

**ICANN**

**Moderator: Brenda Brewer  
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9:30 am CT**

Coordinator: Your recordings have been started. You may now proceed.

Mathieu Weill: We are now ready to reconvene for our last session. The last people will come back. This is the part where we are going to allocate tasks. So if people don't get into the room, it's no problem.

Woman: (Unintelligible) will be a problem.

Mathieu Weill: Yes. Alice, do you have control over the slides? Okay. Continue to go to the next step.

So this session is about how we organize for the next steps of our work. And there's a long discussion that has been asked for a while now about timeline and what we are about to do. And that's the moment - that's when we need to be clear.

At the end of this session we won't ask to be very clear about what is going to happen and when in the next few weeks and months into a group. This is important to us. This is also important to the CWG and important to the ASO

and ACs (unintelligible) organizations so that it can organize. And of course it's important to the board as well which has set some expectations. And they want to know whether it's going to be held or not.

So the first item is - what I've drawn here is the structure of the public commentary port that was shared with the group during the last call. I want to - why is it here? Because I think the first item on our list is - okay, are we ready to go for public comment which was initially planned for and is still planned for April 6? Okay. So let's not talk about the timeline yet, but at least look at what's at hand and what is to be done, and taking into account what we've been doing the last few days.

So that was the structure. And obviously some of these sections can be made very lean and using (unintelligible). But we need a summary. Okay, that's the easy part. We can have the methodology. I think we have what we need.

Definitions and scoping - so that's where the document that we've been exchanging a few times already is going to fit, so that we clarify what's at stake and what definitions we're using. So I think we've made good progress for that. And I mean unless there are last minute objections, I think we are very much advanced on this.

The inventory of existing mechanisms is based on work area one work. It's been done. And we need only to phrase it in a way that is readable for people who are outside of our group. The same for the input that was gathered from the community in the two rounds of comments. And that's basically looking at what we've been looking at in terms of input. That's things that we can definitely handle. There's not too much remaining on this.

Contentions are the contingencies I think more or less. We've probably mentioned contingencies instead of contentions. And then while there's the contingency list and then there's the stress test. But probably maybe we could merge both into a single part. And we have a lot of work.

And we need to reassess based on the accountability mechanism we've proposed how they stand, if they still stand or if there are adjustments to be made. So I suggest this is something where we've made extremely good progress in anticipation of this meeting which puts us in a good position to be quite agile in reasserting this once we have the accountability proposals set up.

The Item #7 is certainly the one key issue. And I'll go back - I'll get to that a bit later. I think it's important that we add in something about the work stream to your recommendations which we've been discussing in the last hour. And that's something that we still need to further investigate.

How we plan to address this is something that I think we should provide clarity on. And of course there's something about implementation plan and timing. That is certainly part of the public comment - providing clarity for the community to look at this. So that's the general view of what we have to deliver.

If we go to the next slide, that's the focus on the section about the accountability mechanism. So considering what we've been discussing, I think we could go for a structure such as the one that's proposed here which is basically there's an overall accountability architecture to be described. We have a wonderful graphical design for that.

But there's a little bit of a story to explain about how it came about and how it plays about as an architecture. And then there are a number of recommendations which are very consistent to what we've been discussing - so the revised mission commitment and values is the part that Becky introduced yesterday.

We've been discussing today about the golden or entrenched bylaws which is something that would be a recommendation to introduce to enhance ICANN's accountability.

The independent review panel enhancements - a very strong part - the crown jewel if you will - the community empowerment which then moves into the challenge of the virtual strategy, the challenge of the bylaw change, the approval of golden or entrenched bylaws - bylaw changes by the way - and a dismissal of the board. Those are the key parts on the community powers I see so far for work stream one.

And of course then the AOC review system being transferred into the bylaws. So the question at that point is - and I turn to Jordan if he has a question. But do we agree on this structure? Do we agree that this is what we have to deliver for a public comment?

Considering that not everything is going to be detailed - in all details - and we are speaking at the level of detail that is requirement based, we are describing what we want. We are describing the properties and features of these mechanisms, and not detailed wording on bylaw changes or - I don't know - rules of procedure for the IRP, right?

And I just - also that the discussion on the community powers shows that we should not expect to go for public comment with one single proposal on how

it's going to work out. Otherwise we might shift the timeline quite a bit on this. And probably we could consider going to public comment - this first public comment - with two or three options and scenarios as we discussed from the community - how the community powers are set up.

And with that, I think that's the first item where I think we need serious discussion on. And it's really designed to be something that we flesh out together. So I have a queue forming with Alan first.

Alan Greenberg: All right, thank you. Don't we need a sixth item on the WS2 - how we plan, you know, the kind of thing we were talking about right at the end of the last meeting - that is how we plan to make sure those happen?

Mathieu Weill: It was in Section 9 or something on the slide before.

Alan Greenberg: Sorry about that.

Mathieu Weill: Yes, we need this item. I agree with you - this item.

Alan Greenberg: Thank you.

Mathieu Weill: Jordan?

Jordan Carter: Thanks Mathieu, Jordan here. I think overall this structure looks all right as long as we make sure that the focus is on the mechanisms and the structures. If you go to the next page of what we're displaying, as long as you are not trying to assert that #4 is necessarily a complete list, I'm happy with that.

I think working party one needs to do a bit more work to work out its proposed work stream one powers. And I also think that we need to have an

early discussion - maybe at next week's call, maybe the week after - about finally coming to consensus on what we're proposing as work stream one versus work stream two. We haven't quite had that discussion formally yet, and we need to.

The third thing is that that list of recommendations needs to deal with the reconsideration request process. The fourth point I'd like to make is that given, you know, it's a little bit harder to have this conversation when we haven't talked about the timeline. I'm assuming A, that the timeline is going to be pushed out, and B, that this isn't going to be our only call for public comments.

And so if both of those things are correct - at least the second one is correct - then I'm very happy with us going a bit more than painting the picture, but not having to actually consult the community on the actual wording temperamental of these things. All the key design decisions need to be there in this round, but not the perfect detail.

And the last point which I should have made before the one I just made is that we need to consult on the mechanisms if you like. And is that what (unintelligible) say the description of overall accountability architecture? Or is that somewhere else? In other words how we're going to represent the community - where does that fit here?

Mathieu Weill: In Section 4 as an overarching item, but that needs - obviously that needs to be incorporated - that's right.

Jordan Carter: In this Section 4 here? Or do you mean in Section 4 compared to Section 7?

Mathieu Weill: This one.

Jordan Carter: Okay.

((Crosstalk))

Mathieu Weill: We need to describe this. We are in agreement. And if there's another - an adjusted structure to fit this, I mean it's perfectly open. But the intent is to describe also the structure by which the community is empowered.

Jordan Carter: Of course.

Man: Oh, I think Jordan just mentioned this. I was just going to say reconsideration request on that list is sort of between 3 and 4. That's the important one. But so I wouldn't have that as a buy to buy or anything. It's up there with that level. Otherwise yes, great.

Mathieu Weill: I think that's - so I noted that we will have to discuss the work stream one powers for the community. I don't...

Man: Sorry, that's...

Mathieu Weill: I'm not sure we have the reconsideration request flagged as work stream one in our initial work in Frankfurt. But it's perfectly okay that we discuss this further, and if possible to add this.

((Crosstalk))

Jordan Carter: Mathieu, I think it was flagged. And it's also not a community power or not solely a community power. It's an individual power.

Mathieu Weill: I know.

Jordan Carter: It's part of the WP2 group.

Mathieu Weill: In my memory it wasn't flagged as one, yet it was flagged as one of the items we wanted the CWG to work on. But it's perfectly okay if we have a rationale to say this needs to be addressed within work stream one - and we're ready - that's okay.

I just don't want to add too much because we need to keep focused as (unintelligible). But I think we're planning to address reconsideration requests at our next call. So that's something we need to discuss.

Next is Roelof.

Roelof Meijer: I think it's a good setup, on the condition that indeed we also deal with what you just called the structure through which these powers are enabled. I would like to stress that we better stick to the terms that we've been using so far. So a power - either A, B, C, D - and what we call a mechanism is community council, a membership structure, delegate structure.

And I would like to say the same for - we now suddenly introduce the wording challenge budget and challenge bylaw change. I'm not a native speaker. But I have the impression that challenging something is something else as vetoing it. And I think we have to be very specific in what we actually mean by the time we consult on this.

Mathieu Weill: Thanks. The blocking, okay. And thanks for calling me off on definitions. That's a good one.



Becky.

Becky Burr: I just put my hand down. I was just agreeing with something.

Mathieu Weill: Becky, sorry for the confusion.

Avri?

