANN is supposed to perform its job.

In, you know, carrying out its mission it needs to preserve stability, reliability, security, interoperability, resilience and openness of the DNS in the global

Internet, limit its activities to matters that are within ICANN's mission and require or significantly benefit from global coordination, employ a transparent bottom of stakeholder process for policy development and apply documented policies consistently, objectively, neutrally and fairly without singling out any particular party for disparate treatment.

You can see on the right - on the left-hand side the bylaws provisions, core value provisions that kind of correspond and capture what we're getting at here.

And then going down. And then so and then the fifth one is remain accountable through mechanisms defined in the bylaws.

Those we propose to set as the sort of absolute, you know, commitments that ICANN is making to the community, that the community is making to each other about when we, you know, develop policies carrying out ICANN's mission.

These things are sort of the fundamental foundation from which we start the obligations that we owe to each other. And we've tried to keep it pretty narrow to get at the real basic fundamental things.

The reason that we've divided this there is language in the ICANN bylaws that talks about balancing the core values. That's on the far left-hand side. And the language is affords, very, very wide discretion to any ICANN body that's making decisions about how you balance these core values against one another.

And the language is so broad and sort of affords so much deference that it's - and it has been used but in many ways to sort of make it - make the

accountability effort more difficult because if the decision-making body has discretion to apply these in any way that they think is sensible it's very hard to say the application in any particular case was wrong.

So (Martin) you're looking puzzled. Okay. So what we tried to do is say okay there are some of these values these what we're calling commitments that are so important that we're going to say when you balance them you have to balance them in a particular way.

So first of all any balancing among these commitments and core values must be justified by something that we are calling a substantial and compelling reason in the public interest that again is language that was is - appears in the registrar accreditation agreement and the registry agreement.

And it means an important specific and articulated public interest goal that is within ICANN's mission and that with a balanced application of, et cetera.

So basically there's a category of if you're going to balance, you know, neutral applications with, you know, with something else it has to be in furtherance of this important compelling reason in the public interest.

It has to be likely to promote that compelling reason, a substantial and compelling reason in the public interest.

It has to be narrowly tailored and use the least restrictive means to do that. And it has to be no broader than necessary to achieve that goal.

So the notion is these goals are so - these obligations, commitments are so fundamental that when you start balancing them you're really thinking about, carefully about what the public interest that we're attempting to achieve is,

whether it's within ICANN's mission, whether the balancing that you're doing is careful, narrowly tailored, likely to produce the role you want.

And in many ways it's a sort of thought process that you have to go through in balancing these things. That's a pretty standard.

And because that's such a high standard that sort of explains why we broke the core values into two separate groups because one if you applied this standards to everything, you know, there would be - there could be endless disputes about this.

But basically with respect to these critical five commitments we thought this was an appropriate test.

Then going down to what are sort of the residual core values but, again we have on the far left hand side here language from ICANN's bylaws and then core values from our draft. And they're lined so that you can see that they, you know, how they correspond and where they come from.

In the far right-hand column there's the affirmation of commitments. And this is where the 9.1 through 9.4 provisions would go also.

So these are, you know, respect the roles of expert groups, SOs and ACs. There are two competition related core values.

And for the folks in the work party I went back and I had actually dropped one of the competition values from this.

And I think it gets to (Malcolm)'s point about sort of the promoting competition. So I've added that back in. And that's Number 8 up there, operational efficiency.

Number 10 is a - is a placeholder for avoiding institutional capture, avoiding capture. It's - it is not articulated in a way that we're comfortable with yet but that's something that we're working on.

And then Number 11 is the considering public policy recommendations from the government.

For these core values we propose a slightly different balancing test. And this - the language here, the placeholder language here is very much a placeholder. We are still interested in we want to talk about we want to get input from people on what the appropriate balancing test might be here.

It's a little lower standard than what we've propose above but this is just my language here about furthering a substantial and compelling so it's balancing must further and be substantially related to a substantial and compelling reason in the public interest.

But again that's a placeholder. And the notion here that we want to get on the table talk about is, you know, have we sort of have we captured all of the commitments and core values that need to be here?

