

ICANN

**Moderator: Brenda Brewer
March 24, 2015
7:00 am CT**

Coordinator: The recordings are now started. You may begin.

Thomas Rickert: Does everyone have the document? Do you know? Okay.

Man: The meeting session is being recorded.

Thomas Rickert: Do you have the document from Jordan?

Woman: Yes, it's on my screen right now.

Thomas Rickert: So can I ask all of you to get seated so that we can continue?

Man: You can say I'm going to do the consensus on the full document now, any objection?

Thomas Rickert: So can I please ask you to get seated? So this is the second part of the discussion of the community powers, and we have discussed quite a bit how to deal with groups that might potentially opt in or out, and that sort of is an unknown for us.

So we have decided to propose to you that we would base our further work on the assumption that everybody is present. Whether or not the specific group is going to opt out or not, we don't know. So let us start by assuming all SOs and ACs participate with a voting power.

We're going to put this out for public comment, so those that have an issue with that will likely speak up and say they don't want to be in the mix. And should that be the case, we have to revisit that topic, right? So let's forget about opt in, opt out, what have you, double opt in when you come from the e-mail marketing world. So let's forget about that. Let's assume everybody is there and has a voting power.

The next thing we've done why you enjoyed your lunch was sit with particularly Jordan and we've asked him to support us in a slightly different approach. Before we broke for lunch, we tried to confirm what we had taken away from yesterday's decision - yesterday's session.

Now we've put - we've populated the cells on the basis of work party one had come up with, and for the cells that were empty that work party one had not discussed, we have, just as a placeholder more or less, copied what we thought would likely be something that could serve as a good basis for discussion from other columns.

So if you look at the first column, the spill the board column, that is almost what you see in the golden bylaw thing, just to say okay this is - this might be of equal importance. So this is basically just to get our brains to work. It's always difficult to start a discussion on the basis of a blank page, and those who have read all the documents that have been produced by Jordan's group will find exactly the language that this group has been working on before.

So we have not done this in isolation. I guess that's important to know. This is rooted in the findings of work party one, but we want to take this a little bit further through the next hour. And with that, I'd like to ask Jordan, if I may, to show us through the first column on spilling the board.

My suggestion would be that we have it presented to us a whole, and after that we would discuss it item by item. I think we can't afford to have a discussion that is going all over the place, right? So you will have the opportunity to speak to individual items in this table if and when we call that for discussion. Okay? So over to you, Jordan.

Jordan Carter: The only other thing I'd add is that probably what we need to identify is where there isn't consensus about this. So we don't need to draft out all the possible options for stuff instead of what's on the screen. We need to know whether - basically this is for working party one to understand whether more work needs to be done, either to refine something or to propose back to the CCWG the more developed options for something, or to know that there's absolutely no consensus so we need to have a broader discussion about it.

So that's what we're trying to get out of this conversation. We're not trying to redraft what's on the screen today. So is that absolutely clear? If it's - if no one is objecting, that's useful to know. If people are proposing a specific alternative, that's useful to know. Is there's really no consensus at all, that's useful to know. But we're not going to try and get this up to consensus on every content of every cell in this conversation, because otherwise we'll be here until next year if we do it in this format.

Yes, yes, but let me quickly run through the column present it and then we'll get onto questions and discussion. So oh that was immaculate timing. Ah there we go. It's even bigger.

I'm just confused by things. It looks the same but it's different, isn't it? Anyway, we can all see the same thing. The standing for spilling the board is still SOs and ACs. The two options in terms of threshold to initiate, we've put what was in the template to SOs or ACs and we've noted Avri's alternative suggestion of three, at least one of which must be an AC and at least one of which must be an SO.

Who gets to vote? It's still SOs and ACs. So we're not, at this point, proposing extra ICANN community participants. The relative voting powers, we sketched two options. And we're calling it relative voting powers instead of what it was called before, because relative voting powers seems to be easier to decipher.

One of the models we had had five reps per SO and two reps per AC. The alternative that we had in the template is two reps per SO and one rep per AC, giving a total of 29 votes for the first option, and 12 votes for the second option.

Diversity requirements, apparently we're going to get independent advice on that. The template had suggested that you had to have geographic diversity if it was five reps and to consider gender diversity issues as well.

The conflict of interest issue that we had suggested in the template was that directors, staff, SO/AC officers, and independent contractors couldn't be people casting the votes.

In terms of whether it should be a directed vote, that seemed to be roughly a consensus yesterday, so that's still there. We've discussed extensively already the - you wouldn't need a quorum per se because in terms of spilling board, if there was a community council or whatever and there was a discussion, it would still lead to going back to the SOs and ACs for them to note their votes.

And the decision threshold that we had proposed in the template was that there would be 24 in favor if there were 29, so one SO or one AC could not block the spilling of the board. And in the 12 model, there would be 10 votes in favor required. And it was always proposed that those be absolute thresholds, not that they be relative ones.

So it wouldn't be 70% of the votes that were cast or anything like that, it would be absolute numbers known in advance. And then it doesn't matter, to be clear, whether people who don't support it vote no or abstain or don't bother to lodge their votes at all. It just doesn't matter. To remove the board, you have to have positive votes in favor that total up to specified numbers of votes.

The next row, only once on same ground, means, you know, can you try again to roll the board if you didn't succeed the first time for the same reason. The reason that's blank or could say no is because first of all we never contemplated trying to impose objective standards on removing the board.

As was discussed yesterday, it's a political process for the communities to go through, and trying to set up in advance the grounds in which it might be done seemed pretty tricky. And the circumstances might change over time so that what was not sufficient to remove a board that had cause later in different circumstances might be sufficient to remove a board. That's down to people

casting their votes, not measuring up against some - once on the same grounds test.

And the only other matter that I want to draw your attention to from this spill the board template in the powers list was that we had proposed either that people would have to discuss how they were going to cast their votes if they were able to do so without direction or that they would be mandated votes so they'd have to go back and cast for the SOs and ACs. I just noted that for the record.

So that's the spill the board one. This is now a table that's trying to extract mostly out of the templates but also to add a bit of this flavor from the discussion we've already had.

Thomas Rickert: Before we ask for comments, are there any questions from the group understanding what is meant by what so that we are on the same page as to what this means?

So there's a queue forming. Chris is first.

Chris Disspain: Good. Thank you, Jordan. I do have some questions if that's okay. What do we mean by dependent contractors? Do you want me to go through them all or you would rather just have a dialogue, Jordan?

Thomas Rickert: This is okay now for clarifying questions?

Chris Disspain: What do we mean by dependent contractors?

Jordan Carter: As far as we've gotten with that thinking, which was not in massive depth, it was if someone is essentially an employee of the organization but is labeled as a contractor.

Chris Disspain: So, not gTLD registries or have contracts and stuff like that. Okay. Good. Is there any reason why you would exclude SO and AC officers? I assume that means members of the council for the ccNSO, chairs, what does that mean?

Jordan Carter: It was - by officers we meant chairs and vice chairs. And the logic behind that in WP1 discussions was to prevent the people who were holding the organization to account being the same people who are making the decisions that might be - being held accountable for.

Chris Disspain: So I can see how that would be relevant in other ones, but in spill the board where the votes are coming up from the SOs and ACs specifically, then does that - I wonder whether that really matters.

Jordan Carter: Well it doesn't really matter, but we wouldn't want to make it different. So if it matters to the other powers, it should be consistent.

Chris Disspain: Understood, yes. Understood. And I don't understand the thinking behind this relative voting power thing. Perhaps you - I don't get it, so.

Jordan Carter: So the first logic was that each of the supporting organizations should have the same level of power, so that's why ccNSO, GNSO, ASO would have the same power. The logic behind having less influence for the advisory committees is that they are advisory committees.

Chris Disspain: All right. Okay.

Jordan Carter: I'm not promising that it's sophisticated analysis. So in other words, the SOs represent their kind of core functional groups within ICANN. The advisory committees offer advice and input across ICANN's processes. And so it didn't - the logic that the working party suggested was that there should be a differentiation in terms of representation.

Chris Disspain: Okay. Just one more thing and then I'll pass. So this is a comment not a question I suppose. So it strikes me that you do have differences in the columns. You've got a very specific decision threshold for spill the board, and the other columns don't - have changed, some of those have changes.

So I don't think that it's necessarily a principle as such to try and keep it all the same if possible. I'm not suggesting it shouldn't be, I'm just saying I don't think it's necessarily a principle. And I think there is a difference where the votes are coming up from the SOs and ACs rather than - in other words mandated rather than off your own bat.

Jordan Carter: A difference in what?

Chris Disspain: Well a difference in the sense that you don't necessarily have to necessarily - you don't necessarily have to exclude certain people in the board spill one that you might want to exclude in another. I'm only making the point, I'm not - I've got a (unintelligible) right here.

Jordan Carter: It has zero relevance if the SOs are casting the vote.

Chris Disspain: I agree. And I remain more than unconvinced that it would be sensible or justified to split the power between the SOs and the ACs.