Avri Doria: Thank you - Avri speaking. I guess I'm a little concerned if this is all work stream one. I know we're putting a lot in work stream one because we want to be assured that all good things will happen before we lose the US government protection.

But I'm wondering if we've got things like the ability to spill the board - the golden bylaws, the ability - the AOC reviews and as was suggested, perhaps the list of things that's being worked on that will be continued. Why do we need for example the budget in work stream one?

How is this complexity about the budget something that needs to be dealt with before government - as long as we have included it in the list of things that are in the bylaws that need to be worked on? So I'm afraid that we're still putting too big a bite - too big a set of work - in the work stream one of things that we need to do before the IANA transition can happen. That's okay, thank you though.

And we're making it more difficult than it needs to be. And so we had always talked about this needing to be a minimal set of things that had to get done in the near term, and then we continue. We already saw that in the budget issue there are a lot of complexities about, you know, doing it before, doing it after, how much we participate in the budget.

That issue is a very complicated one, as with some of the others. And so I'm really wondering can we cut this down to a list of what's absolutely necessary - that gives us the assurance we'll get the rest of the work done in the longer term? But we really only do what needs to be done. Thanks.

Mathieu Weill: The question about whether that needs to be done or not is very much related to the stress test. So we can definitely test whether - by removing one item. That would expose us to some of the contingencies in a strong manner or not. And I know it's been very apparent in the - obvious in the stress test where - which power was actually providing a key mitigation to the contingency.

And so I think we - I'm fully in favor of focusing. But I know that budgets and strategy for instance were significantly - what's - had a strong occurrence into the stress test as something that mitigates. So I think that this would need to be checked.

Is that a direct follow up Steve?

Steve DelBianco: Steve DelBianco - and with respect to the stress test, Mathieu you're right. There are several up front dealing with financial concerns and problems at ICANN for which the budget blocking becomes important. There are others with respect to scope where ICANN tries to fund a program that's well outside of its limited scope. The budget blocking becomes essential.

However, Avri has a good point about when they have to get baked in. I mean if the timing of these contingencies doesn't happen for a few years, you could probably go naked, providing we get it done quickly. So there's no timing built into the stress test.

So if in fact working out the details of 4A will take months and potentially delay a transition, Avri's point is worth discussing as to whether we have sufficiently got commitments and powers and the interim bylaws as Chris Disspain mentioned - to then work out the details of something like that.

Just because it's mentioned among the solutions to satisfy a stress test, it doesn't necessarily imply that it must be there on day one.

Mathieu Weill: Thank you Steve. Next is Jonathan.

Jonathan Zuck: Thank you - Jonathan Zuck here. I wonder if it behooves us as we talk about greater participation and things like that, to have a portion of this request for comment that's a little more structured - that instead of just being a bunch of data and recommendations and sort of open and free for people to comment in any way they can, have a section that's a set of questions and prioritizations, etc. because that's what some of this will get reduced down to.

If we go this way it will have this implication. If we go this way it will have that implication. What's your preference? So that maybe there's a list of kind of ten questions at the end of this that allow people to more easily see what decisions are being made as a part of this document, and to focus the comments a little bit more.

Mathieu Weill: We'll get to the structure of the comment discussion just after that. But I think what - my main item here is to make sure we have clarity about what we are working on to call for comment. The way we are calling for comments is probably a question we have to address right after that. And I'll come back to your comment at that point, I promise.

Jordan?

Jordan Carter: We've had identification of issues between work streams one and two for months now. And so I just want to, you know, we can't keep relegating these things all the time. From my point of view, we have to have the smallest possible list that's consistent with what our requirement is.

And it isn't things that relate to the IANA stewardship transition. It's things that have to be done before the IANA services contract with the USG finishes. They're not the same thing. And so, you know, the use of applying the stress test is important. I don't think anyone wants to pad the list.

But some of the discussion this weekend has made things sound complicated that aren't complicated. And so I don't think we should just say, you know, like the budget reconsideration, it's not a difficult (unintelligible) actually, you know?

So I just - we need to avoid putting pressure on ourselves to not do things that we think need to be done. So I'm just comfortable as long as we say that we look at the stress test, we try to keep the narrowest possible list. I'm happy with that. I don't want us to be sitting here ruling things in or out as we work through today.

Mathieu Weill: I have Alan and then Paul. Jonathan, can you lower your hand?

Jonathan Zuck: I guess I was going to say something almost exactly opposite to Jordan and support Avri. Now that we have a structure or a possible way of going forward with work stream two, and we certainly could add a (provisal) in that one that it is phased.

We don't necessarily have to bundle everything in work stream two at a single pass. We could do, you know, one A and B. So the first ones could come pretty quickly and take some of the pressure off us in work stream one. I mean I suspect even some of the items under Item 1 in revised mission commitments and core values - some of them have to be there. But some of them may not be.

So I really support trying to keep this minimalist, and then getting the next ones - the ones we defer - pushed out as quickly as possible once we have the first phase done. Just a thought.

Mathieu Weill: One sort of cursory is we've been clear on the record on a certain list of many more powers for the community that we'll be working on that others in the community - and I'm speaking of the CWG among others - might at some point rely on in means of anticipating the accountability mechanism that would be in place at the point of the transition.

And I'm curious or wondering what the impact would be if we said oh, we were mentioning this but we're backing off. It's going to be later at an undetermined moment. So I just want to put this for our reflections that there is in focusing - in basically withdrawing elements from these powers, that that's a factor we need to take into account. And I'm hearing different views here on this. So that's why I'm raising this point.

(Yesarah Griffy)?

(Man): Very quickly, the CWG is not finished yet. They may well come in on Friday evening and say we've almost come to closure, but we need you to guys to add an accountability feature. So we cannot omit anything which they say they need, even if it hasn't been mentioned to date.

Mathieu Weill: But what they're saying is we need clarity about what you are going to do. And so we - I think it is a very strong requirement out of this meeting that we give them clarity about what we're going to do, and not go back into a loop of oh, we may do that but only if you ask us and so on and so forth. So that's why I'm putting this element here.

Is it a direct follow up? Go ahead.

Avri Doria: Okay. I understand why you said that because the budget accountability and transparency was one of the things on the CWG list. But it was not about a veto against the budget. It was about transparency in terms of being able to understand the budget - in terms of being able to see it.

So it wasn't asking for - we need to be able to veto the budget. We need to be able to see the budget. And so those are somewhat different. And so to say we need to be - we need a strategy to veto and challenge the budget because of the CWG is I think overstating the case a little.

What they asked for was basically being able to understand and transparency of the budget, not the vetoing of it. So I just wanted to make that point clear that budget is being used in different senses perhaps.

Mathieu Weill: I mean I have a different reading with my ccTLD hat about the benefit of having the ability to challenge a budget in one of the scenarios where the INF function for instance would not get the appropriate resources at some point - that it would degrade service levels.

But my point is we need to be aware of the differences we might create, and a difference between expectations we've been setting and new level of

expectations we would be setting after this meeting. I think that's very important to take into account.

Paul?

Paul Rosenzweig: Hi - Paul Rosenzweig. I concur completely with Jordan's view that the budget issue is not as complex as we think it is. But if we think it is complex, but it is essential, then the answer is not to toss it into work stream two because of the complexity, but rather to recognize that more time is necessary in order to get in right.

I for one think that almost all of the powers that are listed there other than the budget are negative powers that are useful only in stopping adverse behavior - that the budget and strategy approval mechanisms are the only ones by which the community will have an effective hook into forcing positive changes that they wish to. And that therefore it of all the ones out there is probably the least likely of the four community powers to be pushed off into work stream two in some ways.

We're not going to need to dismiss the board this week. But we are going to need to talk about the budget every week of the year, and twice on Sunday. So if it is complex, take the time to get it right. I'm not sure it is, but take the time.

Mathieu Weill: Paul please, and Avri, is that another?

Avri Doria: No (unintelligible).

Mathieu Weill: Okay, thanks. Then Keith, Chris and then I'll close this queue.

Keith Drasek: Thank you Mathieu - Keith Drasek. So I typed into Chat, but I'll repeat it here, is that work stream one by the definition in our charter is those mechanisms or reforms that must be implemented or committed to prior to the transition.

So if something like the budget authorization or review or challenge - whatever we're going to call it - is something that we find critical to the process or a component of the process that we don't want to lose, then we could say that that could be a committed to topic or reform or mechanism.

In other words if we find that as we work through this process that it is too complex to be able to say here's exactly how it would work before the transition can take place, then we can just say let's have it committed to and then work out the details later. It does not have to be pushed to a work stream two. So I think we have some flexibility there.

I mean just a follow up, I mean I think the, you know, we have a range of mechanisms here. It's sort of a range of powers. Spilling the board as we've called it the nuclear option, but being able to review and approve the budget is something short of that, but still something very important I think in terms of giving the community the ultimate power over decision making. Thank you.