And have we appropriately categorized them into the things that are so important that compromise and balancing should be held to a very high standard versus the other ones where the analysis is going to be a little more subjective and we're going to allow little bit more discretion?

So I see that Steve has his hand up and Avri has her hand up. We'll go to discussion among us all.

Do I get the extra half-hour by way?

Man: Steve?

Steve DelBianco: Thank you. Steve Del Bianco. Thank you. This is very helpful. And the presentation too really makes this look like an evolution not a revolution by showing the fact that the bylaws on the left plus the affirmation in 2009 plus Specification 1 in 2013 and 2014 from the registrar and registry agreement it's about bringing all that together into one place, the center column.

So I believe that that shows the sort of responsible conservative approach that's being used here and yet words matter. You're bringing in keywords about security, stability, resiliency, notion of promoting competition -- things from the affirmation.

So this is a long overdue process but even without the IANA transition somebody should have been thinking about doing this sooner or later anyhow. And this is a very appropriate time to try to get it done.

I wanted to make two observations. The first is the affirmation Paragraphs 9.1 through 9.3 are only the reviews that are required. And they wouldn't be in this section.

Woman: Okay.

Steve DelBianco: We think the reviews from the affirmation would go into the section of the bylaws where there's already discussion of reviews as opposed to before those.

Woman: Right. I was just thinking about the headlines because they promote consumer...

Steve DelBianco: Got it.

Woman: ...competition...

((Crosstalk))

Steve DelBianco: So the - it's interesting, the affirmation commitments contain some commitments in paragraphs, you know, 3, 4, 7, 8 and then it has reviews of the ability - reviews of the extent to which those commitments were met in the review section.

But you're right there are statements about commitments that are made in the front of the reviews.

Woman: Right.

Steve DelBianco: Appreciate that.

And then finally I wanted to mention that you've been using the word balancing. So for instance the first balancing test in there was all about the five commitments at the top of this list.

The word balancing sort of masks what we're talking about. It means to the extent that we have to compromise, have to give a little on one of the commitments there's a high bar to transparently say, you know, commitment Number 3 in this particular instance here's why we're not going to quite meet commitment Number 3.

The notion of balance implies that we're not meeting three because we're really overdoing it on four and five. It may not be that kind of a lot of one and a little less of the other.

The notion is that if we have to depart from the five commitment at this top there has to be transparent justification within very limited scope. And that's what you're what we call the balancing test is about.

So it's really more of a compromise test right,

Woman: Correct.

Steve DelBianco: ...and then a balancing. Thank you.

Woman: Thanks. Avri?

Avri Doria: Thank you yes, Avri speaking. Yes I sort of agree with the use of the word balancing. And I had to give way against I was also going to make a pedantic point about saying to balance and then the definition of how we were going to balance we were going to balance the core values, so just making that.

One of the things that I'm missing from the discussion of how the methods of how the commitments were going to be balance was something we discussed yesterday which is sort of the multi-stakeholder input in doing that.

And we had discussed that a little bit yesterday in terms of if you're going to be doing something quite as critical as saying this value is of less importance in this case because this other value is of such overriding concern that seems to require a certain amount of at least multi-stakeholder advice if not consent.

So I think that that was something we had discussed yesterday and it didn't show.

Woman: Okay, good point.

Avri Doria: And I have to indicate on the doubt column that I'm still concerned about the division of core values into greater values and lesser values which no matter what words we use that's what we're saying. And that still concerns me to an extent. But I'm only putting it in the category of doubts. Thanks.

Woman: Thank you.

Thomas Rickert: Another way to handle the issue then rather than categorizing it before we move to (Sebastian) and Alan...

Woman: and (Jorge) is also...

Thomas Rickert: ...and (Jorge) was next in the queue.

And if you could please use the Adobe room for indicating that you want to speak. But we've noted your willingness to speak so please go ahead.

Jorge Cancio: Okay thank you. Perhaps I got a little bit mixed up with the difference ways of showing my interest.

Now just another comment although perhaps we are or at least I feel that it's a good (unintelligible) going through this process of...

Woman: We can't...

Jorge Cancio: ...have our set of values and (unintelligible) I'm a little bit concerned with the transparency of and not only transparency but also the understandability of all these changes anybody who's not sitting in the room or anybody who's not involved directly in these discussions.

