

ICANN

**Moderator: Brenda Brewer
April 16, 2015
2:00 pm CT**

Coordinator: Thank you. The recording has started. You may proceed now.

Jordan Carter: Thanks. Hi everyone. My name is Jordan Carter, the Rapporteur for Working Party 1. And the (unintelligible). Welcome to our tenth meeting, eleventh meeting. Forgotten which meeting. Eleventh meeting, 16th of April 1900 UTC.

There are two agenda items for this meeting. As you know, the first is to work through our comment content for the first public comment report as set in the agenda. The next one is what will happen between this call and when we have circulated this to the CCWG, excuse me - to the CCWG as a whole.

So I don't know how long the first part will take. If it takes the whole call, then we will just stop five or ten minutes before the end of the call in order to just work out what happens next.

I don't think by the way that there'll be much that happens next. And what there certainly won't be is another call. So just saying that. And but we've lost our scroll control staff. Can you get that back please? Thank you.

So we're starting as I mentioned on Page 6 of 17. We're at Section 6.5.6. And just before we kick off and as a matter form, I need to ask if there are any other agenda items that needs to be dealt with. I'm not aware of any. Okay. Okay. My apologies for my through clearing.

And 6.5.6, recalling the ICANN Board and this part of this paper hasn't had a lot of change from the previous one. At least not that I'm aware of. And I'd ask first people with any comments that people want to make or thoughts that they have. Robin, your hand is up. Please go ahead.

Robin Gross: Thank you. This is Robin. Can you hear me?

Jordan Carter: Yes.

Robin Gross: Okay. So my concern about the current wording in this section has to do with the community would initiate this power on a petition or two of any of the SOs or ACs in ICANN.

I think that this is a really extreme measure, this recalling the entire Board. And so I think we want to make that really - much higher - a much higher bar, much harder to - much harder to do.

I think, you know, too would be willing to file petitions just about around the clock. You know, we'd have a standing petition going. And I don't think that's - I don't think that's what we want to create here.

I think what we want to create is something that is an extreme measure that's sort of an escalation, if you will, because everything else hasn't worked. And,

you know, this may be the most extreme of all of our measures proposed. And so I think we want to make it a bit more difficult to initiate. Thank you.

Jordan Carter: Okay, Robin. So what is your proposal then?

Robin Gross: I would say - well what's the total number of SOs and ACs, five, six, that would be capable of this. I'm just trying to think proportionately how this works out.

Jordan Carter: It would be - well we're having different views about who should be represented. That debate is ongoing. But the (unintelligible).

Robin Gross: Okay. Well let's just think about this fractionally perhaps at this point in time. And so I would say you would need maybe at least 60 to 70% of the relative power to initiate, however that (comes out).

Jordan Carter: So two - why don't I say 2/3 then.

Robin Gross: Okay.

Jordan Carter: (Unintelligible) suggestion. And by that I mean I'm adding a comment below which says a higher threshold is needed. Suggest 2/3 of SOs and ACs to (unintelligible). Two thirds is sort of magical numbers but there are - that covers (unintelligible) as well, so. There's in chat there. Kavouss, your hand is up. Go ahead.

Kavouss Arasteh: Yes. I fully agree with Robin that we should have a very high threshold even for starting and I suggest 2/3 of the majority to start the process and when it come to final stage I propose another much higher value for making a decision. So I suggest making minimum 2/3. Thank you.

Jordan Carter: Does anyone want to keep the two of any? In Istanbul we discussed two of any. Then we discussed three of any. And then we discussed perhaps be at least one SO and at least one SA (be in number) three. And personally I'd be comfortable just to (principle) de-bold and underline that and say 2/3 of the SOs and ACs (and ICANN). Because we know it's going to be discussed in the full CCWG. And we know it needs to be a high threshold, so.

If nobody objects to that, I'll go ahead with that. And then the - and the question is 2/3 of any of the SOs and ACs. Well it's actually 2/3 of the SOs and ACs (unintelligible).