Mathieu Weill: Chris?

Chris Disspain: I have a broken microphone, so I'm...

Mathieu Weill: You broke your microphone?

Chris Disspain: It was an accident with a glass. I'm fine with Jordan's or - sorry, with this list. I acknowledge Avri's point. But I think we're so close to being - having sort



of consensus in respect to the budget, I can't really see the point of pushing it off.

However, I am a little bit concerned about the way that we've been talking about it since we started this topic over the last ten minutes. It's up there as challenge. Keith just referred to a prove. My understanding is what we're talking about - and it's really important because we're going to be talking to the CWG or you're going to be talking to the CWG the whole of the rest of the community - that we are very clear about what we're talking about.

So I - my understanding is that we would have the ability to set to say no to the budget and send it back to the board with comment and input and advice. No point in just saying no. That's a complete waste of time - no. But we're not going to tell you why. So no, here's why. Please fix. That's it.

Mathieu Weill: That was one of the comments that was made earlier in this discussion. I think we are - I'd like to test a proposal with the room that - I mean we're on track with these powers at least. So I would hope there would be no objection to at least go for public comment with this list if we're in a position to do so.

And obviously if the comments and the feedback show that there is additional complexity - something we haven't taken into account - then obviously we would have to revisit work stream one, work stream two. So would there be any objection to confirming this list at least with the provisions that were made - at least as our list, and there will be additions that have been noted to be discussed like the reconsideration request and maybe additional powers in the work party one that are currently being discussed?

But that we keep announcing this list as the expectation for them to be included in the public comment - expectation for the public comment so far.

Would there be any objection to that? I'm seeing none. Good. So that's how we're going to proceed.

So the next question relates to Jonathan's point. We are on the level of detail where we describe the purpose, the rationale, the requirements. I think Jordan mentioned something that was very well - the key design decisions. I liked his formulation.

Can we go to the - no, that's - yes, next slide. Excellent. So with identification of where the group is in agreement and potentially some of them were investigating further. That's for instance in the IRP there are - there have been some items where we won't be 100% design in agreement. And we might have some things we're still working on. And it's important to have the community aware of this.

The proposed approach to the questions is a different one from the one you were mentioning Jonathan, and I want to explain why. So the proposed approach is to ask on each recommendation or set of recommendations on for instance the bylaw change, veto or blocking or - I don't know how we are supposed to say that.

But on this particular one saying some simple questions that are the same for all recommendations or almost - asking whether it's supported, whether there are any comments related to this - but structure this into our set of recommendations as much as possible so that we can have - facilitate analysis in review of these comments after that.

And I understand as experience within the GNSO at using tools to actually facilitate review of all the comments. And that's the experience that is throwing us as co-chairs to introduce this proposal here which is obviously for

discussion. But that we get our questions as focused as possible on the recommendations, plus some catch up open questions obviously for anything we've missed or questions regarding the overall support of the group.

That would enable us when we get comments to share the workload of reviewing this with obviously support from staff to feed into the - how do you call it - GNSO public comments review tool?

Man: Yes.

Mathieu Weill: That's right? And this way to be more efficient and get a faster turnaround when analyzing this. Quick comment? Thomas, go ahead.

Thomas Rickert: Yes. So we have confirmation from ICANN staff that they're standing by to feed incoming public comments into the public comment review tool as they are coming in. So that we have the public comment review tool which is basically a table outlining things, you know, as has been discussed.

So it facilitates the analysis of public comment so that we have that ready for - to be digested by this group as soon as practically possible after the close of the public comment period. So that's going to be a huge help.

Mathieu Weill: This option is our proposal right now - that it's one that we know that there's another option which Jonathan described as asking some more generic questions highlighting the underlying decisions that we're making. So I think this is the point where we need to have clarity about.

And so that's where discussion opens. And I turn to Fiona.

Fiona Asonga: Sorry, I'm just thinking of clarity - Fiona here for the record. I'm a bit confused. When we go back to the structure, we do not say anything about the legal input or advice or how we're going to use it - whether the legal positions that are coming from the legal team. Is that going to be just input that comes in for our use? And we don't then touch on it or put anything on the legal positions?

How we handle the legal...

Mathieu Weill: Yes. So the legal input should fit into every recommendation proposal so that we elaborate this taking into account this legal input. If there is specific reference to be made to certain legal constraints, we can certainly quote the legal input. But I don't think we should do a specific section on legal input because it's actually something that touches on all our proposals. Does that clarify? Thank you.

Jordan, you're next.

Jordan Carter: Whenever you're doing consultation there are two ways to do it, right. You can ask basic questions about what you've proposed and get basic answers or you can try and write really intelligent questions that really get to the numb of the hard things that you need to resolve in the work that you're doing.

Almost no one governmental, private sector, whatever takes the time to really get the questions right to make it as easy as possible for people making comments. And that the input they give when they do is really, really going to help you do your job.

Now because of our competitive timeframe that leads me to think that we're going to end up in the first category. But I would like to think that we can try

for at least some of these questions being in the second category, you know, the ones that - like, the ones that (Jonathan) described.

So I just want to put that on the table, the questions do need to be simple but not simplistic. And they might not relate exactly like what do you think of Model 1 versus Model 2? Do you want this (unintelligible) or not? We have to get a sense of the tradeoffs and the difficulties that we're facing and ask the community and put on those as well.

So I just - I don't mind if there's a few extra questions, you know - list of questions to help deliver that myself.

Mathieu Weill: This is still compatible as long as those questions are framed around the specific recommendation to be fit and distributed and so the more elaborate we can be on our thinking about how to frame the questions - as you say, the more efficient we'll be and the more - the easier we'll make the answering for the community. So that's obviously important. Thomas, you're next?

Thomas Rickert: Yes, I think the questions are - and how we frame the questions is important. I think we're going to have questions seeking confirmation, whether we're on the right track with what we're doing. We might have some areas where we have - let's say, two options and where we're seeking the community's advice on which option would be preferable.

But my fear is that folks might just make - give uninformed answers because they don't understand the overall concept, right. So we're - this is why we introduced the narrative section of how we did this. A little bit of storytelling, you know, to make it easier but if you have suggestions as to what items or what stories - you know, we have the cookbook analogy.

We have the state analogy with the four building blocks. This is all nice but if you have ideas for core questions that we could draft in small - let's say, video clips, animations, graphics, I think that would be most welcome because we have to make sure that we don't end up with a plethora of different views on what we propose just because people don't really understand on what we're trying to convey.

And so I think the communication thing is even more important than the substance if you wish because I think that - you know, looking at the suggestions we make it's pretty much common sense, right. So I think that I find it compelling, the set of recommendations.

Question is do people get sufficient information to grasp how easy it actually is? And therefore, you know, if you have ideas just throw them at us and you know that the communications team is here, we have (unintelligible) here, and I think they would be very appreciative of any input on facilitating that.

Mathieu Weill: Are we hashing this point about the selling points and the way we are actually explaining this? But we still need to produce the report anyway and that's - so that's an additional layer but I think (unintelligible) the way we are going to explain about the context is going to be as important as to description of the recommendations themselves.

Yes, so that's all the engagement and outreach that we are going to plan around this proposals will matter a lot and how far we can go and how clear we can be is going to be extremely important to get informed feedback by the community. Steve?

Steve DelBianco: Thank you, Steve DelBianco. I made this point yesterday so I'll make it briefly again here. In the presentation of our mechanisms and approaches it is

essential to present it as a package that fits together and works together. For instance, the core values and mission statement are necessary to support the standards based independent review process.

A community structure is necessary to create the standing and the voting rules. So all of those things have to be presented together and therefore the questions that we pose should really be about the package, the meal and not the individual dishes that were part of the meal, okay. That is essential here because it - to pick it apart suggests - I don't like the French fries. Well, then it's not going to work.

So I think that if we structure the questions, put them in a contextual way so that they address the entire package, and I'm talking about the work stream one package. I wouldn't mingle work stream one with work stream two items but present the work stream one meal as one, work stream two as the rest, less detail, a lot less questions.

Mathieu Weill: It obviously works better with the cookbook analogy than with the sausage factory so we'll keep this cookbook thing. (Unintelligible)?

Alan Greenberg: Thank you, I put my hand just as you started talking about communication and outreach, which was what I put my hand up for.

Once we have a moderately strong feeling of when we're going to get this out we need to start scheduling webinars and go to the individual ACs, SOs, and sub units of them and an opportunity to present. And we're going to have to recruit a bunch of people to do that. But...

Mathieu Weill: I think the brainstorming is open and definitely on the plan.