So but we are touching on very basic aspects. And anyone with familiar with the law in the basic rules knows that even in the nuance.

And I've seen some changes which for example would affect what the GAC advice is. And I remember GAC (end).

So I see the - immediately that those changes would require at least ten or 20 hours to be extend and to be discussed really to the bottom.

So what I mean to say is that if we are going forward in this exercise and going into such specific because we are not talking about really about principles but we are talking about wording now.

And what we have in front of us is the - a very tiny lettered wording of changes to the basic documents which are concerning this - in this organization.

I think that in the public comment period each and every change will have to be explained very clearly, very understandably and linked to the real needs of

this process because otherwise we can't really get into an exercise of trying to make this as have been long - outstanding but which are not really linked to...

Woman: Yes.

Jorge Cancio: ...those.

Becky Burr: So I think that's entirely fair. Obviously the words in great detail do matter.

And the point of my introduction was to give a pretty high level description. But obviously the community we'd have to have a more fulsome discussion about it and this is the lead-in to it.

The - one of the reasons why it's so important to do this and to pay attention to words at this point is because in many ways this forms the basis for making a judgment when any of the accountability mechanisms is applied. For example in an independent review it word reference back to these.

And then with respect to the GAC change the language in the GAC advice there is a change there. And I'll be very upfront about it.

It simply says basically that the deference to GAC advice a consideration is to GAC advice that is consistent with the mission and core statements.

And so essentially it says that - and it's - that it's a big change perhaps but all it says is basically the GAC has to buy into the statement of what's important here and what the values are.

And to the extent it's advice is inconsistent with these core values ICANN has more latitude.

So you're right, it's a big change but I think it's a change in language but not a change in what I would consider the sort of fundamental deal with the GAC is.

And I'm happy by the way to have a further conversation off-line about this. But I don't want to hide it. I mean it's definitely a change. (Sebastian)?

Sebastian Bachollet: Thank you. I think it's time to have this bylaw evolution done. The bylaw is written in 1997, 1998 and the world has changed and we need to take that into account.

And I think it's a good move also to have a separation between what I will call the bylaws itself and the operational group book who is today within the bylaw for example how each SO and AC select a board member or how they are working could be put in another document with less burden in moving the bylaw itself. And I think it's a good way.

But when we talk about the bylaw we need maybe to say that it's in five - sorry (unintelligible) here.

No. It's in Number 5 you talk about the bylaw. And maybe it must be in other documents, yes remain accountable through mechanism defined in the bylaw. So it could be have mechanism defined in other documents.

The - my second point is about, we talk about SOs and ACs. If we want to have a bylaw who will not be changed each and every time we change or we move or we - yes we change the organization maybe we can say something like each ICANN bodies and not SO and AC as such.

And in the Number 8 we - it's where I think we need to take into account the change of what ICANN was and what ICANN is today.

We have - we will have 1000 new gTLDs. And when we talk about introducing competition I really don't see where we need to introduce more competition.

We need to maybe to say to still take into - to take care of the competition but not to get the same wording that a long time ago. Thank you.

Woman: We have...

Thomas Rickert: Maybe we take Alan and (Chris) first. And then I think this is a very important and healthy discussion that we're having.

I think, you know, when you make your interventions can I encourage you to make concrete increased suggestions as to how we would - you would like this document to be tweaked?

So I for example, I see (Hoga)'s point rather a point of how to communicate those changes and make sure that we get everybody's buy-in, right?

From others I've heard concerns about the structuring of the document. But I think it's high time for us to get concrete proposals on how you would like to change the approach to the document if any.

So next in line is Alan.

Alan Greenberg: Thank you, Thomas. It's unfortunate you made that comment because I do not have any concrete answers in this case. So I wish you would postpone it for a moment.

I have a little bit of concern about the comments about balancing. We are regularly told that board members have certain onus to uphold the core values and things like that. And that implies in some case -- at least to me -- that sometimes they will make a very unbalanced choice to satisfy a specific core value. So I'm a little worried about the term balancing, but I don't have a concrete answer at this point. But I think it's something we have to keep in mind. Thank you.