Thomas Rickert: Are there any more clarifying questions as to what the content of the cells mean? Because then I think we should go through the comment and discussion phase. So Alan, do you have a clarifying question? Anybody else? Can I just get a show of hands?

Alan Greenberg: I really wouldn't have put up my hand in answer to the question unless I did. Can you explain the word roll call?

Jordan Carter: That's meant to sum up the discussion that we had yesterday that whatever means we're doing these things by for the spill board, the consensus that seemed to emerge was that each SO and AC would be deciding what its vote and then communicating that somehow. So essentially there are five votes for the GNSO, how is it casting them? There would be like - it would be public and transparent process.

If we end up with a grouping of some sort that's exercising some of these other powers, then you need to actually define a quorum. You know, you need to have a minimum level of participation before a valid decision can be made, but that doesn't apply with an absolute threshold of votes to roll the board and where those votes have been cast by the SOs and ACs themselves. So maybe roll call is the wrong word, but that is what it's meant to mean.

Alan Greenberg: Where an organization has multiple votes do they all have to be cast the same?

Jordan Carter: I certainly don't think that they should have to be cast the same. I certainly think that we should provide the flexibility for whatever top level grouping we decide. So here it's SOs and ACs to allocate their votes internally the way that they choose to.

Alan Greenberg: That would imply you also allow fractional votes. It would be hard for instance for the ALAC to have two parts of it. We naturally are one or five.

Jordan Carter: A fraction of votes is something I hadn't thought (unintelligible).

Alan Greenberg: And lastly, I'll ask the same question. It doesn't apply in this column so you can defer, but I really didn't understand the no AC/SO officers in the other columns where they're not necessarily directed votes. If an AC or an SO wants to send their chair or vice chair or whatever as their representative, I'm not quite sure I understand why that shouldn't be allowed. You can defer that to the next column.

Jordan Carter: Do you want me to explain the logic for that now or...? Yes let's do it next column.

Thomas Rickert: (Unintelligible) for comments? First is James, please.

James Bladel: Hi. I'm going throw out an idea and I trust the room will tell me if it's my flea addled brain not being able to comprehend what's going on. I think the work we're doing here depends on two things. One depends on the statistics of how we're going to calculate the relative voting powers, the decision threshold, and the other thing is it's going to depend on the legal advice that we receive.

Is there value in us doing this work without having those things done in the first place to lay the foundations for what we're doing here?

Jordan Carter: The first thing is done here. So this does have the thresholds and so on. The second point, I'm open to views. The co-chairs have obviously decided it is worth doing despite the legal advice not being here, because we're doing it. I don't have a view. Thomas, do you?

Thomas Rickert: At the outset of this meeting, we have proposed as a working matter that we would on the basis of what we know. So we do know that we have a community that wants to exercise certain powers, that we might likely put that into the hands of a community council or a cross-community working group so that those were the mechanisms that got most traction. And we proposed that we would work on the assumption of that working. And if legal advice suggests an alternative or better vehicle to carry that, then we would go back to that.

((Crosstalk))

Thomas Rickert: ...typical hen and egg thing. You can't do the mechanisms without knowing the powers and vice versa. So I think we as a group need to be brave to just think through on the basis of a proposal on the table or on the screen whether what you see there makes sense.

This is not an ultimate decision. We're going to discuss further. We're going to have public comment. And I think I should say this, whether, you know, there are areas we have alternatives such as the column on threshold for spilling board, there is no problem whatsoever with keeping that open and ask during the public comment period and ask for advice from the wider community, right? So - but I think we need to start somewhere.

Next in the queue is Alan. Do I have a déjà vu? No, this is your comment slot, right?

Alan Greenberg: Indeed, it's my comment. Relative voting power, that's a thumbs down for someone - for anyone who can't see me. As with Chris, I believe there is no

rationale for splitting them. There's no rationale for saying the ALAC and the GAC together are less than the GNSO, as an example.

Thomas Rickert: We'll collect some comments and then see what we make out of that. Sebastien is next.

Sebastien Bachollet: Thank you. First of all I'll remind you that I put on the table another proposal for the representation of the community yesterday afternoon. Second, it's that in doing this organization we are reinforcing the silo organization. If we direct the vote by SO and ACs, how the region can express themselves, how the diversity express themselves, it's a difficulty.

And if we discuss about relative voting powers and I will get my sentence from yesterday again, yes if ALAC get half of the vote, I agree with relative power voting. Thank you.

Thomas Rickert: Thank you, Sebastien. Tijani.

Tijani Ben Jemaa: Thank you. Two points. The first is threshold. I would like to support Avri's proposal. The second point is the relative voting power. It - we are supposing to empower the community, I think that the SO and ACs are representing the community. So if we want to wait, if we want to give a weighting power, we have to do it according to the number of people in this community that is represented by the AC or the SO. So I strongly disagree with this kind of balance, and I prefer that we discuss it better.

Thomas Rickert: Thank you, Tijani. Next is James.

James Bladel: So I think the conversation's moved on a little bit but I just wanted to confirm that nothing that we are proposing here would preclude the creation of new

SOs and ACs or the consolidation of existing ones, but all of the flexibility to restructure that ecosystem still exists.

Thomas Rickert: Thanks, James. And just a direct response, I think the language we would be using in implementing that would be finding a generic definition for the groups that are present and have powers to vote. And then, you know, any addition would already - would automatically be included.

Chris? Sorry, yes Chris?

Chris Disspain: I want to come back this idea of -- it's not actually on there -- but I want to come back to this idea of each SO or AC being able to split their votes up. So say for example the ccNSO has five representatives on this particular issue that technically it could vote, you know, three could vote one way, two could vote another.

I have serious concerns about this in this even with respect to spilling the board. This is the most serious thing that we could ever do. It's at least on a par with policymaking, policy recommendations. And in our policy recommendations, we are very clear that unless the ccCNSO or the ASO or the GNSO comes forward with consensus policy, it's not a policy recommendation and it doesn't get dealt with.

It seems to me that introducing the concept of this incredibly high level of extreme importance, we would have a lower threshold than we do for policy, makes no sense to me. Either the SOs and the ACs can reach consensus that we should spill the board or they can't. To allow them to split would be the equivalent of saying, "Well here's a policy recommendation from half the ccNSO and here's another policy recommendation from the other half of the ccNSO."

Now what that consensus means is a matter to them. I think the ccNSO from memory we would probably put this at somewhere like 66-2/3% of our votes to vote one way or the other. I think that's the threshold. I can't actually remember. I don't know what the relevant thresholds are in the GNSO or the ALAC. But I just - I don't understand why we would create a lower sort of voting threshold, if you will, for this than we would for policy. Thanks.

Thomas Rickert: Thanks, Chris. I'm not sure we do. When it comes to consensus calls in GNSO working groups, you would ask for consensus and that would closely resemble a supermajority. So I think we're going above that with this proposal.

Chris Disspain: I'm sorry. Then I may have misunderstood. I thought what you were saying was that technically, if you took the GNSO as an example because it's probably the easiest one to take, you've got X number of bits of the GNSO constituencies, all of whom would effectively get to exercise a proportion of that vote.

So the ISPs would have a weighted voting in those five votes, be it one vote or half a vote or whatever, and the registry constituency would have a weighted voting in that vote. That strikes me as being odd in something as important as this. If the GNSO itself cannot reach consensus that it is the right thing to spill the board, then the GNSO should vote no.

Thomas Rickert: Thanks, Chris. Roelof?

Roelof Meijer: Somehow I raised my hand during the questions bit but it disappeared. So I have two questions, and I've got comments. Do you want me to phrase my questions as comments or...? I'm mostly kidding.

Thomas Rickert: Let's convene a subgroup to develop a methodology to...

Roelof Meijer: While you're doing that, let me go.

Thomas Rickert: I find it difficult enough for you to move around the room.

Roelof Meijer: Yes that was to confuse you a bit, yes. I didn't quite - I think Chris is much faster than I am, because I had the same question about AC and SO officers, but I didn't understand the response. So I would like to repeat that question, and if everybody else understands it, we can do it offline. But I don't understand why we exclude those officers for this column, to spill the board.

Jordan Carter: We said we would come back to it or I can repeat...

((Crosstalk))

Jordan Carter: So the logic was that in this set of powers that we're given, often the SO and AC chairs are close to the decision-making. So the people who are running the accountability framework should not be the same people who are making the decisions. Now that doesn't matter for this spill the board thing if we go down the path that we've already set out, which is that the SOs and ACs themselves will be casting the vote.

Roelof Meijer: Okay. So I'll have to come back to that for the other columns because I don't agree with it.

The second question I have and that's just a check, in this particular column, spill the board, does the mechanism that we design here, does it replace public comments period? Is that the right assumption? So it's probably not the right assumption then.

We could do two things. We could have a public - if the threshold is met and the required number of SOs and/or ACs want to move to spill the board, we could follow just the procedure here, so internally to every SO and AC there's a process that gives mandate to their people in whatever it is, community, council to vote on this. In addition, we could do a public comments period on this proposal in a certain phase. My assumption is that this is not the case. We are not envisaging doing it. I don't know if it's a conscious decision.