Alan Greenberg: Just one comment, the amount of time it takes to schedule teleconferences is really problematic. So we need to start as soon as possible.

Mathieu Weill: It's taken. Okay. So I think with this provision that - about how to frame the questions we are - we can move on to the rest - the following steps.

And the following question is the overall timeline. So the intention on the next slide that is the upcoming milestones. So - and it's intentional that there is no date here because that's the first thing we need to agree on is what's ahead of us. Starting from the top there we need to issue public comment at some point. We need to review the public comments. We need to refine our proposals.

If needed - and I sense - I've heard a lot of input saying we will need to probably - a second public comment for probably - and we'll have to review those public comments as well. I haven't repeated everything.

And then we'll need to engage with the SOs/ACs, and then transfer to the board. Then oversee implementation is something we should not forget about. Then implementation should be complete and that when the transition can actually take place.

So as far as - as soon as we shift something the overall timeline shifts and yet when you need to set realistic expectations. I see some comments - some hands raised. So (Alan), if you want to comment on this? No. Tijani, did you want to comment on this one?

Tijani Ben Jemaa: No, from the previous one. I raised my hand before we moved to timeline.

Mathieu Weill: I missed it, apologies.



Tijani Ben Jemaa: No problem. I am okay to address the work stream one package as a whole. It is a good thing. But I think there is a value to see each mechanisms, what is the reaction of the community about each mechanism. So we may make both, thank you.

Mathieu Weill: Steve's question, but we need to make sure we frame the questions in a matter that does not create the impression that - you can pick and choose. But the question on each mechanism is - would probably rather be on the how than on the if. Is that clear? Okay.

So this timeline is - well, it's not a timeline. It's the different steps. And if we go to the next slide, the pressing question - the most pressing questions we have - and I'm only focusing on the most pressing ones, are when are we targeting to issue the public comment? When do we think we'll be ready for that? And the current dates that is in the plan is April 6.

Man: (Unintelligible)

Mathieu Weill: I don't think that's actually in the plan. And that's the remark that was made about the Buenos Aires meeting. We haven't exactly decided which Buenos Aires meeting we're talking about. So I guess I'll go through those questions and are now open for discussions.

But the first question is when do we think we can be ready to go for public comment considering the progress we've made the last few days but also what remains to be done? Then there's the question of the duration of public comments, it's currently 30 days for this one. And then there's how we will review this comments, the face to face.

We are starting to think that given that the timeline is shifting - a more flexible format would be more appropriate and because there's a lot of constraints into setting up dates for face to face meetings that we might not be able to achieve in that context.

And what exactly is the expectation we're setting for the Buenos Aires meeting for the rest of the community? Those are the pressing questions that we have right now.

And before turning to the room I'd like to turn to Jordan because my feeling out of this meeting is that one of the most complex items we have to finalize before going for public comment is the community mechanism, I'm trying to stand by the definitions.

So the community mechanism is probably one of the items where we still need a number of iterations to finalize something that is ready for public comment even if it's not a consensus group position but scenarios.

So the question I was asking Jordan earlier - and I'd like to ask now is how many weeks basically before we get something that we're reasonably confident about so that we can go for public comment on that?

Jordan Carter: I don't know if I want to answer your question. But not having had a chance to discuss it within WP1 and not having had a chance to fully understand - I think the hardest thing that we've got to do first is to work how it needs to look, how to link all these things together.

And then the next hardest thing is going to be to consolidate the hugely wide ranging discussions we've had over the last two days into a couple of

crystalized options and then work out whether there's some consensus on them or not.

So - and then it takes a while to do the work to make it useful for a ccWG meeting. So I think you'll kill us if we try and meet 6 of April. I think that's a dead duck for - not even - and even - this is a side dish of legal advice because it's being raised in the chat. I'm not sure there's any value in us going out even to a general consultation before we understand the legal implications of stuff.

Because the best you could say is we should do these in parallel because we're going to have another public comment. So it wouldn't invalidate what we got, it would just waste people's time.

So - and given that, of course, everyone in the ICANN community is time rich and has lots of time to do all these things we should waste lots of time.

And so realistically speaking if we had a CWG meeting on the 30 of March and on the 6 of April - 6 of April? And then on the 14th. So it's going to take three weeks - 7 to 14 of April. I don't see how we can do it without that period.

So mid-April to me is the soonest we'll be able to really convert stuff, totally outside the question of actually integrating legal advice into it.

Mathieu Weill: Leon, about the timeline - the expected timeline for delivery of at least initial rounds of legal advice?

Leon Sanchez: Well, the (unintelligible) so far have - one of the law firms, not both of them but one of the law firms has so far told us that they would be in the position of

providing initial legal advice. And I want to emphasize that with - that this would be initial, not definitive, of course, by the end of this week.

So I think that's a major step forward. From there we can receive this initial advice and begin the process of interactions with the lawyers and the other law firm has said that they would be going into reviewing, of course, the document that we have had handed them. And they are aiming to a three or four-week period to provide a wider legal advice. And they would be also providing initial advice maybe next week.

Mathieu Weill: Okay, I - we're going to open for comments but just want to stress because it's been a comment on the list that if we wait for final legal advice then two to three weeks it's not - it's just not going to fly, that means that we would be definitely not considering an approval by the SOs/ACs and a very, very long time down the road.

So I think that we - at some point we need to parallel to work on the basis of initial legal advice and parallel things otherwise it's - I think it's putting us on - I mean we're already considering very, very short - very, very strong drift into the timelines here.

So opening for comments, Edward?

Edward Morris: Yes, I understand what you're saying but I can't go back to my community and say, here's some recommendations, please take your time and make your comments but by the way, they may be illegal and we may not be able to do it even if you like it. I can't do that.

We have to wait for the legal advice. It's inconvenient but as (Larry Strickland) has said, we have one chance to do this right. We can't screw it

up. We've got to wait for the legal advice before we can go to - it's my members. I can't ask them to take their time...

Mathieu Weill: Just to correct a misunderstanding, this is not what we're saying. What we're saying is - and we are consistent that the legal advice must be in before we go for public comment but we should not wait until legal advice to finalize - to start finalize - to start reworking our proposals.

We still need to be moving forward on those proposals as we get legal advice and work on the basis on initial legal advice, iterate on this basis and not put this - serialize the issues here. That's what...

Edward Morris: It may be a communication problem. So what you're saying is we don't go public until we've had the legal advice, incorporated it into our proposals.

Mathieu Weill: Yes.

Edward Morris: That's great, thanks.

Mathieu Weill: Thank you. Although that sort of - we might not have all the finalized, finalized, finalized discussion on every detail in everything but we'll get legal advice before we go public comment.

Edward Morris: Now what we need to do is for the other law firm, we need to emphasize to them what our deadlines are and ask them to try to comply with our needs so we can have as much - much of the legal advice that we need in time to act upon it for the public comment.

Mathieu Weill: (Unintelligible) if you, Thomas?

Thomas Rickert: Yes, huge line - cube building. I think it's important to note that our group is working from general principles to a level of detail. And Edward, there is a fair chance you might waste your community member's time because the final check is done for the whole package once it's ready for submission to the USG.

So we have to work in an iterative fashion. So at the moment we have general statements of powers that we want the community to be able to exercise. And if initial legal advice tells us, yes, that's something you can do and you can use certain vehicles, then that would be green light for us to present these general statements to the community.

And while we're doing that we're drilling down to the next level of detail. You know, so the more we refine we need to do sanity checks with the lawyers and adjust if need be.

Edward Morris: Did I hear you say I may have to waste my community's time? Hardworking volunteers that have given themselves - this corporation? I'm not going to do that. We have to adapt to them. They're the bottom up that put us here. So I understand what you're saying but we need to have as much of the legal advice as we can before we go to them.

I can't go to them for - I'm going to tell you flat out, I don't think the supervisory board is going to pass California law. I could be wrong. I'm not going to go to my community and say what do you think about this?

Mathieu Weill: I think we need to take this offline.

Edward Morris: Okay, well, you're the one who said I had to waste my community member's time. I'm not going to do that.

Thomas Rickert: There is a fair chance of us as we drill down to the details, get to points where legal advice tells us that we need to readjust. But what we're doing - if they're giving us a sense of, you know, you can go with these powers at the level of detail known at this point in time and we proceed, then I think we're good to go. If at a later stage it turns out that not every (unintelligible) comes true then it might be the case that we need to readjust.

Mathieu Weill: I think we should step away from the idea that there would be a final legal advice at any time. There is no such thing as final legal advice. There is legal feedback on the visibility of the different steps. So as we're discussing about key design decisions we're going to get legal advice on this key design decisions whether they're visible or not.

And there will be a lot of provisions that it depends on the details and so on. And then we get - when we get on the details we get legal advice about the way the details are processed and that's going to be another kind of final legal advice if you will.