Chris Disspain: Thank you. Thomas, is that working? Yes, it is. I want to ask a meta question, I think. And I'm building on some comments from GAC colleagues. Say first of all that I have no issue with (unintelligible), so I think it's actually very useful (unintelligible) changes. I do have a concern, however that we are effectively writing ICANN 3.0. And that we are doing that in a very, very short timeframe. And that we are going to - these - were these changes to the vitals to go through, they are fundamental. Not wrong, but fundamental.

And I want to make sure that we don't take these steps in this short timeframe without making absolutely certain that we've covered - we've got everyone's enrollment. I'm concerned that we might find ourselves coming up with a proposal on accountability -- accountability mechanisms -- improving our accountability mechanisms wrapped up in some significant changes to the fundamental premises by which ICANN operates, which lead to one or more of the chartering organizations saying, "We actually have a problem with this. We don't have a problem necessarily with accountability mechanisms being put in place, but what you're asking us to agree are fundamental changes to the

way that the organization operate - the way the principles of the organization are."

So I'm not saying don't - we shouldn't do it. I'm just saying we need to be very, very careful that under the umbrella of -- to use the short hand -- beefing up ICANN's accountability mechanisms we don't bite off more than we can chew. And that we should consider -- and I underline the word consider -- the possibility of making sure that we could make these changes over time rather than necessarily putting them in place by the end of - effectively the end of June or July. So, you know, putting them in place, making them formal recommendations by then. And just to finish, I just want to make the statement that I'm speaking entirely on my own behalf, not as an ICANN board member. (Unintelligible).

Thomas Rickert: (Unintelligible) questions that I might ask the others in the queue as well just as a heads up. But you caution us to try to completely reinvent ICANN, which I think is clearly not the intention. My personal view is that we're taking the existing bylaws; add things that came up as community requests earlier, and introduce them into the overall accountability system by adding them to the bylaws. And the third component is that we add what's in the AOC that's - what's relevant to the bylaws. So it's basically an amalgamation of these three areas.

And if you caution us not to do that, can I ask you to be specific about where you see we step over the line or what we could do later. Because my understanding is if we're trying to root future accountability work in this first step.

Chris Disspain: Well - so I'm not - so let me be clear. I'm not saying don't do it. I'm asking us to be - to think about it very carefully. If I thought we shouldn't do it, I'd say

that. So it's not - there's no strategy or tactics here. I'm being straightforward. If I thought we shouldn't do it I'd say it. But I do think we need to think about it very, very carefully.

To give you an example, you've had a little bit of pushback in respect to a GAC - a change to the way that the GAC advice would be perceived. That's - you know, one or two people saying maybe that's a problem. I would hate to get to a situation where the whole of the work of this working group is undermined because one of the chartering organizations says, "Well, we can't agree to this. So we're not going to sign off on it."

If the key is to make - if the key is to introduce accountability mechanisms that - no, I'll start it again. Some of this -- like it or not -- is rewriting the - what the board and the community should be - what the board and community's core mission and values should be. Enhancing it, should we say? Putting - Becky, the term - you know, putting color and depth to it. Would that be a fair enough...

Becky Burr: Yeah, I don't - I mean, I want to be clear. I don't think that it is changing it. And I totally take your point that, you know, if - that we cannot let the perfect be the enemy of the good here. However, I mean, the changes that are up there are intended to provoke discussion and to identify the places where we are going to get consensus and where we're not going to get consensus.

And to the extent that there are changes -- for example -- if it is the GAC's position that ICANN has to defer to GAC advice, even if it's inconsistent with the mission and core values -- which I'm not sure that they are saying, by the way -- but we should have that discussion. We can figure out how to go forward because we're not going to let the perfect be the enemy of the good. But it's a useful discussion.

Chris Disspain: So I think that's a really good point. And just if I may, Thomas -- just to finish it off -- I think that's a really good point. And here's my question. You're absolutely right. I don't think they are saying that, by the way. But we should have that discussion. My question is do we need - is that a discussion we need to be having as part of a transition plan? Or is that a discussion we need to be having in the bigger, overarching picture?