Jordan Carter: Are you asking about a public comment period to ask people if they want to remove the board?

Roelof Meijer: If they agree. It's quite common, public comments periods in the ICANN arena.

Jordan Carter: Yes we definitely had not thought about a public comment period in this process. I can confirm that wasn't considered.

Roelof Meijer: Okay. Well I mean it can be a conscious decision but I think it should be a conscious decision not to do it, because one - somewhere down the road people are going to ask us what happened to public comments period on crucial decisions within the ICANN community. Okay but I'll erase that one now.

I'm against the distinction that you make in relative voting power in all the columns. I think SOs and ACs if they want to vote should have the same weight of votes. And in the reaction to Chris's remarks on the voting threshold, I don't have the solution but I'm just a bit worried that yes it's a decision with a very high impact to remove the board, so it should be difficult

to do it, but it should not be so difficult that the board can safely assume that we will never succeed because then it will have no power.

And I think, well it's my assumption that if we - if the condition will be unanimous, that this will be so difficult to obtain that the board can safely assume that we will never make it.

Thomas Rickert: Thanks, Roelof. Fiona?

Fiona Asonga: Thank you. For the record, Fiona Asonga. I just want to comment on - respond to Sebastien and Chris's comments. First of all I think that already within the ICANN structures, we do have the ACs and SOs that have their own internal procedures and mechanisms of agreeing on such indecisions. I don't think it is our place to dictate to them how they're going to go about it.

If it is the ASO, the ccNSO, the GNSO, they have very clear structures when they're developing their policies on how that gets done. However, on the issue of - I think the onus is going to be a challenge of representation if we were to look at issues of regional balance and participation.

Again, I think the onus is on the members of those constituencies to see how they participated within the activities of regional balance and participation, so that then, which decision is arrived at, it seems to have a regional balance that Sebastien has been raising over and over and over again. Because I think that is important for ICANN's own credibility and to be seen as being truly representative of the global community.

On the - in terms of voting, I think the voting if we are to make decisions should be through the AC and SOs each having equal voting powers. So if every SO or every AC will have one vote, then let it be one vote. And I think

that if we want to keep things simple, it makes it so much easier because yes the SO have to agree on their one vote.

Whatever the one vote is going to be, whatever mechanism the SO will use internally to ensure that they've gotten all the views across the different regions, across whichever structure the SO has in place, let them do it, let them present their one vote on that decision. Because I think it becomes very complicated when you're trained to give more than one vote to an AC or an SO and the votes are not in tandem. That's just creating unnecessary confusion.

It should be very clear that we want - we are voting in a particular direction (unintelligible) make a decision or not. And what that means is that every SO, every AC and subsequent SOs and ACs that ever come into ICANN will only have one vote. And how they do it, how they agree, is really their internal business, the internal procedures.

At the end of the day, let everybody from that constituency know that yes we did discuss, our constituency agreed in this direction or this other direction, as simple as that. Otherwise we'll end up having a lot of factions that do not help us as a community.

Thomas Rickert: Thanks, Fiona. I think we heard many, many comments about the relative voting power. So, you know, before we hear many more of those, can I suggest that, just to test the waters, we put in five per group? I think the idea of one, Fiona, is well understood, but I think that (Steve) would immediately jump up and say that in the GNSO with four stakeholder groups that might have different opinions, one would not suffice.

So just to...

Jordan Carter: Can I interrupt you? Sorry. First of all, in this mechanism all that matters is relative strength, not numbers, because the decision-making is in the SOs and ACs. So all that really matters is whether you're weighting votes differently or not. It doesn't matter how many there are.

The second point is that I've made a mistake. I've gone back and read the template that we prepared, and the template that we prepared said there would be five votes each for the ccNSO, the GNSO, the ASO, ALAC and the GAC. It was only the SSAC, the civilian security, and the RSAC that were allocated two votes each.

So that's - I was trying to work out how it would add up to 29, and so of course it wasn't just SOs. And the reason there I think SSAC is appointed by the board, and how is the root server committee done? Is appointed by the board as well?

Man: They just are.

Jordan Carter: They just are. The root servers, so yes. So the actual logic was misrepresented by me just before. It was that there is a quality between all the main communities within the ICANN environment. These two advisory committees if they had a voice, through the RSAC and the SSAC, would get less - fewer votes. So I apologize for misrepresenting that and creating confusion as a result.

Man: Can I just ask - may I ask Jordan, Jordan, what would that mean, just to be clear, if you take your 29 as the example? That would mean that if the SO - if the RSAC and SSAC did have two votes but chose not to participate, that

would be four votes out of 29 gone so that would be 25. So you're going to have to get 24 out of 25.

Jordan Carter: Yes.

Man: All right. Thanks.

Thomas Rickert: So, Jordan, are you suggesting we base our discussion on what you had in the template originally? I saw a lot of nodding when you presented that.

Jordan Carter: The principle was that everyone feels the main bits of ICANN should have the same voice, right? So the question is whether I would be uncomfortable if the SSAC has as many votes as the GNSO or the ccNSO. I would be uncomfortable if the GAC has fewer votes than the GNSO. I was trying to - that was like why did we say that. But we didn't say that.

So the question is whether at the SSAC and the RSAC should have any votes at all in this kind of process, and if they should, whether it should be less than the main chunks.

Thomas Rickert: Okay I think that brings it up to six options discussing in parallel.

Man: It's a correction.

Thomas Rickert: It's a correction.

Jordan Carter: Yes I can't change what's on the screen but (Alice) might be able to.

Thomas Rickert: So let's assume this is rectified in the table. You know, so don't repeat your comments on you don't like the relative voting power unless you challenge the rectified version that Jordan presented.

Jordan Carter: So it's five for all the SOs and it's five for the GAC and the ALAC, and it's two for the other ACs. So that adds up to 29.

The 29 bit is right. Yes the numbers are right, it's just the labels are wrong. GAC and ALAC and the SOs would each have five votes. Yes. Can you fix that?

Thomas Rickert: Jordan, do you had your hand raised?

Jordan Carter: I did. I thought opinions on other things.

Thomas Rickert: So it's your turn again.

Jordan Carter: So I profoundly disagree with Chris's notion that removing the board is an important as consensus policy. I definitely think it isn't anywhere near as significant as that. Consensus policy decided by the GAC, by the ccNSO and the GNSO affects millions of registrants around the world and it has long-term impacts on the way the DNS operates.

The ICANN board, I'm really sorry to say, does not. The ICANN board's main responsibility is the effective governance of ICANN the organization, a subset of the ICANN community doing this work. So I do not think under any circumstances it's reasonable to say that removing the ICANN board is more important and greater power than the ability to determine the policies that ICANN is the forum for. I think that's deeply - well misleading is entirely the wrong thing. I just disagree with it. I think it's the wrong argument to make.

The second point I wanted to make -- well we'll sort out the relative way -- (unintelligible) argued that the GAC should have the same and so should ALAC, the other thing I wanted to disagree with is that this notion that you decide by the number of people who are represented is impossible to understand.

Because arguably on that basis you could say that ALAC if it represents all of the Internet users in the world should have many more votes than the ccNSO, which has X number of registrants across its demands.

I'm sure that some would like that but it's a not a viable principle. So I think probably and it definitely shouldn't be on numbers of people that (unintelligible) in ICANN.

So if we can say that it has to be arbitrary and that the arbitrariness is about equality of that presentation if we can live with that as a community consensus then I think trying - it's better than trying to find various logics for various different treatment. That's all I had to ask.

Alan Greenberg: Jordan didn't want any logic for that but I actually have some logic. The five communities you gave five votes to have large bodies. Now I'm not counting how many there are but they have significant community behind them that they are acting on behalf of, the RSAC and the SSAC are essentially individuals representing their own organizations if at all and they are really a different category.

So there is a rationale for picking those numbers in case you wanted one. You know, the five that you're giving five to do have large communities that

they're fronting for at vastly different sizes but we're not going to get into that.

The other comment I have is in regard to (Chris') comment about splitting votes and whether that should be allowed or not and to be honest I don't have a really strong feeling about it I haven't thought about it enough to have a strong feeling and I probably need to think about it more.

But in comparing it to how the GNSO or the ccNSO passes policy to the board it is substantively different because in each of those cases it's just that body that is passing it and that body has to say yes or no. That makes complete sense.

In this case we have a whole bunch of bodies cumulatively making a decision and there is - I don't see the reason why everybody has to decide one side or the other if indeed their communities are somewhat split.

Thomas Rickert: Thanks Alan, Edward and I'd like to close the queue after Chris.

Edward Morris: Thanks Thomas. I don't recall us agreeing on directed vote and at least I want to put in the record that I'm opposed to the idea. I think we should let each AC and SO determine for themselves how they want to act in that regard rather than imposing a certain voting method upon them.