What else folks? No. And its four advisory committees in the voting and three SOs and 2/3 cannot be reached by the ACs unless - so that problem doesn't arise. And what else? Okay. Greg, you've got your hand up.

Greg Shatan: Thanks Jordan. It's Greg Shatan. First I noticed there's some discussion in the chat of whether - if we should require at least one AC and one SO to be part of the 2/3. I think as you said it would - and again, this depends somewhat on the proportionality it would be able to reach it without any - without - maybe it's functionally true depending upon the proportionality already. But we may want to make that explicitly true.

Jordan Carter: Yes. So that it doesn't have to be implicit.

Greg Shatan: And I - the point that I wanted to raise actually was, and maybe we're not quite at that paragraph yet, is the 75% in order to spill the Board and whether that is high enough.

You know, as an organization which largely works on consensus, so of course there are voting - groups that vote and times that votes are taken. I think the 75% would even qualify as rough consensus.

And that seems to me to be a threshold that's a bit low given that would signify a fairly strong dissent or inability to garner, you know, universal or close to universal support.

So I think that number perhaps should move up following the fractional approach perhaps to 4/5 although that's only 80%. And I wonder whether - if even one SO or AC opposes this whether we should spill the Board.

Just a question. I don't necessarily have the answer but I think if two SOs and ACs oppose it, then really calls into question whether, you know, having reached this point we should spill the Board given, you know, how drastic a solution this is.

And I'd just note practically that, you know, spilling the Board usually does not involve removing the Board immediately. It involves, you know, an election to replace them, which takes some time to organize. But nonetheless it is, you know, an extraordinary remedy and an extraordinary, you know, vote of no confidence. Thanks.

Jordan Carter: Thanks Greg. And we did - the discussion that we had in Istanbul indicated principle but people did not want one SO or AC to be able to block (throwing out) the Board. So it's not the (intentional intent) to be at least low enough unanimity. That is saying no SO or AC couldn't block. But otherwise it needs to be very high.

So I'm wondering whether we should, you know, as a kind of tentative proposal, which I'll just put in the comment bubble and just say that whatever (those changes) should be 85% or so as a working hypothesis. Just low enough that one SO or AC cannot prevent the power (of the exercise).

And I'm noting that down so we can come back to it. And there's a speaking list. So Greg, do you want to add more?

Greg Shatan: The one follow up I note and especially this is important in terms of recalling the entire Board, we haven't dealt at all with the issue of NonCom appointees and whether it's appropriate to have the SOs and ACs - whether there's any voice for the NonCom in removing their own directors or in removing these directors or whether this is - whether the NonCom is effectively out of the picture and this is now an SO and AC only right, which has a certain credibility to it.

I'm not necessarily - I'm not rejecting that. But it's just, you know, we have that wild card of all of those NonCom directors out there who aren't, you know, who come through a different path and whether we're going to just kind of ignore the existence of that path in spilling the Board is something we at least have to explicitly acknowledge we're doing. Thanks.

Jordan Carter: Thanks Greg. I agree with you. Because this is the whole Board's removal, the question is is the removal not the appointment. And I think - and there are people on the call who can definitely correct me if I'm wrong. And the NonCom itself is comprised of reps from across the ICANN community.

So if the whole community is doing the removal of the whole Board, that's fine. We don't need to have a special category for the NonCom. And we certainly don't need to give the NonCom the power to be part of the (existing)

process because that would be peculiar I think. But it is a point that we need to just note that we've covered.

And we don't need to solve the (unintelligible) in here. We don't need to solve who can do this. We don't need to go at that level to (to challenge the words). It's been clear that some designated model (unintelligible). You can do it (unintelligible) as well.

So I'll come back to speak on this. And Greg, is your hand down now? Thank you. Kavouss.

Kavouss Arasteh: Yes. I would suggest that - first of all let me explain that the calling the whole Board member is a very, very sensitive and critical and it plays with the reputations of the entire system. So we would inject the most (intrigant) criteria.