And is it - question -- is it sufficient for transition to ensure that we are able to have that discussion and reach a conclusion to the community's satisfaction down the line? That's what (unintelligible).

Becky Burr: And I think the answer to that question is to the extent we can't get things done we need to have the ability to get things done down the line. I'd like to sort of have the discussion identify the places where we need further work going into it to be able to put those mechanisms in place. But I agree with you; I don't think that's what the GAC is saying either. I just - we have other people in the queue.

Thomas Rickert: Yes, and there's a - the queue is getting longer and longer. But the - and I think this is very critical discussion. Let me just say again, I understand that there is an uneasiness with what we're doing and that there's a fear that we might get pushback from the community and that we have to get this right. But I can't put uneasiness into a document, right? So what we need to get to now is getting concrete suggestions as to what point we should remove and then we're going to discuss it and remove it if need be.

Becky Burr: Thomas -- if I could -- I - actually - I mean, I think that this is so important that we should allow uneasiness to be part of this conversation. Because, I mean, this is an important discussion and we need to understand where the

community's coming from. So I beg to differ. But I can deal with uneasiness and will try to reflect it in the document.

Thomas Rickert: We're not going to get the uneasiness removed, right? So that's not the concern that I have. But we have to draft documents that everybody can take back to their respective groups. And if there is uneasiness, then at least we should flag it. We should flag number five, this I have an issue with. So I think at the moment -- I appreciate you bringing it up so by no means feel discouraged from making your points, right -- so it's all are important.

But I would greatly appreciate -- and I'm sure that my co-chairs agree with me -- that the more specific you can be with what you have an issue with and what you might suggest as alternative language or alternative structure or how we can entirely remove items from here and make sure we discuss them at a later stage - that's all welcome, right? So no doubt about that. Next in the queue is Alan.

Becky Burr: I think his hand is up from before. Jordan.

Thomas Rickert: It's an old hand? Okay, then Jordan.

Jordan Carter: Thank you. Jordan Carter for the record. I think that this whole idea of these mission sort of core values things goes to the heart of what we're trying to do in that the whole - we're here not to propose accountability mechanisms, we're here to propose improvements to ICANN's accountability. Mechanisms are only part of that process. The overall foundation is important as well. And we're trying to do improvements to ICANN's accountability in the context of the end of the contractual length with the NTIA.

With the contract in place, there's kind of an outside source of power and authority within the ICANN framework. If we are going to end that contract, then we need to put power and authority somewhere. And ICANN as it is today just puts that in a bit of a mushy place. So what Becky has done in the working party to have done with this paper is to start to concretize and firm that up a bit.

And that's why I think it's really important, because the balancing language that's there in the middle column in front of us is much tougher and protects those commitments much more than the current core language - the core values language on the left hand side. And that's really important, because that's what we need as a foundation for authority.

Now, if this was a standalone piece, I could see how we could leave it into work stream two. But my understanding is that some of the other accountability mechanisms that we're talking about and some of the independent review processes that Becky's group is also working on are going to build off this statement as the kind of fundamental demand of the community -- if you like -- for how ICANN should behave. And what I am very clear on myself is that we're not going to get through a transition if we have all these mechanisms and processes in place, but we say, "Well, the fundamental ask that you're relating this to; don't worry, we'll sort that out later." Nobody is going to buy it. It isn't sustainable.

The standards that we want to uphold in this process and the things that these accountability mechanisms are appealing to will need to be set out for community consensus - or if not consensus, at least agreement. And so that leads me to finish with a comment about our working methods. I think we should be really, really, really cautious about going back to our SOs and ACs

and saying, "Oh, goodness, this thing has come up; it's going to be difficult. We'd better indicate that we're not going to be able to agree."

There's an analogy that an old boss gave me about the making of sausages, which is also sometimes used about Parliament. No one wants to be inside a sausage factory. No one wants to be inside the middle of a legislative process. But people do use laws and eat sausages. This is going to get ugly and messy as we go and we'll come to points where we don't have agreement. Let's not - let's try and avoid sending signals about what we can or can't accept -- except where there are obvious clear redlines like the discussion this morning about the stress tests -- until we've got a whole package.