Thomas Rickert: Thanks Edward, we're going to test that one again but I think that there was a strong sense in the room yesterday that there should be directed vote when it comes to spilling the board.

The - yes next speaker is Mathieu.

Mathieu Weill: Thank you Thomas. I'd like to speak about the - two things, the splitting the vote discussion whether or not we should allow the supporting organizational advisory committee to enable their representative to split their votes like 3 and 2 or 1 and 4 et cetera and that also applies to whether we could.

And what happens if we are only giving one vote per SO, AC? And I want to stress something that is sometimes counterintuitive that if we block the hold votes for each SO, AC we're actually creating the ability for a minority - we're actually facilitating to spilling up the board.

Let me give you this, consider that each SO, AC works on the basis of consensus on two certs that's just an assumption. And you have in each SO, AC 20% one out of five who are against spilling the board.

Each, in each SO, AC the decision is going to be we are directing you to go to all vote in favor of spilling the board. So we have a 20% minority, which is quite significant against any (unintelligible) you are spilling the board.

Whereas if we're splitting the vote that's going to be one out of five in each group and it wouldn't spill. So it's actually facilitating to spilling of the board and therefore I think there's a strong argument to not block all votes from an SO and AC to be all in the same position because a minority of the community can actually - and the philosophy is that there can be common ground being found beyond the SO and AC.

Yes, some people in the GAC might agree with people in the ccNSO or even in the GNSO God forbid or even - so I think that's a very important point that we need to take into account is we need - we are currently building checks and balances between SO's and AC's but there can be other ways, other checks and balances that we want to embed in this.

So that there can be transversal kind of communication between the groups and not only the silos of SO's and AC's. So that was the point I wanted to raise.

Thomas Rickert: Thanks Mathieu, to Tijani.

Tijani Ben Jemaa: Thank you, Jordan when I spoke about the number of communities represented by the SO and AC's I didn't mean that we would give our - to each SO and AC according to this number.

But it is only to explain that when you give only two for an AC who is representing a huge number of community it's not fair, this is the point.

Second point, fragmenting the voting of SO and AC's. If (unintelligible) GNSO is composed of several parties, each party has so it must be directed by those parties.

We said that before spilling the board it is the entity who decides, it's not a person, it's not a representative. That's why if you want it to be like this (NPOC) would have one voice.

But not - but we cannot say that 50% of (NPOC) is for and the other 50% is not with it, thank you.

Thomas Rickert: Thanks to Tijani. Next is Chris.

Chris Disspain: So thank you, a couple of things. So I'm persuaded to some extent by (Mathieu's) explanation of the concept of having the vote split. The challenge with that is how do you split it?

If you've got, if you're going to talk about - Alan was talking about ALAC going through its regions. So you wouldn't have 20% of the people objecting you'd have a region objecting.

So if you're not going to do that then you're going to have to do it another way, which would simply be to take a flat ALAC at its, at large at its - there's a flat piece and then just count up the percentages and say there are five votes so it's 20% and that's fine.

You could do the same in the ccNSO, you might be challenged, you might be challenged to do it in the GNSO which would probably lend itself more to using its constituencies et cetera but that's not why I put my hand up.

I put my hand up because there's a very interesting chat going on in the chat room, which is concerning me greatly. Not because of the chat the chat is fine but because of how we're going to resolve it.

So this talk of, you know, I mean Greg Shatan and various other people have posted that the ccNSO is equivalent to the registry constituency and therefore should have the same number of votes as the registry constituency of the GNSO and so on.

Now I can argue against that until the cows come home and as long as I, for as long as I live. However my question is a logistical question, which is who is going to decide this?

Is this working, is it this working groups job to structure this to that level or is it this working groups job to paint not (unintelligible) but a high level picture and then have this (hived) off to somebody else because it concerns me enormously that we're putting all this - I would agree to the structure but I

would only agree to the structure of the basis that the ccNSO and the GNSO have parity for example.

So I'm not going to be prepared to sign off on this structure unless I know that that's already been decided. So I'm asking the question for clarity about the process, thank you.

Thomas Rickert: So I think we need to speak to this issue. I'm not sure we need to fully sort it out. We can't - we definitely can't resolve it today but this is the elephant in the room.

You know, who gets ultimate power, how is it, you know, ccNSO versus GNSO. I'm surprised it's coming up at such a late stage in our discussion. I would have expected it much, much earlier right?

But the thing is we have - we're working on the recommendations part now. We have to take into account the implementation part of the recommendations as well.

And if we leave such important questions entirely open. The implementation is likely going to take ages and there will be no transition before implementation of such matters is completed.

So I think we need to get this at least that would be my preference from a project management perspective. We need to put this in front of the record. We cannot leave a lot of details to the implantation phase.

Man: (Unintelligible).

Thomas Rickert: But I guess leaving this entirely open would be dangerous to the process. Not before we put our recommendations out but I think the U.S. Government will

be smart enough to spot that as an issue that will cause an awful lot of problems when it comes to the implementation.

Mathieu Weill: What we need to be considering within this group is what are the proposals, not that we think fit but that could lead us to consensus in a reasonable timeframe for the transition.

So it's not about personal preference or whatever it's what - that's the goal of our group, come up with something that will get to consensus after that. That's otherwise we're just wasting everyone's time.

Thomas Rickert: So I had closed the queue after Chris. I have asked Jordan to lower his hand because I've done so and afterwards Thomas and Mark have both raised their hands.

Everybody is important so Jordan first and then Thomas and Mark and then I would like to ask you to keep it brief if you can.

Chris Disspain: This relevant now but it's a broader point, which is that we are trying to build accountability for the whole ICANN corporation. And one of the biggest challenges we face as a community is I'm just not necessarily understanding.

But dealing with the fact that when we select board members they have to take a fiduciary interest in the whole organization. That's why I strongly oppose directed votes and strongly wish to see some kind of body existing to exercise most of our community powers.

Now I understand the logic about removing the board. I'm not trying to say we shouldn't go down the consensus we've got but what we do not - we

would be failing to make more accountable ICANN if we just say it's all reduced to decisions that are made within the silos that comprise ICANN.

So we only - this is the big challenge for these accountability mechanisms. We're trying to remain connected to our constituencies that we come from but we have to not lock these forms into those constituencies.

If we do we're not going to improve our accountability. We might make it even worse because we'll be weakening the one body that does have to take that all of organization perspective.

So I just think that's an important context and that's why it's one of the many reasons why these are hard conversations because we're doing something that doesn't necessarily come naturally, you know, like why the CCWG work is quite tricky. So I just wanted to put that on the table.

Thomas Rickert: Thanks and obviously my attempt to close the queue is not too successful, Thomas.

Thomas Rickert: Thank you I'll try to be brief so I won't take more than 25 minutes. First of all I think governments are important but I'm not speaking on behalf of government because this hasn't been discussed neither by mine or by any other government I think so it's a personal remark.
I think not going down the silos again and forcing us to work in the silos is something that is fundamental if this is supposed to reflect the whole community because the community itself are human beings that are not per se organizing silos.

So you may actually get bias results if you do it wrongly in terms of representation. So personally quite like this idea of having separate votes that's not for the GAC that's my personal opinion.

So I think that is a good approach it reduces the risk that you get wrong results, thank you very much.

Thomas Rickert: Okay.

Mark Carvell: Yes thank you, Mark Carvell, United Kingdom government. Just to add this is a very important exercise we're doing here and it provides precision for us on the government advisory committee in order to focus on what we have to decide.

So we will be doing that in the committee at the earliest opportunity. The only other point I just wanted to make was I'm not sure if this list of five columns is the final list.

I'll just raise the point that having read the stress test analyses there could be other community empowerment decisions for example to require the board to implement review recommendations and so on.

So I just wanted to seek clarification perhaps that this is not the final list in this overview of community powers. There may be other elements to add and that may come out in the GAC discussions as well, thank you.

Thomas Rickert: It definitely is not the complete list, definitely not. The complete list that we've been working on is the list of powers in working party one's materials. So there are 10 or 15 or so. We just needed to break down and focus the discussion on some key ones today.

Tijani Ben Jemaa: So is it more - includes more representatives to give the representative of each (unintelligible) the ability to vote without being directed by its entity? If we want to get out of the silos there is other means to do so.

We may for example try to include people of the Internet ecosystem that we know, that we know because we don't know everyone. So we can think about the IGF community, we can think about anything.

This is how you involve the other people who are not in our SO and AC's. But if we still we are still talking about people in ICANN in our SO and AC's I think it is more representative to make the entity vote, to make the voice of the entity heard not the voice of the representative of this entity.

This is not representative, this is not inclusive and it is not going out of the silo, thank you.

Thomas Rickert: Thank you Tijani. Chris final word.

Chris Disspain: No idea why my hands up thanks.

Man: Good point.

Thomas Rickert: Thanks, so with that I think we have to end this discussion, which I think has been very useful to base the next steps in work party one on. What I've found interesting is that there doesn't seem to be opposition or loud opposition to many of the other field's right?