I would suggest that we start to say that removal of the whole Board should normally be by consensus. If consensus is not made by 4/5 of the voters - if we say 4/5, certainly NonCom, SO and AC will be involved because 80% cannot be done by few of the AC or few of the SO or so on, so forth.

So (unintelligible) that should put in - injecting the word normal. It should normally be by consensus. If not possible or if consensus is not made by 4/5 of the fully majority. This is very important. Below that it is very dangerous and we should avoid that. Thank you.

Jordan Carter: Sorry for the silence. I lost (unintelligible) me out. Thanks Kavouss. Steve, your hand is up.

Steve DelBianco: Thanks Jordan. I wanted to make a point about our document that you've made a few times, which is the idea of including options in the document to the public comment period to respond to.

If there was ever a time that we should describe options, it is on these thresholds; thresholds of percentages to initiate and percentage to execute function. This came up on yesterday's call.

I believe this is a perfect chance in our document to highlight maybe a range. Here's one percentage we considered at the low end and here's why. Here's the higher percentage and here's why.

So that the community doesn't think we picked a number out of thin air. They'll see a logic, and Robin and Avri have said, a sort of progression where the percentage threshold becomes higher as the mechanisms get stronger. But they'll be able to see that we have selected a threshold here that is a - that is a function of how many are participating and whether they're voting.

And therefore if we included the low to the high in terms of a range, the comments we get back won't just ask where did you come up with that. They'll say oh, I believe that you ought to be somewhere at the low end. You ought to be somewhere at the high end. People might even have other ideas about being in the middle.

But it wouldn't add a lot to the document. And it could capture some of the really good thinking that's going into this. And that good thinking will be lost if the global Internet public thinks we just pulled a number out of thin air. Thank you.

Jordan Carter: Steve, that's a good idea. Thanks for that suggestion. And it's also very transferable because you could do this at the end of each of these sections about powers. You could have a little table that said, you know, for petitioning, here's the low one we considered; here's the high one we considered and under that for each of them some logic.

And then after the actual implementation there's a low and a high with the logic under it as well. And that would be - people could easily see that table as they scan through the document and get a sense easily, visually of the relativity between these powers in terms of triggering what's starting them and using them.

So that could be relatively simple drafting to add, which I'm happy to do. And so that's a kind of concrete suggestion. Use the table model - question mark. And Kavouss, you put your hand up.

Kavouss Arasteh: Yes Jordan. I'm afraid I disagree with Steve. We should put the highest in our recommend. If the community has different views, they express the different views.

Recalling the whole Board is a total mistrust of the system. It is very, very radical situations. And we put - we should put the most stringent or you still suggest that we put by consensus if it is not (emerge) by 4/5. If the community wants isn't 4/5, 3/4, they put 3/4. And we will come back to see to what extent we can do that.

And I am not in favor putting various options because it is something that we should draw the attention. It is very critical. It is totally different from all other voting.

As the organization we go to some sort of polarized organization for sometimes there would be (argued) a substitution of the Board or there should be some - I don't know (care taker). It is - it's very important. Let us not go that far. And I don't advise such a mistrust like this that we want to do a bit lower (presentation).

So I suggest this - just a suggestion. Put the highest. If the community wants lower, they propose lower and we will discuss it in the second round. Thank you.

Jordan Carter: Does anyone else want to speak on this issue? I can say from my own point of view that this is to me nothing to do about mistrust. It's just about putting the ultimate power over who the Board of Directors is back in the community's hands. And if the Board does something that's so (deliriously) wrong that they need to be removed, then that's the power that the community should have.

And second point I'd raise is that Kavouss with your suggestion is therefore - you're actually proposing a lower threshold than I think the rest on the call have been doing.

And so - and thirdly the table thing might only have one option. But by putting it there, it gets people to think specifically about the fact that this is the key point about this power that they need to think about. So even if there was only one option (set out in it), it would still leave them to think about a question that they need to - they need to think about.

And look - and I've got a question for you, which is the third paragraph (unintelligible), which is bolded and underlined. Would it - for a long time no one has suggested that this shouldn't be a kind of internal mandates and there should be internal discussions and so on.