Because if we can't take the community with us on a journey to a more accountable ICANN framework, then we're not doing our jobs so the wrong people to be in the room and there isn't going to be a stewardship transition anyway. So we've got to get this whole mix right. Thanks.

Thomas Rickert: Thanks Jordan.

Malcolm Hutty: Thank you. And Jordan just made some of the points that I was going to make, so I can cut my comments quite much shorter than I was planning it. I'd like to sort of reach out to the points that (Chris) was raising. With a lot of sympathy for that concern, but more - but from - possibly starting from a slightly more positive view, maybe. Yes, these are fundamental. And that means it's - it deserves a really close look and it - we need to be really careful about making sure that we get it right. I absolutely agree with this.

But these aren't a radical rewrite either. These are things that have been well agreed and well established and they're scattered in different documents and they're being consolidated and being consolidated for a very important reason

and that's because these are going to be the fundamental standards to which the other mechanisms that we are building will then draw upon and enforce. And -- as Jordan was just done saying -- it is essential that we have something to draw upon if the mechanisms that we are building are going to be meaningful, if we can even decide whether or not the mechanisms that we're building are appropriate. We need a standard to see what is this mechanism for and how is it going to be applied.

So I would say that this is essential. Now, it's -- aside -- agree with the concern. Yes we need to look at this very carefully. And if there are any suggestions to add in new things that aren't well grounded before I would certainly be very concerned to be very careful and very cautious about how that was introduced. But from what I see at the moment, it looks to me -- at the moment -- as though it is all very well grounded. It is not a radical change, it is just consolidating stuff that already has in - built up a wide degree of consensus with support over a long period.

And so to that respect it looks positive. I - just one final thing in closing. I see in the chat some people -- including my own government -- saying, "Oh, this would be changes here, you know, that will be a big thing and I'd have to go back -- if there were changes here -- and check with the minister or something like that." And others making similar sorts of comments explaining just how fundamental changes to these principles would be if they were indeed changes.

I would say that that kind of statement isn't really compatible with the idea that, "Oh, we can leave this to work on later further down the track. Let's work on the mechanisms and stuff that we can agree on now and then we'll sort out the principles at some later date." No, we will have to agree this, because that kind of a reaction as to how fundamental it is shows that this needs to be

established before we can get any agreement on the implementation method which is mechanisms and powers. They are just implementation for this - these fundamental principles.

So thank you very much (Matthew) for the work that you've done on this. I think this is moving in an extremely positive direction. I would urge people absolutely to give the careful scrutiny that they've mentioned, but I think it deserves the support.

Thomas Rickert: Thank you (Malcolm).

Becky Burr: Can I just respond?

Thomas Rickert: Let me acknowledge that this was a very short intervention compared...

Becky Burr: Can I just respond to that, because I want to - I think that (Jordan's) point about not getting locked in is critical and I would think that we should not get locked in either about characterizing other people's reactions or not. I agree with you. I don't think that this is fundamental. The fact is, is that this is new and hard and the language is new and we need to have the discussion about it. To the extent that people feel that there are fundamental changes, we need to talk about that and have that discussion. So from my perspective, everybody's entitled to their reaction. And hopefully everybody will remain open so that we can get a shared understanding of this. So, you know, react, but be open to it.

Thomas Rickert: We have some more people in the queue and we have a coffee break coming up. So I would hate to cut into the coffee break too much, because everybody of us needs to refresh a little bit. We have (Erica) after (Chris). After that I'm going to close the queue and my suggestion and encouragement to you would

be to keep the interventions close. Let's keep this part of the discussion focused on concerns about structure or support for the structure. And then after the coffee break let's try to focus on concrete suggestions for tweaking the document so that we bring it closer to what's hopefully a consensus position. So next in queue is - (John), I understand this is an old hand from you, right? So the next in line would be Steve.

Steve DelBianco: This is Steve DelBianco, GNSO CSG. We often use -- or (Matthew) does -- the food metaphor - the meal metaphor. And we are witnessing now the unappetizing consumption of a meal where we're eating the raw ingredients before they're actually stirred together for full consumption. And when you stir this together, these changes are essential for the changes we want to make to the IRP and reconsideration so that they become binding on the board.