So we have issues with the directed votes versus non-directed votes. We have issues with the split votes versus unanimous votes from the respective groups.

So that's to be sorted out but apart from that the overall notion or the proposal seems to get traction.

So we will work on that basis, please do review the table, review the other columns, make yourself heard. To be quite honest from some of the comments that we heard it became apparent that some in the room had not studied the original work done by work party one.

So I really encourage you to do that it's worthwhile reading and very informative. And I think that we can leave some of the options open for public comment but what I think is a major step forward is that we have decided who the community is more or less.

You know, we haven't located specific votes to them but we know who the groups are and we've been uncertain about that for months. We just spoke about the community without really knowing what it would be.

So I think this is a great step forward. Jordan.

Jordan Carter: So from my perspective as working party one rapporteur what this whole conversation over the last day and one-half has identified is that we need to find a new and simpler way to highlight the key points of these models and we need to take into account all of the feedback that's happened in these discussions to tweak and reengineer and so on.

And we'll need to get to the point wherefore both the way we exercise these powers, the mechanisms and what the powers are. Those are clear and integrated representation of that that's easy to get to grips with.

And then I know we'll have to iterate that through more than one call of the CCWG because at the moment we've still got so much different information and different buckets it's hard to see the whole picture.

And so I guess the undertaking I'm giving you and I need to know if there's pushback is that we will try and do that integrating task as part of the work ahead, along these lines yes.

Thomas Rickert: And I guess that one action item Jordan for your group would actually be to specify those scenarios before we next speak right, before next week's call. So I think that's decisive I think we need to get some more flesh to the bones before we go to public comment.

But I think we're having a view on where this might be going, you know, and it appears like we can do with this one set of criteria and just do changes for the individual mechanisms and we, you know, we hope that you and your team can provide us with a concrete proposal before we speak next time.

So Chris has raised his hand.

Chris Disspain: Just for clarity sorry just because I'm not quite clear. Jordan or sorry, is it intended that you'll cite the work that you'll be doing in your working group will include suggested structures for voting things before it goes out to public comment.

So in other words are we going to be publicly commenting on a document that says for example 55555 or I'm not saying it has any one example but will it have examples in it or are we going to be not putting that out for public comment at this stage?

Jordan Carter: My view is that we need to be that specific. So my view is that we can go beyond broad brushstrokes in this public consultation but I think that cuts across an agenda for later on.

Thomas Rickert: But I guess that also we need to see what we get. If there is consensus on a concrete figure we can provide it. If we can't reach consensus on that we might as well say that each group has equal voting powers without specifying what the number of votes would be. So I think we have to do this in an iterative fashion.

Steve DelBianco: Thanks, Steve DelBianco. To (Jordan's) point about the before next Tuesday the presentation I would fully support that and I believe that the comparative nature of the columns is essential.

Second thing is rather than stick to the order of the template you can keep all the rows in the template but the rows that you bubble to the top on what we present and have to be the ones that are most relevant to the current decisions in front of us.

So if in fact there are template rows in addition to the ten you have there that's fine put them on page 2 but I think the key is to get the main items on top and comparatively across.

So it's constantly reminding us in a single glance and a single slide of the array of powers we have and how they differ from each other because having to go to a separate document and page to understand each and every community power is part of why it was an indigestible package that we put out.

Thomas Rickert: This agenda item - thanks everybody for a constructive discussion and I'd like to hand over to Mathieu and he will enlighten you on what the helicopter view is in case you don't know.

Mathieu Weill: It's been already quite an intensive face-to-face meeting and what we have planned for this part of the meeting, which the agenda item is named something and I'm to recap in progress made and is yes what I would qualify as a helicopter view, which means getting one step a few hundred meters of both what we've been discussing in terms of details and checking whether we are confident that the overall picture fits the terms of our terms of reference.

And so I think the discussion that I would like to - us to have now and it's a change of perspective and I know it's not easy, is whether in the room there is confidence or significant doubt that what we've been discussing over the last almost two days now is consistent, robust enough, simple enough because remember we have an expectation for simplicity.

And whether there's something missing or if there is serious doubt that one aspect of the issue might have been left out. One of the tools we have for that but it's not the only one is the stress tests.

Stress tests have highlighted a number of our areas where we needed to act and were clearly pointed as we need community powers here, we need the independent panel here and so on and so forth.

So what I want to do here is ensure we have common understanding that the list of things we've been discussing, the - which I can recall here the revised mission, commitment and values, the golden or entrenched bylaws, the independent review panel enhancement, the community powers to challenge

the budget and strategy, change the bylaw change, approve a golden bylaw change and dismiss the board.

Plus the (AO) affirmation of commitment type of reviews being incorporated into the bylaws. Does that system architecture fit the overall expectation from the group and do we expect to be challenged on this in terms of architecture like this is missing something, something is not appropriately taken into account, there's a significant risk of this et cetera.

That is what I think we should have, the discussion we should have now taking note of some of the discussions that have been raised already on diversity analysis, which obviously are some of the aspects that can be relevant here.

And that's why I was pointing (Jan's) comment earlier towards this section of the document. And I would really encourage our advisors if they can and not to put you on the spot but if they have some feedback and right now based on the discussions they've heard that something is missing or that there is an orientation we should take or even positive feedback, it's positive.

If it's positive please now is the time to share this because that's the kind of thing we need to look at while we are all here and before we dive into too much details in finalizing any proposal.

I hope that's clear, I hope you're not too tired and I think Valerie for volunteering and putting her hand forward.

Valerie D'Costa: Thank you very much Mathieu and in the post lunch slump I thought I would maybe make a couple of comments. I like very much this idea of switching

out to thinking a little bit more strategically now because the past day and one-half for me have been very interesting, very deep, extremely detailed.

And so it's really great I think for us to pull back as a group and sort of think about what some bigger picture issues are. So I'm here of course as this, in this role of being a strategic advisor but I also wanted to make another point, which is that for me this is a little bit like reentry into the ICANN orbit after eight years of being away.

And so I populated this world for about I think eight to nine years before I left Singapore, which is my country to go and work at the World Bank. And so quite a few of the things I'm about to say have to do with this notion of having been away and coming back and having some sense of what I see, which I hope is welcomed by the group.

And really I think most of the comments I want to make have to do with the notions I think are worth bearing in mind and the inter-linkage between diversity plurality participation and accountability.

I want to really first of all reinforce how much I see these principles underlie everything that ICANN has done and continues to do. It's really a strongly held value.

And on occasion if perhaps we put it aside or we put it down for a second because other details come to the floor I still think it seems to be a very enduring concept that hasn't changed since I was here last.

I also want to say how welcoming, how welcome it is to see that there is an inbuilt robustness in the bottom of values of ICANN. And so as stakeholders

come into this picture and come into this community I think it's incredibly great that there is a really hospitable welcome for them.

And I would like to say that many of the forums don't afford this, many, many of the forums that have international representation are very top down. And so this capacity to be porous at the bottom and build upwards hasn't gone away in the years I've been absent and I welcome it.

As some of you know I think I mentioned during the cocktail reception. I work now at the World Bank, which has its own top down concerns and challenges.

This coming year the World Bank will issue a report called the World Development Report. And for those of you who don't know it's a seminal report that comes out every year.

It's on a variety of topics it's been on jobs, it's been on fragility, this year it's on the Internet. And one of the things that I think is going to be really interesting as a role perhaps I could play going forward is to bring the findings of this report back to this group and then to the wider community at ICANN because it's starting to point out the changing face of the Internet when it's expressed through those who use it.

It's going to point out where the Internet is growing the fastest in the world and it's going to point to some very, very interesting future oriented directions that perhaps we would all be best placed to think about even as we deal with these very pressing immediate issues in the run up to the transition.

If we think about the way that the face of the Internet is changing colleagues and then we think about the nexus of that reality with who our stakeholders

and who our community is today we have to then think about who they'll be tomorrow.

And this is where I think definitely post work stream one, this isn't a work stream one reflection. I think it's very important that we as a group link diversity to this perspective of accountability of ICANN to its stakeholders and accountability of the existing community, which is all of us here to those who are going to be joining it in the not too distant future.

So I see that in the notion of diversity Mathieu is a very important future proofing that we as a group again maybe it's work stream two, have to sort of think about and come to grips with in a more practical way.

I think that, you know, I'd like to make another observation, which is I really see such an incredibly diligent and hardworking group of people here. They've been working for the best in this transition process and I commend them all.

I commend the chairs as well for a very skillful handling of this meeting. I've been in your seat many times before, you're doing a fabulous job all three of you.

And as I think we're barreling through this process to get to where we need to be with all of these incredible deadlines let's sort of caution ourselves to resist an unintended hubris to think that what is best is what is in the room only.

I think that's unintended to say things like that but I do feel that with the changing nature of the Internet we mustn't equate what we know with what's all there is to know.

If I've heard incorrectly that we can't find good representation from within our existing communities and stakeholder groups other than those of us who are in the room I think that should give us pause for thought and for us to ask ourselves why that's the case and perhaps take a good look in the mirror.