So I was just wondering if we can un-bold and un-underline that (bit). So we're talking about the third paragraph at this point, 5.6 (unintelligible) that says that (unintelligible) need to collaborate internally and there'd be (unintelligible) internal processes (who might) had a vote. That's not just saying a director's approach.

And if you think that's a reasonable thing to do, un-bold it, just please put a green tick beside you in your Adobe room. If you don't like that idea, please put a red cross. I just think it looks a bit odd.

And there's three greens; no red. Two more greens. Well change (unintelligible). By the way it's just - we will - yes, there's some greens and no reds so we'll just un-bold that. Thank you. That's helpful. And please clear your votes and (unintelligible). A little vote (unintelligible). Okay. I don't have any more personally on this one. Does anyone else? If not, we can move on down the document. Let's move on.

So the next one is 6.6. And this is a paper that we've seen before. This is the updated paper on the AOC that was circulated two calls - couple of calls ago. I would like to hand over to one of the drafters for this. Who would be available to do that? I know that Steve is on the call and might be able to explain that for us. I don't see (Matthew) and I don't see (Donna). Steve, would you be willing to take the call through and I can just take the notes?

((Crosstalk))

Jordan Carter: There you go. You're off mute now.

Steve DelBianco: All right, 6.6 and Avri's on the call who is at least a co-author of most of this section. So Avri, speak up any time you wish please.

Jordan Carter: She said she's on another call for the first hour and that she's watching the chat I think. I don't know. Sorry. Anyway.

Steve DelBianco: Got it. And, Fiona Asongo and Matthew Shears also participated. So I believe we've been through this a few times. So I will try to go at a rapid pace since Jordan is done to give folks a chance to ask questions. We may as well clear our agrees from the prior polling that Jordan conducted.

So Stress Test 14, one of the first ones we covered, it was in Singapore. I believe it was one of the first exercises where we went through the application of the stress tests. And 14 is one of the originals, which suggests that after the IANA transition - after the contract with NTIA is gone there nothing holding ICANN to stay in the Affirmation of Commitments.

They can abrogate, walk away from the affirmation with just 120 days' notice. And the implication here is that under the current arrangement it would not do so for fear of losing the IANA contract with NTIA who's the counterparty on the affirmation.

So that indicated that to answer that stress test and thereby retain the commitments that are in the affirmation as well as the periodic reviews that the community should seek in Workstream 1 to bring commitments and reviews from the affirmation into the bylaws making it a moot point as to whether ICANN wanted to continue to live by the Affirmation of Commitments.

We had a political reality and then Fadi Chehade added his own. One political reality is that once the IANA contracts were gone, the only remaining bilateral single government role for oversight over ICANN would have been the Affirmation of Commitments.

In other words, having cleared the IANA contract, any governments or entities who felt it was inappropriate for the U.S. Government to have the unique role would look at this bilateral agreement with the U.S. Government and suggest that ought to be moved next.

But if we did that in Workstream 2 or later on down the road, we have lost the leverage that is available to us now or never; the leverage to get improvements into the bylaws as a condition of the transition. So all this to say why we need to do it now as part of Workstream 1.

The other (part of call states) that on February 25 of this year, Fadi Chehade told the U.S. Congress in a Senate Committee hearing that he believed the affirmation should be moved into the ICANN bylaws and we could count on it and that he would live by it including the (interim) Paragraph 8B about maintaining just the headquarters in the U.S. while opening offices around the world.

So for that reason a number of us undertook weeks ago to move the ICANN Affirmation of Commitments into the bylaws. So what you see on Page 6.6, we teed it up and indicated we would do it in two pieces. The first is preserving commitments from Paragraphs 3, 4, 7 and 8. And then the actual review processes in Section 9.

We made a notation on the middle of Page 7 though on our last call. That other parts of the AOC like Paragraphs 1 and 2 and 5 and 6 are just preamble

texts or in some cases, most cases, they're commitments that the U.S. Government is making to participate in ICANN and work within ICANN.