So we're not wasting anyone's time but we are having an interactive process because that's the only way forward.

And otherwise we - you know, in a - I mean V-cycle of development, we might be in a position that your community and others would - it's important that we get the feedback on the design and then on the details but not just - it would be wasting their time to look at the design and say - and discover - at the details and discover the design was wrong in the beginning. So I think that's the iteration process we need to build in.

The next person is Olga.

Olga Cavalli: Thank you, Mathieu. Some clarification about this comment period. It's for the whole community, right? Am I right with that? So how are we managing the languages issue? Are we translating the documents? Are they going to be in several languages? Do we have time for that? This is one of my questions.

Thomas talked about the GNSO platform, could we - could you send us a link to see how it looks? My feelings sometimes is for the general public, doing comments in ICANN platforms is sometimes a little bit complicated. So if you can send us a - some link to see how it looks. A question I had...

Mathieu Weill: Can we answer this one before?

Olga Cavalli: Yes, sure.

Mathieu Weill: Thomas, on the platform?

Thomas Rickert: Yes, actually the public comment (unintelligible) is not a technical platform. It's a document format. I think we've shared it with the group a couple of months ago. We make sure that ICANN staff sends it to you so that everybody sees what it looks like.

Olga Cavalli: Okay, just to look how it looks sometimes, I've seen trying to get comments from the community in my community. People find difficulties in commenting in ICANN platform. So languages is one issue. Then we should do our best effort to communicate, maybe the best that we can, videos, whatever. It would be difficult for people to comment.

Also, we have a very short time when we reach to the community and try to convince them that they have to participate.



So about the diversity that has been mentioned several times, we only - we don't only have to see diversity within the process and in the different groups that will make this efficient and mechanisms. It's also the diversity in reviewing this - all this process.

So we have to do our best efforts and including as much as possible as the whole community. And I will stop here, thank you.

Mathieu Weill: Thank you. Just a point of confirmation that there will - considering the importance of this public comment, obviously there will be translation according to ICANN and ICANN's committed to that.

How long would that take is the next question for - yes, depends on the (unintelligible) but we'll do that - it will be high priority translation obviously for ICANN. I think that's all I can say for now but obviously it's - I think everyone understands the importance of...

Man: Yes, it's just more for the impact on the timeline because if the translation ends up taking two weeks then your public comment period is out by two weeks.

Mathieu Weill: I know. I know that, I'm aware. I'll close the queue after (Jonathan) but so far Malcolm, if you want to - please go ahead.

Malcolm Hutty: Thank you. When we go out for public comment, amongst the very important - several important functions that public comment period has. One of them and one of them most important is that we are seeing to win the support of the community for the proposals that we are putting before them. I think this is pretty clear.

So when we send it we will send it with various supporting information, legal advice being one of it. If - it's not down to us whether it satisfies us, that advice, that it's never going to be entirely definitive. Nobody who's ever read any legal advice can reasonably expect that.

But if it is - if it reads that it is completely important questions, seriously open, it's not down to us whether that satisfies us. The response that I can confidently predict that from the community - I can confidently predict from my segment of the community will be we can't support this until these questions are clarified and resolved, yes.

So it's not a question of whether or not this is enough to go - to do this. We will not achieve anything by that public comment period for our own progress unless we have met the minimum requirements that they set in order to give the support. So we need to view it in that light.

The other point that I would make related to what you said about the meeting management, the review of the public comment period when they come back. When we've done that public comment period we may get back a round of applause from the community and that would be lovely.

And it may be that - or we may get essentially widespread support for what we're doing with just some - you know, some changes or additions or tweaks that we can relatively easily incorporate. But if we get back something that's rather different than that and is somewhat polarizing we will have to - the way that we can work with that and work through that problem may be quite challenging.

So I would suggest that the review of those periods - those comments to see what kind of response it is that we get back could well be done in an intense work format, probably better than in a face to face. However, should it occur as it did with CWG that the response that came back was significantly challenging I would certainly expect that a face to face would be really important in order to resolve how we move forward after that.

Mathieu Weill: You can characterize this as - how do they say in the CWG, a best case scenario? If we get pushback obviously - I mean the timeline expectations will shift and we'll have to address how we best reconsider our approach or anything. So that's a very valid point, thank you.

Jordan?

Jordan Carter: Thanks, (Jordan Carter) here. So just to look through bullet points, I don't think 6 April is a go. If we start a bit later I don't have a theological attachment to 21 or 30 or 40-day comment period. If we're doing - if it's not only bit at the cherry I think we could look at a shorter one myself. But I don't know how other people.

We had a face to face penciled in in May and because we were going to do two things at the same time we were going to review the comments from our public consultation and we were going to finalize our proposal for the SOs and ACs.

And if I look at the bigger picture, if we're going to do two comment periods with the second one being about presumably open during the course of the Buenos Aires meeting so people can discuss our proposal in a face to face environment, the second comment period, I do think we should do something

in April and May at least to get some initial feedback on the direction that we're going.

If that second one was open at that point then whether we need the face-to-face meeting depends on the nature of the feedback. If it's very challenging and we need to do a lot of work to pull a second version to the BA meeting, period, then we should meet face to face. If people are actually happy with the direction we're going and we've had a chance to integrate more legal advice and do more detail then we might be able to get away with just an intensive work weekend.

So I think that we should plan for and find a date and get the lovely ICANN's meeting team to simultaneously protect a venue for us but not spend any money in case we don't need the meeting.

Mathieu Weill: Fiona?

Fiona Asonga: Fiona Asonga for the transcript. Just a few points I think we need to pay attention to. For starters, I think it's important that we have a good proposal, we take our time, we get all the legal input we can possibly get, and have a good document going out for the first public comment.

I - if we can go back to the previous slide, I'm not so sure we need to really work on the second public comments. Once we get our public - the first public comments then we review them and we define the proposal.

I think we can work with a target of going back this time around to the SOs and ACs during the Buenos Aires meeting while we're now presenting a proposal that has been redefined from the first public comment, get their

views, redefine it again, then go back. So we still have the two public comments but not back to back. We sort of, like, spread them around.

If we can think that way then I think it's possible for us working backwards from Buenos Aires - because the Buenos Aires is on the 21 of June. We could have the month of May. We can give ourselves April to really work on the proposals going back and forth because I'm not so sure that when the legal advice comes some of us will understand it. We may need to go back and ask for further explanations and - so that - as the people involved in the process we are understanding what it's all even - what it means.

So giving ourselves sufficient time, the month of April we work on finalizing on the first public proposal that goes out. First of May we release it for public comments and that month of April does including the time we need for translation in all the languages knowing that the ICANN translation team will need sufficient time, which means really by mid-April like Jordan had initially proposal.

(Unintelligible) finished our proposal and we have got the proposal going to ICANN staff for translation so that it goes out for public comments the beginning of May. We have that month for public comments to get - we begin to review the public comment.

We sit down as a team to discuss the public comments that have come forth in the beginning of June, gives us enough time to redraft the proposal and have it out again just before the Buenos Aires meeting for us to discuss with the different SOs during the meeting and to still gather additional input that will come to us during our session and redefine it once more.

So I'm - I think we did not necessarily need to really panic but we need to be very clear and very strategic in how we make use of our time so that we get the most out of it. Then that way after the Buenos Aires meeting when we have put all that input together we have the final public comments and then can give the proposal to the board.

Mathieu Weill: (Unintelligible) for the elaborate proposal and I'm starting to sense some traction on meeting the 6 of April. No, about - yes, I don't know. It's - you know, I'm very sensitive to things.

No, I'm starting to feel that the 15 or 20 of April are the target date for public comment might make sense and that the Buenos Aires meeting could be the second round of community engagement, that's what I'm seeing a lot of nods on this. So (Sebastian) is adding himself in the queue but he will be last.

And Becky, you wanted to say something? Thank you, Becky, very efficient. Roelof, are you going to be as efficient?

Roelof Meijer: I'm sorry. I'm going to be courage and not as efficient as Becky. I think the CWG experience earlier this year showed us two - or learns us two kind of contrary lessons. The first one is don't let the so-called deadline force you to publish half-baked plans for public comment.

And the second one is get feedback as quickly as possible on the ideas that you have. In line with that, I would suggest that when we go for public comments we only do that on design aspects that we have had legal feedback on, positive legal feedback on.

We don't have to go into the details on which we don't have legal feedback yet. But on the high level consultation we should have the positive legal feedback that this is doable.

Mathieu Weill: Intended through discussion that it's the design recommendations we're focusing on on this public comment and you're adding the layer of - that we've had legal advice on, which is consistent with the previous discussion we've had.