I want to make a couple of concrete suggestions because it's fine to pontificate on this issue but here is some thoughts I just wanted to share with you.

I think it would be a very helpful thing once the World Development Report sets out in a very concrete way what the nature of the changing face of the Internet is and how it is going to affect people whose lives are starting to depend more and more on it.

I can certainly be a bridge to bring some of those findings to this group and through you to share it with the wider ICANN community and I can do that through the ICANN management as well.

I'd like to suggest that if there is a group within ICANN today that focuses on outreach that they start to get busy because I really am of the view that with the nature of the issues that the transition is facing I myself having known these issues am struggling to make this simple in my own head.

And so then being able to explain why this dialogue is important to other countries and to other people, would be stakeholders, current stakeholders who don't know they're stakeholders is not an easy thing to do and we need skilled people to be able to translate that message.

I was mentioning at the coffee break to Mathieu and to some others that I tried to do it in my mind to think how would I explain this to some of the clients I serve. It's not that easy.

So I think simplicity is a little bit out of reach from in my mind and I think I would be happy to join that discussion but I think this needs to be brought down to the level of where people see and understand the reality of commercial, national individual interests.

I also think that we've got a little bit of our work cut out for us if we don't address the simplicity of our outreach and our communications and messaging for when it comes time for us to sensitize a wider community.

It's going to be very difficult to explain these issues and to share them in a meaningful way. Yesterday someone spoke about a lot of focus on the steak and not so much focus on the sizzle. That's a really - I can't remember who said it but it struck me. (Steve) said it, it struck me. I think there's a lot of value in that comment.

And so I think as those of us who are in the room who are focusing on communications and outreach particularly in the ICANN team it's time now to start thinking about simple bite sized messages that start to get the value and the importance of this process out to a wider stakeholder community.

Believe it or not we're already serving those stakeholders, that they're not in the room with us today is something we ourselves need to fix. Thank you very much.

Thomas Rickert: Thank you very much. In the queue I have Tijani and Arun and if (Alzis) wants to join please the conversation, Tijani.

Tijani Ben Jemaa: Thank you, Thomas you asked Jordan to come up with something next week. I would like to ask you please don't make it a deadline. We are now doing something very important and we don't have to hurry, we don't have to rush because if we don't come up with something, which has the consensus of the group, which is robust enough it will not be good. So please don't set a deadline at all, thank you.

Thomas Rickert: Thanks Tijani, I think we'll address this in the timeline discussion but the fact is we have to rush. Maybe not to next week but we have to rush. Next is Arun.

Arun Sukumar: Thank you Mathieu. I just had a couple of requests so to say from the CCWG on some of the points that Valerie (unintelligible) on what constitutes work stream one and work stream two because clearly work stream one deliverables are limited by the very sensitive timeline.

The CCWG is working with what can possibly be some of the ways in which the CCWG ensures that the work stream two deliverables are not pushed aside or swept under the carpet by the time the work stream one IANA transition specific deadlines - deliverables are on the table? Because this whole conversation has come about as it a result of the IANA transition so it's - for the sake of practicality I guess that we have it divided as Workstream 1 and Workstream 2.

But how can the larger systemic concerns we got in Workstream 2 be addressed? And what can the CCWG do to ensure that there is some sort of a commitment, binding or not, from ICANN on this count?

Second, personally I feel the CCWG should come up with some set of guiding principles that - regarding Workstream 2 even before the, you know, the September 30 deadline.

These can be guiding principles but - as long as there is some direction in which we know ICANN accountability is headed beyond the very specific measures that Working Group is talking about.

If there are an overarching set of guiding principles in line with what we have been discussing in the mission statement and the core values, that would be very useful so that the community beyond - over and beyond the constituencies of ICANN also know that ICANN accountability is going in this direction.

And third, again to reiterate the point that I raised in the morning, is there a way of ensuring that the Affirmation of Commitments principally becomes an agreement that is not limited to - between ICANN and the United States government? Is there any way to internationalize it in a real sense? Thank you.

Mathieu Weill: Arun are you suggesting that there would be something more than what we've been discussing in terms of incorporating the Affirmation of Commitments into the bylaws? Do you have something in mind?

Arun Sukumar: Well I'm not entirely clear. So also, you know, this is - this could be a question but I'm guessing the Affirmation of Commitments in the legal hierarchy is more elevated so to say than the bylaws and the bylaws are - no.

Mathieu Weill: The others - I think it would - a legal analysis would say it's the opposite.

Arun Sukumar: Fair enough, which...

((Crosstalk))

Mathieu Weill: Politically I don't know but in terms of a pure legal analysis it would be the opposite because that's - it's only okay.

((Crosstalk))

Arun Sukumar: So I will leave it.

Mathieu Weill: Do you want Thomas to interject?

Arun Sukumar: Yes I do.

Thomas Rickert: On to that the question is we're working on the basis of a charter and I don't see how making the AoC multilateral if at all possible would increase the accountability if we take the essence and put it into the bylaws.

So I fail to understand how that could be within our remit as a group to work on but, you know, by all means please do get back to us with proposals. But I would suggest that we take this point offline and...

Mathieu Weill: And I just - I think Arun was also raising an excellent point, which - in considering because we've been so focused on Workstream 1. I believe a number of stakeholders would expect more than just the Workstream 1 list of recommendations and will ask us to be at least providing some information about what we were - we are planning to address in Workstream 2 and maybe as Arun was suggesting how we are - what kind of commitment there is that these items will not be swiped under the carpet once the transition happens.

And I think that's something where I would welcome inputs as to how we can achieve that in a manner that is not creating too much dispersion. If this - an initial discussion on this would be helpful I think because I've heard a number

of people actually saying, “It’s okay if you’re addressing this in Workstream 2 but what are my guarantees that it’s actually going to be addressed?”

And so I wouldn’t want the overall recommendations to be pushed back just for that reason. So - and I don’t have a solution to that but I’m welcoming any input as to potential solutions to that comment. And I see a queue is forming and so please Jordan you’re on next.

Jordan Carter: Thanks Mathieu. Jordan here. One of the items that we had as a Work Party 1 power if you like was to be able to assure that Workstream 2 deliverables could be guaranteed as deliverable, regardless of whether there’s opposition to that from the ICANN Board or management.

Now of course opposition or not will depend on what the Workstream 2 comes up with specifically, and it’d be fair to say that we haven’t got a grip yet on how to guarantee that.

It isn’t the easiest question in the world. I don’t think it will involve for example giving the CCWG the power to promulgate bylaws changes to implement its recommendations subject to Board veto or something as a random idea.

But it is something that we know we have to have an answer to as part of our transmission of Workstream 1 stuff to the Board and to the NTIA, because if we don’t manage that I don’t think we’ll be passing the own test of our charter.

So how to do that is something I’d just reiterate. If people have practical suggestions/ways to do that it would be great if you could join Working Part 1 and participate.

And we'll make sure that we agenda that soon. The second point I just wanted to make was that giving the flavor of Workstream 2 both the topics and how we propose to do it, the timeframe, when we would expect deliverables, how deep it is going to be going into ICANN's nature and the way it works.

All of that is stuff that we probably do need to have concrete suggestions about at least at a high level before we finalize our Workstream 1 recommendations.

It isn't enough just to say whatever we're going to come up we know it'll be implementable.

Mathieu Weill: Alan.

Alan Greenberg: Thank you. Two things. With regard to the question of precedence of the AoC and the bylaws the AoC is cancelable. So since we can essentially terminate it any time we want we can't say it has more precedence than the bylaws so I think that's simple.

With regard to what Jordan was just talking about though and how do we make sure that the Workstream 2 items are achievable, I heard the comment and I can't remember from whom that since we have the ability to spill the Board, they better implement them or we'll kill them all.

And I can't see that really being exercised in this particular case, so I think we're going to have to be a bit more granular than that.

Jan Scholte: Yes, Jan Scholte here. As advisor a couple of us have been - think strategic advisor. I hope we're strategic and I'm not sure my comments are always strategic.

But half a dozen things. One, to follow Valerie and underline with Valerie also it's incredibly impressive what everyone in the room here does and all the work and all the effort.

I made a somewhat flippant comment at the opening cocktail about all the fun that everyone has but it's - there truly is an amazing amount of work and expertise here and that's really impressive.

I wonder one thing about - there was - in an earlier phase there was this problem definition document that went around quite a lot and quite a lot of work went into that.

I'm just wondering what this - just again what the status of that document will be in terms of the package that you put out for review. And so - and is it going to be an appendix or is it going...?

Mathieu Weill: Right. And we'll address it.

Jan Scholte: That's coming up. Okay. So that was a question. The diversity issue I think has been covered by Valerie - underline it again. But when I raised the question about community accountability before it wasn't actually a question of diversity alone.

That's part of it but if you take the sort of definition of accountability and its different dimensions - so the stakeholder or the Community Council or

whatever or these sorts of assemblies - what is their accountability to the wider group?