And those are absolutely not proposed to be brought into the bylaws. You could put a commitment of one government into the ICANN bylaws and we don't even want to draw attention to that.

All right. So I see a hand up. Should I stop now Jordan? What's your preference?

Jordan Carter: I would take questions as you go. So yes, I probably would. Kavouss - (unintelligible) materials, yes.

Kavouss Arasteh: This is a question I raised before and I wish to raise it again. Which part of the AOC will not be transferred to bylaws? And what happened...

((Crosstalk))

Steve DelBianco: ...Kavouss, Paragraphs 1, 2, 5 and 6.

Kavouss Arasteh: And what will happen to that?

Steve DelBianco: Nothing. The affirmation is still there until ICANN was to quite the affirmation or NTIA decides to quite. Either party Kavouss can withdraw with 120 days' notice. We've been over that before. And I'd be happy to go through this with you.

But if you bring up the affirmation, it's a very short document. You'll see that Paragraph 1 is just some introductory text. Paragraph 2, Paragraph 5 and 6 do

not reference commitments made by ICANN but commitments made by the U.S. Government.

So those commitments can stay in place. The U.S. Government continued to commit to the multilateral agreement and to the participation at ICANN. But that's not of any concern to us. We are looking to find ways to hold ICANN accountable to the community.

And those commitments that ICANN made in the affirmation while they were a bilateral agreement with the U.S. Government when the affirmation was negotiated the understanding is that those commitments are to all of us. They're to the community.

And the only place they should live is in the bylaws. They should not live in some bilateral agreement that either party could quit. I hope that answers your question Kavouss.

Kavouss Arasteh: What you said that deal no longer required at all.

Steve DelBianco: I don't think at all. That's exactly right. And I'm happy to, you know, debate that in detail if somebody wants to look at the paragraph, the affirmation's easy to find on the ICANN Web site. And I don't think you're going to find anything in one, two, five or six that's relevant to the work we're doing here.

Kavouss Arasteh: Is it possible...

((Crosstalk))

Kavouss Arasteh: ...and I'll think of some comments of the community - of the public that this doesn't go to the bylaw but it is there. What we do with that?

((Crosstalk))

Steve DelBianco: Thank you Kavouss. In the middle of Page 7 - well I should say at the top of Page 7 after the two bullet points, we've indicated that other parts of the AOC are preamble text or commitments of the U.S. Government. These have not been proposed as additions to the ICANN bylaws. And I hope that that is the explanation that's necessary to show why we didn't do it.

All right. Let's - we may as well move on. So the first part is 6.6.1; 6.6.1 begins on Page 7. Avri Doria has done fantastic work on this, which was to go through the commitments in the affirmation; that is to say ICANN's commitments to the community and put them in the left hand column.

The right hand column is our working group's recommendations on how to reflect and in many cases to improve upon those commitments in the core values.

Now I'm going to try to channel Jordan as he conducts a walk through while looking at the chat. It looks as if Robin is slight wording change. Okay. Robin, we're on that part right now. Did you want to talk about your point or just have us read your chat? Let us make a preference.

Robin Gross: I'm happy to talk about it. Can you hear me okay?

Steve DelBianco: We do. We do. I don't know that I've heard this one before or whether Avri or I missed it in earlier text. Is it a new idea?

Robin Gross: It really is. As I'm looking at what has been proposed and so what's on there and the bolded, underlined and text, I was thinking it didn't quite encapsulate entirely what I was trying to convey.

And so I think adding the and approval to the very end of it would capture the essence of what I'm trying to convey here, which isn't that just the community was allowed to participate in some, you know, filing a comment on the issue but actually had a meaningful participation and in some fashion approves of these decisions that are being taken.

Steve DelBianco: All right. So the text that you're choosing to add is in Paragraph 3, Item - sorry, I'm confused. I see a six through to the end of the new text. The way I - are you actually on Page 8?

Robin Gross: I'm on - well, it's Page 7...

Steve DelBianco: Core Value 6.

Robin Gross: Yes.