Those are work stream one improvements that the IRP -- along with a bunch of other changes we're going to discuss in the second half of the day -- the IRP and reconsideration will look to these standards. They will be more accessible in terms of affordability and timing and they'll be standing given to the community, potentially, to be the one filing for a reconsideration or an IRP. For those work stream one improvements to accountability to work, we have to have objective standards to point to.

So the real essence to why, (Chris), this has to be done in work stream one is that this is the raw material behind the accountability mechanisms for review and redress. And I understand we have to cut our work up into work stream, work parties, and consume it a little bit at a time. But you have to look at it as a whole meal to understand why it has to be done together. And actually it does fit well together. We won't be able to introduce a dramatically improved review and redress without objective standards like we have right here in front of us.

Thomas Rickert: Thanks, Steve. (Unintelligible).

Jorge Cancio: Okay, thank you. I just was typing some ideas on the chat in order to leave it on the record and not to consume our time. But I think there are some ways in - where this kind of changes are then always with highlighting, explaining, and identifying the source, etcetera, etcetera which must be complied here. Otherwise I don't think that everybody will understand why we are doing this and how this is related to the transition. And this would be a danger or a difficulty for the buy in of the rest of the community. But I will try to type it down now in the chat. Thank you.

Becky Burr: Can I just add - I think that's a really good suggestion and it probably is good to sort of provide an annotated text that explains what the language difference is, why it's there so that it's easier to read. And I will endeavor to do that right away.

Thomas Rickert: Thank you. Thank you. Next is (Jung).

Jan Scholte: Yeah, hi, Jan Scholte, advisor. Two suggestions and three observations; but they're just off the top of my head a little bit. One was on making explicit exclusions. If you make explicit exclusions, then do you invite possibly that those things that haven't been mentioned as either or positive or excluded to become a grey area which becomes debated. In which case, is it better just not to talk about exclusions? People know it and they can reaffirm it. But I'm wondering whether that's the best way to go with the text.

The second suggestion was on the reference to the internet community, whether in some ways link that to the definition of the stakeholders that you

spent a lot of time on. Not sure how you can do it in the document itself, but then you clarify what that internet community is.

Observations; public interest is not an answer, of course. It's just going to become something that everybody argues about, which public and which interest and so on. That's not a reason to take out the language, but it's just to say it's - that it'll be a political football. Interesting; if this is a constitution-like document, I don't know of any constitution document which enshrines market mechanisms. It's just an observation.

And then the last observation is constitutions normally have language about justice, whether its human rights -- I'm just observing, I'm just observing -- I give you an observation, that's all. You're calling it a constitution, if the new governance is one where constitutions don't refer to justice, it's an interesting evolution. But there's no reference - the closest that you come to is to say reflect diversity. So if reflect diversity is as far as justice comes in internet governance, it's an interesting observation.

Becky Burr: Can I just respond to two things? (Aubrey) (unintelligible) discussions yesterday were talking about the public interest. And (Aubrey) made the observation that really sort of the process is what produces agreement about what the public interest is, so that the public interest becomes discernible at the end of the process. I think that's a really - that was the most helpful thing I've ever heard about the public interest here and I think we're really trying to think about how to incorporate that. And I completely agree on market mechanisms, but I'm sure somebody would tell me I was being - radically changing something if I took it out.

Thomas Rickert: So let's move to (Chris), then.

Chris Disspain: Thank you, Thomas. I just - I'll be brief; couple of points. Steve, I disagree with your characterization. I don't think - having said it, I'm fine - I'm actually fine with all the content of this. I don't think these changes are essential to beefing up reconsideration and IRP. I think they're important and nice to have, but I wouldn't put them as essential.

I noted that (Edward Morris) has put into the chat room that he doesn't see any fundamental changes. Am I missing something? That is precisely my point. Fundamental change is in the eye of the beholder. And so I would try and come at this one other way around just to see if this helps.

I think we need to be absolutely certain - we are talking about changes to the bylaws. We need to be absolutely certain that the whole of the community -- not just this working group -- the whole of the community is aware that we are talking about specific changes to the bylaws. Not just in the sense of accountability mechanisms but accountability generally as Steven and Jordan have characterized it. Jordan I think characterized it that way.