Now that might be improved in certain ways if there's diversity but it's not necessarily guaranteed. But Chris has made a - Chris Disspain has made a couple of comments at different times about how this group needs to communicate with the wider community.

Well that's transparency of the core group to the wider constituency, so that - that's about this group's accountability but there's also consultation aspects. I mean, I don't know if you can - each of you can ask yourselves this as you come to what kind of consultations did you do before you came to this meeting with the various constituencies that you're notionally representing and so on?

And how will you report back to them and how will you take in their feedbacks into the, I mean, that would be community accountability to the wider community.

There was a mention about making the community's accountability exercises part of the accountability review so that the review or the ATRT reviews would actually review the accountability performance of the community itself.

That would be talking about the community's accountability in a concrete way. And as for redress I'm not sure that there's any redress or should there be in terms of - unless it's in about how you elect or deselect people from the Community Council or whatever it would be.

Anyway those - that's what I meant about community accountability to the wider community and how one would think about those things. Another point to keep thinking about - the reception beyond the room.

That's been made a number of times but I think it - that that's key to do. I'd also say that in a way - because if I compare what happens around the IANA transition and Internet governance generally and I compare that with what happens in other areas of global governance, it's quite telling that around this area you don't have much popular resistance if any.

There's no protest in the street. You know, it - no, no. But it - no it just raises an interesting - no but it raises just an interesting question about the politics of how you work, because when people are working, when civil society groups like this are working with, you know, on finance or trade or environment and so on they've got a lot of people on the street who are shouting and wanting this, that and the other.

And that keeps them on their political toes in a different kind of way. You don't have that here. It's just an observation. It's not a criticism or anything. It's just, you know, you have a different - the ecosystem as a couple of people have talked about in here doesn't include a protest element or a major one.

And that may - that - in other dynamics many people refuse to be in the room. That's all. I think that's - oh the - and the last thing. How are we going to make sure that Workstream 2 issues are not put on a railway siding?

And just - that seems to be an ongoing thing because I would've thought that in - I don't know the history of this place but I would imagine that some of these issues have been rehearsed many times over years before and have been told it'll be dealt with tomorrow and then tomorrow.

Mathieu Weill: Thanks (Jan). Very useful. I would suggest - this is the last call for the queue so unless there are please make yourself noticed quickly, because after that I'll close the queue and I can be much stricter than Thomas on this. Thank you Chris. So Steve you are next.

Steve DelBianco: Steve DelBianco. In Work Area 1 we did take a preliminary pass at - in Work Party 1 at the notion of Workstream 1 and Workstream 2 implementation and we saw it as two phases.

For items where the implementation detail is known, for items where we in the CCWG have worked up implementation details it's possible to compile them in a list for Workstream 2.

Call it an agreement and at the time of transition we present it to the ICANN Board and have them agree as a condition of transition that they will agree to take up the implementation of these fully fleshed out items within X number of months, because then what we are suggesting is we're putting the ball into management's hands to implement.

So an example could be we want to enhance the consultation process that happens on budgets. I heard that brought up yesterday as a way to make sure we didn't get to a situation where we had to block a budget.

So if we were able to say what we the community wanted for that and it survived the public comment period of the CCWG, then we would have what looks like an implementable plan or a Workstream 2 item.

We get management to sign a single document, an agreement, with the community where it indicates its promise to do the implementation work by a certain date.

So I think that's the easy bucket. The hard would be items that we have put into Workstream 2 but for which we do not have sufficient detail to have anyone commit to implementation.

You know, if some of those items are policies that ccNSO and GNSO can cook up through a PDP well we can do that. In other words the calendar becomes within our control as we would drive the process of creating a new structure, creating a new process.

And we already have rules that require management implementation if we have achieved sufficient approval within our bottom up multistakeholder process.

But many of the changes that are going to dump into Workstream 2 are not PDP type changes. No they're administrative items that would require well bylaws changes in many cases.

To have them actually be implemented they would require bylaws changes. And I'm unaware of mechanisms by which the community can generate a bylaws proposal and obligate management and the Board to vote upon it.

So we may need some way for us to do a bottom up generation of bylaws changes, but we could only do so once we finished the implementation work. So Workstream 2 items about which implementation isn't finished and we may have to create for ourselves the power for those items to be surfaced as a bylaw item.

If in fact the Board would not approve them, would not advance them, the hope is that that is a decision that we the community can challenge, you know, standing to challenge that position through the IRP that we have designed and locked in as part of Workstream 1.

So it looks like a combination here of an agreement about items for detail, and the power to force consideration for items for which we have to take our time and generate the detail later.

Mathieu Weill: Thank you Steve.

Jordan Carter: If it helps I can answer that question straightaway. Otherwise I'll wait my turn.

Mathieu Weill: Well I don't know. It's not really a question. It's a comment so I think it's very - if you provide your own perspective while - when your turn comes. (Jonathan) I - apparently you've survived and came back into line so you're back in the queue now.

Jonathan Zuck: Back in black. I guess I was about to say something fairly similar to what Steve said but I - but maybe in a little bit harsher terms. I think that we'll chase our tails quite a bit to be speaking and using the words guarantee about anything with respect to Workstream 2.

I think what we accomplished in Workstream 1 is empowering the community to pursue the things in Workstream 2 and to use the mechanisms that are in place.

And as Steve suggested there's a missing mechanism to get things accomplished that needs to be implemented. But I think we do ourselves a disservice to talk about guarantees or anything like that.

The onus will in fact be on the community to pursue those things, you know, after - post-transition and Workstream 2 as a whole I think will - we will have difficulty placing any kind of deadline on that overall.

It's going to be an ongoing process and really be the embodiment of the post-transition ICANN that we're trying to create, these additional reforms as they come up, et cetera.

It's going to require ongoing motivation of the community to bring those things about. I don't think it's something that we can use the word guarantee for at all.

Mathieu Weill: Line is now queue - is now closed and I turn to Mark.

Mark Carvell: Yes thank you. Mark Carvell of UK government. I think the progress here has been quite remarkable. The architecture as you're describing it is shaping up well I think.

The - some of it is contingent on getting that legal advice on the jurisdictional issues in particular. This is going to be of high-level interest to governments.

For the GAC team here I wondered if - eight, nine governments here actively present. We've got some important takeaways, some issues for us to look into, which will impact on the role of governments in the ICANN model so no doubt about that and that's how significant this milestone meeting is for governments.

And, you know, we've got some serious thinking to do; how we would take part in this - in the Community Council and how we would contribute to delivering on the community powers.

These are really quite significant adjustments for governments; how they work in the GAC. I mean, there's been some discussion about the effectiveness of the voice of governments in the ICANN model and this - that issue will come together with how the role of governments needs to adjust to this new world and this new framework of accountability.

We've - the GAC have provided some principles and some best efforts were a piece of work. It captures all the key principles on which we've managed to agree to consensus amongst the team who've been working on those principles and they've been broadcast to the GAC for GAC membership.

Most of those principles if you've looked at them have cropped up explicitly in the discussions this weekend, so that's very reassuring. The - that - the way you are approaching this process, you fellow colleagues, in the model is in sync with how the GAC is approaching this.

Perhaps two elements implicitly touched on this weekend. From the set of principles we talk about institutional safeguards that prevent capture by any specific sector or community interest.

I think in the articulation of the outcomes of this meeting you need to present that in some way. We haven't been talking about it in terms of ensuring that what we are constructing in this architecture is something that is robust and would prevent any risk of capture.

We need to - I think in the outcome statement, which I hope perhaps you will consider issuing, you might articulate some of these issues that we've touched on more implicitly in this meeting.

And the other one was what we refer to in terms of respecting principles of international law and human rights. Now I think the work on the bylaws provides that opportunity really to respond to that particular principle the GAC has presented as one of the key aims for the CCWG to be mindful of.

So I think those are my points. Some of us in the GAC will be advising senior officials and ministers on the progress, and I think we can be pretty positive.

We're all a bit scared about the timeline but the commitment shown by colleagues here - and I think the statements - the public broadcasting of the progress is vitally important.

We in governments are all gearing up for this U.N. process of reviewing the WYSIS outcomes after ten years and this - the future of ICANN intersects with those negotiations in New York.

So articulating what we're doing in this Cross Community Working Group is going to be vitally important so that the - those negotiators in New York are, you know, fully understand that there's important progress being made.

Sorry. I've gone on a bit long as I go through the various issues but I hope that's helpful. Thank you.

Mathieu Weill: Thank you Mark. That's helpful. Chris.

Chris Disspain: Thank you Mathieu. I wanted to address the point about how you guarantee Workstream 2. I think there is a way actually. I know it's - I noticed that Jordan's put in an idea of - in the list about having it as an AoC review.

But yes that's feasible and Steve talked about being able to create your own bylaws. I - I'm not particularly comfortable with that but there is a way - the ways that you as part of this process in Workstream 1 you draft an interim bylaw.

There's a - it's - there's a precedent for this. There have been interim bylaws and certainly in ICANN's bylaws a number of times over the years dealing with for example the interim processes for the ccNSO and so on.