Roelof Meijer: Yes, and I see that some of us in the chat are proposing that we can skip mentioning a mechanism and we deal with the powers first. I suggest that's a no-go area because we agreed in a very stage on the high lines of the different powers, it's on the mechanism where we still need a lot of discussion.

So this is - the same is going to be valid for the community. We have to give them the outline of how we think that these powers can be executed. We don't have to - I don't think it's a good idea that we give them all five different options.

And like I said in the chat, if we take the general principles that are the same for the different mechanisms and we kind of sketch how such a mechanism would work and if we want to give it a name we call it something like a community council, that should be enough. It's about the general principles of how this is going to work.

Otherwise we will get those questions and you're open - but how are you going to use these powers, implement these powers?

Mathieu Weill: Thanks. Thanks, Roelof. Sebastien, last, and then we'll try to wrap this - (unintelligible), you were in the line. (Unintelligible), you were before Sebastien if I remember correctly? It's getting removed all the time.

Jonathan Zuck: Dropping off the bottom of the alphabet or something like that, Jonathan Zuck. I guess a little bit redundant with what was said but I think what might serve us well is to make a decision right now that we - as the first public comment won't have anything to do with mechanisms because that way we focus our efforts on the things that we want to build into the first public comment period, of which there's a tremendous amount of great work.

Whether it's stress tests or just a community power, what we think - whether we want super majorities or not, what we think - what we mean by when we say community, all those kinds of things are questions that we've discussed and actually need community into - to get proper legal advice.

And I think the legal advice is going to - more often than not, dictate the answer on mechanisms more than anyone's preference is going to.

So if we really get strong community feedback on the work that we've done absent mechanisms I think we'll be in a better position to in fact seek legal advice rather than trying to build mechanisms in the sort of - giving - getting people's arbitrary impressions between them, you know, in an uninformed way in front of the community. I think we have plenty of good stuff to put in front of the community.

Mathieu Weill: I think we should keep that option open. But it presents a significant risk of having to go through two subsequent public comment rounds on the mechanisms themselves.



So we might create the need of a third public comment and shift the timeline even further.

But you're right, if we're not ready, and the only piece we're missing is this one, then we might have to do that. But I would hope that we have made sufficient progress by the time we launch this public comment that we're confident that we can issue this, based on the legal advice -- initial legal advice -- that we'll receive, in a manner that informs the community of where we might be heading at least. Sebastien?

Sebastien Bachollet: Yes, thank you. Just to remind you that there is an ICANN policy by duplication of the document that it's 15 working days prior to an ICANN meeting to any document to be discussed during the ICANN meeting.

And in question of ICANN's ability, we need to follow these rules that the document must be presented before the end of May. And then we - it says the document will be discussed during the Buenos Aires meeting.

It's something difficult to achieve for a lot of documents, but I think we need to have that included in our schedule and difficulties. Sorry about that. Thank you.

Mathieu Weill: Excellent point. And the best we can do, but if it's the wish of the community that if we don't meet this deadline we don't discuss In Buenos Aires, so be it.

But at some point we will strive to do as best - as much as we can. But once again, it's quality first. And that's something I think, we've agreed on, especially if the Buenos Aires meeting is not a decision point but an engagement point on the discussion.

Chris wanted - asked something that is totally unrelated.

Chris Disspain: A policy question about legal advice my Chair, if I may. If I understand correctly where we are, we're now looking at sort of the week after the 6th of April, or possibly two weeks after the 6th of April for going off public comments.

And my question is, do we think that that's going to be beneficial from a legal advice point of view? And is there any pressure that we can - clearly the more legal advice we've got, the better legal advice we've got on the stuff that's going out for public comment, the better.

So I wonder whether we could perhaps, given that we've now agreed to allow an extra two weeks or so, we could work very closely with the lawyers to make sure that they can provide us with as much advice as possible.

And what I think that means, and the reason why I put my hand to say something is because I know for example that Jordan and Becky will be working on Work Stream 1, or whatever it's called.

The Legal Committee, the Client Committee...

Man: The Legal Sub-Team.

Chris Disspain: ...they - I know they're a very large group. And I know you're relying on the fact that our new key people will turn up.

But from my experience - and that's fine. From my experience of A, dealing with lawyers; B, being a lawyer, and C, dealing with the way ICANN works, can I suggest and encourage you to set a series of calls for that group with the

lawyers like twice a week or something to actually bounce through everything so that you really keep the pressure and you are - they come with - even if they come with just statements, you can start asking questions of those statements and start shaping the advice. Just a suggestion, thanks.

Man: Thank you Chris. Just in fact, one of the objectives of our first coordination meeting tonight is exactly what you said. And yes, we're going to be working very close to the lawyers.

In fact you have one of the lawyers just beside you so hold him. Don't let him go.

((Crosstalk))

Man: Excellent. So you're far ahead from us. No, but yes...

((Crosstalk))

Man: Thanks Chris.

Mathieu Weill: Do you want to respond to this? I think that there's a question on the Chat forum Becky, about the exact wording of the bylaws and how it will certainly go to public comment.

This is correct. But our understanding of what is expected from our group is to make recommendations that will then go into the regular bylaw public comment process where the Board will consider - where we will issue recommendations that this and this and this be incorporated in bylaws, maybe with some suggested wording.

It will go through the - the Board will certainly turn to Legal for some initial drafting, etcetera and go to public comments.

So it's to us our understanding is that it is not in the mandate of our group to design the precise wording of the bylaws before turning to the Board for approval.

And if you go to the slide before, the precise wording of the bylaw is expected to happen in the oversee implementation phase. That is where this call for comments on the precise wording of the bylaws is expected to happen.

It's important to be understood, and I think that to me it's something we're trying to check, that everyone is on the same page on this. That transfer to the Board does not necessarily mean everything is cast in stone in terms of words - wording, bylaw sentences and so on.

But the principles are precise enough that there is very - we have narrowed down any room for implementation manner that would, you know, open room for challenge after that.

And that's in our group's mission to oversee implementation at this point. And we'll still be in our mandate to ensure that the implementation is consistent with the recommendations that we have set up.

And that's why we are - I'm putting this on the screen now that there is this overseeing of implementation. There is the completion of implementation where we will say okay, that's consistent. And only then can the transition; meaning the end of the NTIA contract happens. And I think it's important to have this distinction well in mind.

Jordan, you wanted to say something? Jordan?

Jordan Carter: I think that there might be some advantages to what the situation you've just described because in terms of overseeing the implementation, we could be the lead point of contact for the ICANN lawyers in preparing the bylaw changes.

We could insist on a formal consultation with us. We could discuss it at the CCWG, get some tweaks made before it goes to the formal community consultation process.

That kind of division of duties if you like, does seem quite appealing to me because it does mean a fresh look has been taken the content and that we don't have to do all the drafting.

But people who have done drafting, it will be automatically the preparation of the consolidated set of bylaw changes.

And the other point I wanted to make was that 20th of April deadline - 15, 20 of April that to me is when the CCWG will be able to finalize its initial proposal.

I don't know how long it takes from when we go, here you go, to the thing being open for public comment in a range of languages. Someone does presumably know that. It isn't me.

But I don't see how we can finalize that on our side any sooner than 14, 20 of April.

Mathieu Weill: Turning to Paul and then trying to recap this because I think the urge of closing this meeting is starting to step in.

Paul Rosenzweig: A very quick question. How long will the bylaw revision process take inside the Board? Assuming that you gave them a proposal on July 1, and assuming that they agreed to it on July 1, both of which are kind of heroic, there would then be the drafting of the words, public comment on the bylaw changes, come back to the Board for approval.

I recall (Bruce) saying something on the order 45 to 60 days. Is that your estimate?

Mathieu Weill: Turn to others. I have Thomas Rickert: and probably Chris can provide some input on this as well. Thomas Rickert:?

Thomas Rickert:: Thank you. Well actually I have a question to the next slide. So will we come to the next slide or will that - is there no time for this? Okay then I'll wait.  
Thank you.

Chris Disspain: Thanks (unintelligible) it's Chris. Irrespective of whether the bylaw changes come from this process, there still needs - there is still a process by which they need to be brought into being, and that includes comment period.

In any event, given that this working group is not drafting the actual bylaws, the drafting of those bylaws would need to be subject to public comment, anyway.

So I think that it would be relatively easy to draft them, assuming that the legal advice and the community recommendations line up pretty easily. Then it would be fairly easy to draft them because you'll effectively have the legal advice to sit on to draft them.

And then I think there needs to be a sort of 30 day; possibly a 40 day comment period. I don't know where that takes us to, but if I said to you two weeks to draft them and then 40 days after that.

But I think the key is that it's not necessary for the bylaw changes to be made before the plan goes up to the NTIA. In fact you could argue that bylaw changes shouldn't be made until the NTIA has confirmed they approved the plan.