Steve DelBianco: Core Value 6. I got it now. Bottom up in their formulation and approval. So I think you're only adding...

Robin Gross: And approval to the end there.

Steve DelBianco: ...and approval...

Robin Gross: To just sort of clarify what had been - what was being tried to be conveyed.

Steve DelBianco: I for one think that's a great change. Let's take - since we're trying to get this document into its freezable status right now, I assume Jordan you want to get some consensus from this call about whether to add the words and approval there.

Jordan Carter: Yes, that would be handy. And I've...

Steve DelBianco: (All right).

Jordan Carter: ...noted that as possible chat change.

Steve DelBianco: Thank you. So do we have - I have Samantha Eisner and Greg Shatan. Sam, go ahead.

Samantha Eisner: Hi. This is Sam Eisner. I think it's we're putting words into the bylaws and understanding that these are items that are being put in so they're held out as really core tenants of how the organization operates.

We need to be really careful that we all understand what they mean. So when - if it's being put into core value that says ensure that decisions made related to the global technical coordination, what - we need to understand which realm of decisions this is referring to.

When there is a bottom up in their formulation add in, is bottom really the right phrase to use here? And then adding in bottom up in their approval, what does that mean? Because we need to - we need to know that we understand what the organization is going to be tested against and what it's actually expected to do. Right?

And this phrase I'm not clear on what that means. And so I just - I don't have the solution. I'm not saying that we shouldn't have something in here about that. But we have to be very, very sure that as we're putting in items that we're expecting ICANN to live up to that we all understand what it means and that we're using words that really capture the essence of what we're asking for.

Steve DelBianco: Sam, this is Steve. Before I go to Greg, I wanted to indicate that the first half of that sentence that decisions made related to the global technical coordination of the DNS. That sentence could be subject to the very same cautionary note you're giving us. Is that we need to be sure that we understand what it means.

ICANN signed that in 2009. That's been in the Affirmation of Commitments for six years. The decisions made...

Samantha Eisner: Yes.

Steve DelBianco: ...related to the global technical. So if you want to suggest that there are phrases in here about which there's some ambiguity and uncertainty, we are guilty as charged. It's in the bylaws today and it's going to be in the bylaws tomorrow and it's in the Affirmation of Commitments.

So unless you believe that we have (unintelligible) and made a mistake here, I don't think it's positive to our strategy if you suggest that yes, we all have to be sure that we understand what this means because I don't know what to do with a cautionary note like that.

Samantha Eisner: So let me take it back into a little bit more practical working of how ICANN works. So currently today one of the ways that ICANN works to ensure this - and it's meeting of this part of the affirmation is it provides detailed rationale

for decisions that it makes. Right. So there's a way to test through there is it made in the public interest? Are they accountable and transparent in how that decision is made?

When you add in the and bottom up in their formation and approval, does that now mean that every decision that ICANN takes must demonstrate bottom up in their formation and approval.

And if that's the case, what does that impracticality mean for the ability of the organization to do its work and how would that require a change or does that require a change in how work is done today?

Steve DelBianco: Sam.

Samantha Eisner: Because we don't...

Steve DelBianco: Sam, today we have to make decisions in the public interest and be accountable and transparent. If that's already there, are you suggesting that today operationally every decision ICANN makes it goes through a checklist to be sure it's in the global public interest and that it's accountable and transparent? I don't think so.

These core values are available to us if we want to challenge a decision that's made. They become the standard by which the independent review panel of the consideration request is looked at.

I don't think it's a cookbook that says you have to follow these steps. I think what it says is if you are challenged by the community or an aggrieved party, this is the standards against which you could be challenged.

Honestly I...

((Crosstalk))

Steve DelBianco: And I understand. But I think we should move on through the queue. Go ahead Greg.

Greg Shatan: I'm also going to follow with a cautionary note. And I think that - I don't think that Sam is concentrating on the part of the language that is taken verbatim from the AOC. I think she's concentrating on the latter parts. So any discussion of the part that's already settled is not helpful.