And I would ask you to think about this. If we were doing this as an isolated exercise -- not as part of a transition but as an isolated exercise -- how many comment periods would we have? How much individual discussion would take place in each of the SOs and ACs on the possibility of making these changes? How many physical ICANN meetings would we have open sessions for the whole room to be there to talk about this stuff? And my question is -- again -- are we sure that we are doing enough of all of that, because of the fact that we're on a fast track here because of the timetable that we have. I'm not -- I stress again -- I'm not against it. I'm just asking the questions. Thanks.

Becky Burr: So those are really good points. But I have to say I do think this discussion is essential to the transition and we have to have it promptly and efficiently and

we have to provide the tools that help people understand what's going on here. But I don't think that we can address accountability issues without this conversation.

Thomas Rickert: So last intervention before the coffee break is going to be (Erica).

Erica Mann: Thank you so much Thomas. I think (Chris) - it's good that he reminds us all on the - that we have to be super cautious and that we don't confuse the goals we have to achieve for the transition. This may be more principle goals we want to achieve in the longer term. So let me be a little bit more precise what I think that we should do.

Having just said this, I think when you look at the document in the moment a balancing point of - they practically have no real location, Becky, where it would be located in the document. So I wonder if you would - if you would place the balancing aspect after the mission and before the values, you would kind of frame them in a different way. Because I think you are right, let's assume we are going to change the bylaws. Then the way the current language is drafted in the bylaws was purposely drafted in such a way that it was quite open. It even expresses that it wanted to be quite open and it didn't want it to lay down principle in such a way that they were two ragged.

Now, this was done at the time when many of the issues we are facing right now and which are concern to the community were not shaped in the same way. Maybe they were foreseen -- because I must say the language is pretty good, actually, in the bylaws -- so there was foreseen that difficulties will arise based on what one experienced before. But they were - nonetheless they couldn't describe it to the degree what is possible now.

Now, (unintelligible) recommending and the group is recommending to have a clearer understanding what these kind of balancing duties. And the expert - in the case they would come into this and dispute settlement procedures. How they would have to look at the balancing duties they have to fulfill.

Now, I think it will be - would be super important nonetheless to keep a little bit of the old language which is in place because we should not assume that we can predict the future totally. There will be still unseen events coming up. So I would recommend to keep at least the center part of the old language. I'm reading it - I mean, you can change it, but I just mean the philosophy. And because they are statements of principles rather than practice, situation will inevitably arise in which perfect fidelity to all 11 core values simultaneously is not possible. So I think this is a nice way of describing that future events may arise which are not captured in the current -- now the 12 -- values which you would like to see included.

So - and then I would say there will be kind of guiding principles. They will guide future disputes, but they will guide and they will lay down the way the core values shall be evaluated. And in so far I think they will give some clearance and guidance to the values as well. Just me - let - and that's all I wanted to say.

Just one final comment, because there - somebody just mentioned that this language will cover internet governance. Kind of internet governance issues was one of the previous speakers. I don't think so that's the case. This is really about ICANN's core business, so it's not - shall not be misguided to internet governance. To avoid this and to give a little bit more clearer understanding as well about the public interests, I think it will be super important if we each time include global public interest. It's - it just gives a little flavor - different flavor what we have to fulfill in this community. Public interest alone is

already complicated, at least with the global public interest we give some more guidance what we are talking about. Thank you.

Thomas Rickert: (Unintelligible). Just very, very briefly recap. I think what we've heard is a lot of concern and concern about how we best communicate, though we can note as an action item for Becky and her group to really document what the changes are and provide a robust rationale for each of them so that the community can understand what we're doing.

Also -- and we will discuss this further when we talk about the public comment -- we are currently considering doing webinars; having, you know, little video type things explaining what we're doing. So communication is key in addition to a very comprehensive report that we're doing. So I think that's well noted.

And we're now going to leave the general concern discussion behind us and move to concrete suggestions to tweak the document. Let's say we have the coffee break for 10 minutes and we're going to restart in 15 minutes sharp. So it was planned for 15 minutes, so I'm not cutting that short. But just make sure that we don't be excessive with the coffee break. Thank you everybody, we can stop the recording now.

END