So we need to manage that process as well. And I don't know how long that's going to take. It could be that just as an example, it could be that NTIA, if you believe there is a deadline; if you say there's a deadline; let's just assume that's the 21st of September for the sake of discussion.

It could be that the answer is it's for them to give us an answer by then. And for then to give us a period of time in which to make the necessary changes before they actually physically release the stewardship.

Paul Rosenzweig: Just a quick follow-up on that. I agree completely that it would be irresponsible of the Board to adopt bylaw changes absent a confirmation from NTIA that it thought those changes; the right ones that would satisfy its obligation.

So the process is going to have to be NTIA approval, Board bylaw changes, and implementation, and then NTIA relinquishment of the contract. But NTIA must by contract, give ICANN 30 days - 30 days, possibly reducible to 15, notice if it's going to renew the contract.

So the date on which NTIA must pull a trigger is either September 1 or September 15, depending upon your perspective. And I just -- this is Paul -- I just - we're starting to run out of time.

Man: Yes, just...

Woman: Just a point of clarification, NTIA has to renew the contract. It cannot, not let the contract renew.

Mathieu Weill: Thomas Rickert: and then we'll try and close this discussion and move to the last slide.

Thomas Rickert:: Just for clarification purposes, I guess what our group is to come up with is an implementation plan where the date of the approval by the U.S. government is T-0, right. And then we will flesh out period for drafting things - public comment.

You know everything, in a realistic timeframe so that the U.S. government knows exactly for what time the contract needs to be extended. And I think we're pretty sure it needs to be extended for a couple of months. But then things can roll out sequentially with predictability.

Mathieu Weill: And I think that's one of the items that I would like to propose we move forward with. There's certainly need now to revisit the timeline in a more comprehensive fashion, including down the line, up to the end of the contract on our side. I guess there will be some similar things being done on the CWG side as well.

What I - there are two starting points that I'm taking from this discussion is, we're working on the target date for finalizing our CCWG Work Stream 1



package proposals by April 20, in terms of key design decisions, key design recommendations for the mechanisms, okay.

So that's what we're working at and that's a very important point to make clear for the rest of the community; important for us because we need to organize for that.

Important for the rest of the community to know and the outside world, so that's number one.

Second is our goal will be to have a turnaround that enables a second request for comment to be discussed in time for the Buenos Aires meeting, taking into account all the countries that we have for that.

And we will move to a best case scenario where we would not have to do a face-to-face meeting, and cross our fingers and sell the whole thing so that it happens like this.

So we are counting on Steve to be providing whatever it needs to be sold like this. But I think - I think we are doing a considerate and considerable amount of work that puts us in a position to actually have reasonable hopes that this could happen.

But let's not be overly optimistic, but not pessimistic either and not plan always for the worst case. So that's I think - so we'll plan this. So that's two key messages for the community that we would issue outside of this meeting and relay to the CWG as well as publicly.

And we will, by next week, draft a timeline that is adjusted to these new parameters so that we can discuss this together and publish it as soon as

possible so as to set expectations right, according to what is realistic after this meeting. It was I think, important to discuss this.

I have Thomas Rickert:, but I go to the next slide first to say that the next slide's idea is to ensure we have clarity about who is doing what in preparation for April 20.

So our proposal from the Co-Chairs' point of view, it was that - is that of course the recommendations are prepared by the working parties. So that's Section 7, and maybe there's a problem of numbering the sections here. But basically the accountability mechanism's descriptions are the responsibility.

The working parties are accountable to deliver this in time with a level of detail we've discussed. So that's 6 and 8 might merge. That was contingency and stress tests, but that's for the working - the Stress Test working body.

As Co-Chairs we will reserve the right to draft a summary. And we might need some help to make it a compelling summary, something that is actually civil and not only (unintelligible).

Woman: (Unintelligible).

Mathieu Weill: Yes, I mean we'll be dancing around anyway. We are planning to ask staff, based on the work that's been done so far, to feed into the other parts of the report because we seem to need to be rather fact oriented and summarized. And we think we don't want to spread you too thin on this.

It's a proposal. The staff is ready to do that. If there's volunteers to do that, well so be it. But don't - let's not extend the deadlines for that matter because

I think all the work has been done and Work Area 1, Work Area 2, and the definition and scoping is done.

And let's avoid I mean, duplicating efforts and focus our efforts on where we need this.

So that's our proposal which is put for comments. And obviously with the caveat that the whole report; every single section is discussed within the CCWG calls.

And of course, being - enables anyone in this room or even remotely participating, to comment, amend and everything. And that's obviously something that is part of our proposal.

And so that's where I think we can open, if there's any discussion, including Thomas Rickert's comments, and then we'll go to the last question which approach that I would like to state is, as much as possible, if we can have continuous delivery, section after section, the most we can deal with in advance of the April 20, because it's ready and because the easiest will be for us. That amounts for the staff part by the way.

So Thomas Rickert:, what was your question on this one?

Thomas Rickert:: Thank you. It was actually a question of understanding. The way I understand, that there will be recommendations coming out of these subgroups with regard to for instance, contingency and stress test.

We didn't really discuss this in the plenary here, if I may. Where will these be discussed? Will they only be discussed in the subgroup and then go directly

into the report, or is there like coming to the plenary layer with these things?

Thanks you.

Mathieu Weill: You're right that there are the recommendations that might come up from the stress test for instance, need to be discussed in the CCWG as a plenary. And we should - we haven't had time to do that in this meeting, but certainly will plan to do this at for instance, (unintelligible).

Yes, we don't have them on the calls. We'll certainly parse through them - the other ones until April 20 and discuss any recommendations coming from them in the plenary in the calls. Is that - yes please go for (unintelligible).

Thomas Rickert:: Yes, follow-up question. So you're assuming that there will be agreement. What do you do or what is the process is there is a need for discussions on such recommendations, just so that we understand the process.

Mathieu Weill: Well I think the process, it's outlined in our charter that in case there's some disagreement we would do a consensus call somehow. And if there is, how do they call it, rough intents in the charter and there is minority view, they would be documented as part of the public comment as well?

Considering that the question would be, would we agree to put this question to public comment, not yet to put it as a recommendation obviously. Yes, go ahead.

Thomas Rickert:: A little clarification with respect to minority views, it would be up to the organization or to the individuals that have minority views, to write minority view statements, right.

So the way Mathieu was cutting this short, summarizing the procedure, there is no automatism that this will be captured. So the burden is on those dissenting with their opinion, to write such statements. And then they will be made part of the report.

Mathieu Weill: (Unintelligible) Thomas Rickert:. I have Jan.

Jan Scholte: Yes, Jan Scholte. Just to clarification and apologies if I slept through something and missed it, but the next - this next sprint public comment has nine points, or zero to nine. Your initial one had zero to ten. And the one that's missing is items for consideration and Work Stream 2. And is that - who is drafting that or has it been lost?

Mathieu Weill: Just to see if you were sleeping. And thank you for noting it. No, that's because I added the work stream too late in the process of drafting this and forgot to put it on this one.

Jan Scholte: And who is then going to draft it? Is it going to be staff or is it going to be working...

Mathieu Weill: I think that's something we have discussed that we need to consider and come back with proposals on how to address this. So it's probably still on the group level to work out how we're going to do that. But thanks for noticing. Jordan?

Jordan Carter: We haven't discussed this idea of minority reports in this report. And I don't think it's up to you guys with (unintelligible) to make that decision. I think that that's something that we should put on the agenda for our next call. Is it in the charter?

Man: He's GNSO.

Jordan Carter: Okay. No, that's useful clarification. Thank you.

The second point is I just wanted to be really clear about the messaging we're going to take out of this about our timetable.

There are I'm feeling now a looming sense of dread about having suddenly committed to 20th of April without the chance to actually plan whether that's viable or not; A.

B, I know that when the Co-Chairs of our CCWG meet the Co-Chairs of the CWG tomorrow, and probably already if you were certainly communicating those dates, is there any way that we could say, out of this meeting, A, we're not going to be doing it on the 6th of April.

B, we're going to be finalizing a revised set of realistic dates on our call next Tuesday. I think that would definitely be preferable.

If we can't do that, if we have to live with the 20th, we don't want to flex this again, right? We don't want to - we've said - we've been struggling all the time so far with the timetable that has been imposed on us from outside.

If we're going to - I don't want to delay it. I would love for us to be able to make it the 20th. If everyone thinks that we can definitely do that and is prepared to spend the time, then I'm fine.

But if you're like me, you haven't had time to really work it out and be able to assure yourself of it.

So I'm asking the question because I know that by the time we finish this session we'll have an answer one way or the other.