So with regard to the language that's being added, first somewhat of a technical note but on the beginning of the third line of proposed Core Value 6, the word global is being added but it's not been underlined so it needs to be underlined.

With regard to bottom up in their formulation, this is very loose language for a set of bylaws. And first off - and I'm not sure what - how this formulation applies to a decision. And whether the decision itself is being formulated. Because that - if you look at the structure of this, it's the formulation applies to the word decision and not to anything earlier in the process, then the decision.

So that concerns me. And I don't think that every process and decision that ICANN makes is - involves a bottom up approval process. Even the GNSO PDP is a - well it (involves) approval of the GNSO. It's a recommendation to the Board.

And there are - I'm sure there are plenty of decisions that are made that are related to the global technical coordination of the DNS that are not bottom up

in their approval and whether - and we would have to test across the board on what those decisions are and even whether they're formulated from the bottom up.

And clearly, you know, I'm as big a booster of multi stakeholderism and a bottom up consensus driven multi stakeholderism, as you'll find. But I think we may be creating an undue burden by putting this in here. These are important points but they need to be made carefully and without a whole raft of unintended consequences attached to them. I have another point about the (shapo) text but I'll save that for later. Thanks.

Steve DelBianco: Well, let's make sure we understand the point of that speech is to remove the words and bottom up in their formulation. Do I have that right? That is your wish.

Greg Shatan: No. My wish is for us to continue to test how this should be expressed and whether this should be expressed against approval. Whether - I'm not, you know, this is not a black and white situation. But I don't think the words as they stand and certainly with approval work in it to go along with the subject of this, which are the decisions that are made by ICANN.

Steve DelBianco: Okay. So being in the public - global public interest and being accountable and transparent. Okay. But you and Sam seem to think that adding bottom up in the formulation and approval have crossed some line and we'll note that. But without an alternative text or a proposal to remove, I don't exactly know what to do with that. So let's go to Kavouss.

Kavouss Arasteh: Yes. What I wanted to say was already said. You can put anything you want but you need to think whether it is implementable or un-implementable. This was our approach in the decision making to such detail as you put it cannot be

implemented. That would slow down the decisions and would be difficult to go to that part.

It is nice word satisfy. Everybody think that now everything is bottom up but cannot be implemented. So we have to think of that. It is not implementable. Thank you.

Steve DelBianco: Thank you Kavouss. Somehow over the last six years we found it implementable to make sure that every decision was in the global public interest. How did we do that I wonder? Go ahead Jordan.

Jordan Carter: I - yes. Listen. I took on board Greg's point about the word global at the start of the third line of this is a new addition. So I've bolded and underlined it in the version I'm working on.

You know, in September 2013 apparently the ICANN Board authorized - Fadi Chehade set up NETmundial and but that decision wasn't made public until after the ICANN meeting in November in Buenos Aires.

That's something I think a classic example of non-transparent decisions. And the fact that the (definition) was in place. We cannot get hung up in this group on this level of detail. And whether we have an approval or not.

What we do have to finalize today and so in a sense this discussion is a black and white issue is what's going to go in our content to the CCWG to discuss and then out for a first public comment in a process that will have two ICANN meetings between now and it being finalized.

So this text is going to get plenty of scrutiny. We do not need to nickel and dime it absolutely till it's perfect today. These are not suddenly going to end

up in the bylaws next week by accident. If we want (to sum up) the question of approval here, I think adding the text to that is perfectly reasonable. And I could only say finally that if we move at this pace we're going to be on this call next year.

Steve DelBianco: Thank you Jordan. It may be that we need another (shapo) on this document to pick up what Sam, Kavouss and Greg said. We can say that Work Party 1 or the CCWG is advised that it's careful to add words to the bylaws only if we understand what they mean, which was Sam's point or as Kavouss said, we are making changes that are implementable.

And do we need to declare upfront that that is our goal? And we're not sure we have hit the goal yet but we understand that that's important to us. It's possible to put those in. Athina, I think you're next.

Athina Fragkouli: Yes. Thank you. This is Athina Fragkouli. I would like to say that the text as it is now makes perfect sense to me. Because I understand that a decision is formulated in a transparent, accountable and bottom up manner. It's formulated like that.