You draft an interim bylaw that says, "Here's the list of things that are in Workstream 2." You don't have to rush to do a lot of work to get stuff done so that you can get stuff done early.

You can just provide a list of things that's in Workstream 2. You mandate the process that will be used by the community to come up with the recommendations or the way you're going to do those things.

And you - the bylaw says the Board will then implement - will pass those and will implement them and then you've got your mechanisms for making sure the Board does what it's told that you've already had in Workstream 1.

And that bylaw basically dies when that has been done and it stays in the bylaws but it's kind of crossed out in ink. So there is a precedent for doing it. It's perfectly feasible.

It's not that difficult to draft it and it means that you don't have to run around passing your work up into, "We can get this done quickly." So we'll put that forward and we - you just put everything in one bucket and pass your interim bylaw. Thanks.

Mathieu Weill: A very useful suggestion. Arun?

Arun Sukumar: Thank you Mathieu. On the issue of incorporating the principles in the AoC to a more - in a larger international context, the idea is not to replace what currently exists between the United States government and the NTIA with a set of governments that would be deeply problematic.

The idea is to - if you're - it's great that the principles in the AoC are being incorporated in the bylaws. But the - but those principles remain subservient to California jurisdiction as well as current static ICANN constituencies.

The idea behind like I said elevating them to an Affirmation of Commitments is that there is a larger community that is a little more amorphous and perhaps could be defined, but certainly one that goes beyond current ICANN constituencies that ICANN will be accountable to.

And it's not a legally enforceable - it need not be a legally enforceable document but something that is a set of guidelines. Thank you.

Mathieu Weill: I think I'm starting to see what you mean and that's useful. Avri?

Avri Doria: Thank you. Avri speaking. I think first I want to address the finding more countries to sign on to an AoC. Part of what we're trying to do is get away from having governments as the controllers and guarantors of our behavior,

and by incorporating it into our own bylaws and having the community and the wider community responsible for it.

So I'm not so sure that I feel that comfortable about, you know, replacing the U.S. with multiple countries as opposed to replacing the U.S. with community responsibility.

One of the concerns I have with what we're doing here is I keep having this feeling of us boiling the ocean. And various people have said that in various ways of trying to get all these things done because we do not trust.

I think that that becomes problematic because if the forces around us aren't trustworthy nothing we can do will make them trustworthy. It's just there's always a way around anything that we write and accept that, you know, every new rule you create, every new bylaw you write you create a new opportunity to go around it and that's just part of the reverse side of - every coin having a reverse side notion.

So we have to find ways to sort of be in a trusting environment that doesn't involve constantly creating new rules. So I liked the idea of the bylaws as this is the work that's being done.

That appears to be a way for us to get out of this, "We've got to get everything done because we do not trust the future." I wanted to respond to a couple of the things that our advisors said.

There seemed to be an assumption - and this is said with all due respect. There seemed to be an assumption that people here weren't consulting with the wider community, with the communities that sent them here.

I think nothing can be further from the truth. I think there has been an immense amount of conversations and reaching out. There was a comment about, you know, "If you folks aren't doing outreach maybe you should start doing outreach."

Now we may not be doing outreach as effectively as, you know, some other organizations do outreach but we're constantly doing outreach and we're constantly getting new people in.

I look around this room and I see people that weren't involved a year ago sitting in this room working on these issues, so yes more outreach is good. Outreach is done.

Then we were asked about opposition. Anybody that wants to find the opposition to this group I recommend you check out the Internet governance caucus.

You check out Just Net. There's an entire group of civil society that has condemned anybody who is in this room as being a sellout to big American corporations.

And okay the - out in the streets looks a little different on the Internet perhaps than it looks in some other things. We're not out there whistling but believe me they are out there.

They listen, they watch, they criticize so we definitely do have an opposition out there. Thanks.

Mathieu Weill: They're probably not as - not - they're not creating the same political impact and putting the ministers on their toes as other oppositions though. Although, I mean, in France we have ours and very much have them.

Avri Doria: Still in the country.

Mathieu Weill: So I think I see what you mean very well. So Arun I think that's the old hand, so I have now Sebastian and then we'll close that item and move to the coffee break.

Sebastian Bachollet: Thank you. Yes and one of the big difference with other international gathering are - it's that we don't have the police or the army outside in which people killed.

And maybe it's a little different because the door are open. People want to come. They come. If they don't want they don't but it's a big difference. And I really think that the fact that we have a multistakeholder structure is one part of the answer on all that issue of participating and opposition.

Avri talk about the possible signature of a AoC by various government. I would like to raise again that I think that if we want to have something or multiple things signed, it could be signed by a lot of different organizations: the Registry, the Registrar, the regional At-Large organization, government, whoever want to sign something.

And it could be interesting to have something - not Affirmation of Commitment but something like a mutual engagement or mutual commitment that shows that we - if we sign something it's not just ICANN doing but it's also the other parties signing this document who is willing to do something.

For example there are those who are there to gather people from the region, from the end user and they are doing it not just for themselves but for the whole organization and it's an important point.

And about what (Jonathan) put on the chat and what Chris said, maybe an addition or another idea is to why not try to merge the Workstream 2 and the future ATRT three to have the work done or start to be done, and then be taken by the ATRT and not to have an additional one because at the end we will kill this organization having too much Working Group, review team and so on and so forth. And thank you very much.

Mathieu Weill: Alan you're last and then we'll break out in the break.

Alan Greenberg: Yes you keep on putting me between coffee and this group so I'll be - I'll - I will be very quick. In terms of Steve's comment I think about bylaws coming up from the bottom, despite what Chris says it happens all the time.

The GNSO makes proposals. The ALAC has made proposals. Other groups have made proposals that result in bylaws so it's not an unknown phenomena. In terms of how do we ensure Workstream 2 gets done, I like Jordan's comment in the chat that says effectively, "Have it treated like an AoC review," which says it's not guaranteed but the Board must really show cause and perhaps negotiate as to why the, you know, why the details can't be done.

I'm heartened by what Chris said but I'm a little bit dubious that we can say, "Whatever words we come up with you must implement exactly." There may well be details that need changing.

But I like the general tone that's going forward and I think we can come up with words that will map to it. To Valerie, as Avri said the volunteer part of

the operation - the ACs and SOs do a lot of engagement and outreach but ICANN Corporate is spending a huge amount of money right now on people around the world in outreach so it's not something unknown.

It's not necessarily always effective but we're spending a lot of money on it. And to (Jan), yes perhaps we don't have protestors in the street. We're not quite as visible as some of the other parts of things that protesters protest against and I'm - I for one am sometimes grateful of that. Thank you.

Mathieu Weill: So just to recap this session, which I have quite useful to make sure - to actually identify where we think we may have blind spots. And there's one thing which is definitely on our agenda, which is flexing the muscles of the communication and outreach on our group, which obviously will become easier once we get a proposal that is a little more fleshed up than where it is now.

And that's something - an action item for the Co-Chairs with support from ICANN to actually come back with proposals and I know there are some initial ideas already circulating.

We'll be discussing this and sharing it with the group so that's an action item further down. Secondly, about Workstream 2 I'm very heartened to hear there are some options being put on the table now for how we can address this.

And this is very useful and we all have to investigate those options, see what are the pros and cons and everything and come back with some idea - proposals for the group to move that forward, which may go through legal advice at some point.

I don't know but that - I would suspect there might be some form of legal certainty to be obtained. There is precedent on the proposal by Chris, which is obviously useful but that's something I suspect so that's really constructive.

Regarding community accountability I - there's been a number of reactions in the room, which I think are - may be making - maybe slightly overreacting about what I've heard.

I don't think there's been any assumption being made that there was not outreach or not engagement. But I think what I've heard is we need in our work an assessment of existing accountability mechanisms to be very clear about what is in place in terms of transparency and consultation or - so in a simpler level.

That is something we need to double check we have in the status quo analysis because this is something that we need to be prepared as a question at least, and if we see any gaps then we need to be careful to address them.

And of course there's the structural improvement reviews for the SOs and ACs, which obviously address this on a regular basis but that's - it's worth reminding everyone that this exists.

And finally, I think this - the number of points on diversity that have been made around those three days and that's probably the one where I think we need to further work to see how we are addressing this.

What is the current - what is currently in place? What might be considered as part of Workstream 1 or Workstream 2, how that fits with the core values we are revisiting, how that fits with other aspects?

And that's probably where some tweaks in our proposals might have to be taken into account from what I hear in this session. So thank you very much everyone for this very useful helicopter view session.

I think we can now break for lunch until - for lunch yes. Yes, I mean, it was a short lunch. It's too short for French. It wasn't lunch. It was just coffee break.

Thomas Rickert: You know, just to tell you a secret he has a flex compensator. If - for some of you who know what that is. Have you seen Back to the Future? So he can do time warps.

Mathieu Weill: So let's break for coffee and reconvene at 20 past - 25. Twenty-five. Okay I'll give you 25.

Woman: Thank you.

END