Mathieu Weill: Important point. And the last item on our agenda is actually what we're going to say after this meeting. And we have an urgency to provide a statement very quickly so that the CWG can base its assumptions about our work, on this statement.

So what needs to be inside this statement is obviously the kind of mechanisms we're working on. We've been addressing this and I think we have relevant material for that, but also the timeline.

And so there's something about the language. But I would be reluctant to not give any date, because that provides a signal that it's totally shifting. So probably something around the fact that our current - the earliest target date being 20th of April, then that's what is being considered.

It's probably the best thing I could think of so far, but I think we need to signal something about the expectations about date, because there's a lot of anxiety that we can lead if we don't provide any dates.

And we need to make sure the language is not setting too high expectations. But we need to get something of how long the shift is going to be in terms of order of magnitude at least. So that's an important question, so I turn to Steve.

Steve DelBianco: Earlier Thomas Rickert: talked about working backwards. What did you call it; zero date.

But I think that in communicating expectations out of this meeting, it would be better to start with a summary of the kind of progress that was made with respect to the package; the engagement of legal experts.

And there's an expectation that the Board, by (Durbin), would have something it could act...

((Crosstalk))

Steve DelBianco: Sorry, Dublin, (Durbin) - by Dublin. This is something (Becky) mentioned earlier, I recall. So working backwards from that. And then you might say we also have an expectation that the first public comment period will have been opened prior to Buenos Aires.

And I don't think it's necessary for your communication that you issue in the next 24 hours to nail that April 20, date since there's a high likelihood that it would still move, you know, a week or two from that.

So isn't it better to work backwards from this notion? Because what does the community care about? Do they really care about the day we start public comment; no.

What do they care about? Whether we think we are going to make the transition later this summer. I mean that's what I'm saying. Work backwards from the bigger picture of being able to get it done and don't focus too much on whether April 6 just turned into April 20.

Mathieu Weill: Chris?



Chris Disspain: What's my - yes I apologize, if I hadn't broken it in the first place. We're talking about messages that we're going to be delivering apart from, as well as dates.

So you guys are going to meet with the CWG Chairs. And I will say this in the CWG on Thursday and Friday, but I thought it was important to say it here because I think it's an important message for you to deliver.

That I've got a small fear that lack of detail, which we're quite comfortable with because we're going through a process of how we're going to do this; that lack of detail may give the CWG an opportunity, if they wish to do so, to say well we won't actually do anything until we see the detail.

The key to this it seems to me is that CWG needs to understand that it's not - we don't have to satisfy them with the accountability mechanisms we're putting in place are the right ones.

We have to satisfy the community that the accountability mechanisms are the right ones.

So if the community comes back and says these are the - what we're saying is the right thing, then they take that because that's - so they should be taking where we've got to. And if we've made a decision that there will be a Board spill, which we have, they should be accepting that.

I'm not worrying too much about where the detail is. But saying there will be a Board spill, let's put that Board spill into our deliberations.

So I think it's important that we make a - we deliver a clear message that says, you know, look at the bigger picture. Don't worry too much about the detail. I

hope that makes sense. I know what I mean but I'm not sure that I got it across.

Man: And (unintelligible), I suppose echoing some of Steve's comments. And I think that possibly the phrase to under-promise and over-deliver.

I think the preference should be to announce, particularly for a public date. To announce a later date and have the opportunity possibly to deliver early on that date than rather than announcing an earlier date and missing it.

Particularly from, you know, general public perception. It's better to say, you know, the 27th or 28th and then say oh no wait, not the 25th we can get it rather than saying the 20th and then it going out on the 23rd. And public expectation on that is something that I think needs to be managed.

Mathieu Weill: Fiona?

Fiona Asonga: I will ask you to look at your calendars -- Fiona for the transcript. If we look back at when we want to engage the SOs and SEs in Buenos Aires, and we walk backwards from that - just from that time, we do not have sufficient time within which to have the first draft out for public comment, go through the public comment, add them into the proposal to go back to the SOs and SEs.

My proposal is we work within the timeframe that we have. We get the good proposal out. I'm still emphasizing what I said earlier. We get a good proposal out, send it out for public comments, knowing that we will have to have 21 minimum - work with the minimum 21 days for public comments. Then another 21 days for responses, bearing in mind that the comments are going to come in languages other than English and need to be translated back for us

who are non-Spanish or Italian or German speakers, into like English which is what are comfortable working with.

So by the time we are meeting the SOs and SEs chances are that we are going to have to go back - we'll be going to them with our input from the public comments, having digested it and probably discussed it.

And not with a full document because we'll be referring to the old document. So they refer to the old document but we have then prepared slides that accommodate some of the public comments that we have found and accommodated that are getting the buy-in of the SOs and the SEs, and getting them engaged.

Because if we don't make use of an ICANN meeting to engage the SOs and SEs, sometimes it can be very difficult to get all the views and input. And an ICANN meeting gives a very good platform for us to get direct responses and feedback from SOs and SEs. And we should be able to make use of that opportunity.

So then we begin to plan again on the next stage after Buenos Aires, because the calendar right now is a bit too tight.

Man: (Unintelligible) the following. For our official statement, we could say that there are - that we're aiming at having a proposal to be discussed by the SOs and SEs, and that we're going to conduct a public comment period prior to that. Not announcing a date today.

But we have colleagues from the CWG in the room - Lise Fuhr was in the room. So the 20th as a target date is out there. So it's unrealistic to believe

that, you know, that the guys joining both groups will forget what they heard once they walk through the door, right.

So let's aim for the 20th. Let's work full throttle on meeting the 20th, and let's communicate a more definitive date once we've reviewed the initial legal advice let's say, and then - so we're making - we're not making false promises basically.

Mathieu Weill: Just so - and we'll work on an extended timeline. I just want to flag that the SO, SE approval will become a challenge if want Board approval by Dublin. Between Buenos Aires and Dublin there is no GAC meeting. There is not ccNSO meeting.

And therefore we will have a challenge in terms of timeline and working methods to have SO, SE approval before the Board approval in Dublin.

And it's not for us to sort this right now, but that's the thing that we need to be aware of and work at. There are plenty of solutions. There is plenty of time and there's plenty of solutions. But it's not apparent yet and it may require some SO or SE to jump out of the usual way of proceeding. And as such we need to be aware of the risks that we are taking.

But I think it is not avoidable at this point. So that's just for us to be fully aware of the consequences of what we're doing. But obviously it's quality first and then we just rest.

And I think with that I would like to stress that considering that there's the CWG meeting coming, our Co-Chair's statement is we were planning to issue it as Co-Chairs, very quickly - with a very quick turnaround, probably tomorrow.

Man: Tomorrow morning.

Mathieu Weill: Morning apparently, we do hope. And therefore we will not have time to (unintelligible) by the group as we did last time. It is going to be very clear it's just a Co-Chair statement. We've just discussed the content which is the package, which is the elements about the timeline we've just discussed.

And if there's any other input to the Chair statement, well now is the time. But think we'll try and keep it short. Our goal is to make the community aware of our progress, and make the CWG aware of what they can rely on. Yes, exactly.

And so that's why we think it's important to issue it in time for the CWG members to be fully informed of our progress. Steve?

Steve DelBianco: If you just wanted to inform the CWG of progress you wouldn't have to do that through a formal written statement.

Mathieu Weill: Well I mean CWG list is exactly the same as publishing the Co-Chair statement. I mean it's all public so, might just merge it - the whole thing.

Man: When we got feedback from the CWG or individual CWG members I should say, they said well you're discussing all these powers. But who gives us assurance that they're actually going to come?

And I think if we're now in the phase where we can say, well this is something you can lean on, we don't know exactly what they're going to look like, but they're going to be there.

You know because we have agreement on the empowerments that they're going to be. So I think we need to give a message to the community on that one and then work on the details.

Mathieu Weill: I think we have exhausted the agenda.

((Crosstalk))

Mathieu Weill: I think that was intended. Thank you for catching this. It means that you're still awake. And I just want to once again express my appreciation to all the colleagues here who did a tremendous amount of work before this meeting. The extraordinarily constructive tone that we've had all across these two days.

We've made great progress on complex issues in a very short time. And it's amazing that we are managing to be build this is a very, very constructive manner all across.

So really, it's a demonstration of the power of this (unintelligible) approach that we're actually providing. And I want to thank the advisors who joined us for this meeting.

Of course extend the thanks to (Nancy), the ICANN Meeting Team, and all the logistics. And kudos to the extraordinary support staff that we have with us. And I also want to thank my fabulous Co-Chairs. It's really fun. It's really fun.

So with that, I think you're free. You can now enjoy Istanbul if you can, and I look forward to continuing the discussions.

Woman: Congrats.

END