Now when it comes to its approval, which is what Robin suggested, and it was discussed, I have difficulty in understanding what does it mean that a decision is approved on a bottom up manner. Because to me, I think for example in the number policy - through the number related policy it is a very bottom up process.

But when it comes to an approval of the policy, I don't see how this is bottom up. It is (appointed) by ICANN for example. But it is - what is approved is what is already being formulated in a bottom up manner. So that's why I don't see how this and approval fits - would fit into the bylaws. Thank you.

Steve DelBianco: Thank you Athina. Robin Gross, it would be appropriate for you to get in the queue to answer for the and approval line both in the face of what Greg and Athina have said if you don't mind. Greg.

Greg Shatan: Thanks. I'll be brief since this is my second time in line. I think this points out the problem in drafting actual bylaws text as opposed to drafting something about the sense of what should go into them.

I just rebel professionally against the way the language is working here. I'm, you know, happy to work toward language but, you know, as we're trying to kind of essentially work in what would become the actual text, it creates issues.

I recognize obviously that has to be done. But I think this kind of - this is very sensitive, delicate language needs to be worked out carefully when it's going to be actually in the bylaws of the corporation. In the essential I would consider these to be fundamental to the working of the organization.

So that's kind of the dilemma. I did put some suggested text in the chat that I think is general enough to work in the bylaws without unintended consequences. It's, you know, a bit different that what's there. Last.

Steve DelBianco: (Read) that please.

Greg Shatan: Yes. It says - trying to find myself here. Things are moving so fast.

Steve DelBianco: (Unintelligible).

Greg Shatan: And should respect the bottom up multi stakeholder nature of ICANN.

Steve DelBianco: Thank you. Thank you. And - that you Greg. Go ahead.

Greg Shatan: And last I just wanted to point out that the (shapo) text says that the following edits to the mission have been included by the combined legal firms. That's just not correct. We can't say that. And we have to take it out I think even in draft unless and until we run these through the combined legal firms. And they wouldn't be called legal firms. They would be called law firms. Thank you.

Steve DelBianco: Avri, if you can hear us, what were you meaning by the sentence that Greg just pointed out? Have been included by the combined legal firms. I don't hear Avri so perhaps she can answer for that. Greg, I don't know what that means (up there).

Avri Doria: (Unintelligible). I have to be careful (to mute the) - the call is muted while the other one's (active).

Steve DelBianco: Yes.

Avri Doria: What I meant and perhaps this can be removed. It's just when it was first put together, and this was basically those sentences were taken from the legal document that included our recommendations plus their massaging of the wording. And that's what we're saying there. That wasn't something that was meant to go into the bylaws themselves.

Steve DelBianco: All right. So Avri, can we just strike that second paragraph? Starts with the following edits ending with WP2.

Avri Doria: Yes.

Steve DelBianco: Thank you.

Avri Doria: Yes. That was just a (unintelligible).

Steve DelBianco: Avri, while we have you...

((Crosstalk))

Steve DelBianco: ...please help us with this. Work Party 2 has done a markup to the mission statement and core values on their own independent track. And at what point here are we going to reconcile with our normative text, which we're discussing now and what they actually came up with in their own process? Because if we spend a lot of time on these words, they could be very different than the words that Work Party 2 is going to come up with.

Avri Doria: That's only in terms of the two section. Correct? That's not...

Steve DelBianco: Only in terms of...

((Crosstalk))

Avri Doria: ...of the AOC text. I'm assuming that (unintelligible) is that reconcile at the point at which, you know, the two working parties come together, which I guess is when we're building that document.

I was thinking that the words that were overlapped are normative stuff with the working party that was in Working Party 2's work items was us making suggestions to them that come in when we're doing the, you know, the merge of the two processes.

Steve DelBianco: Jordan, it's important for you to take note of when we merge this with Work Party 2's actual changes to the core values. There may be differences. And if there are, we've got to figure out how to notate them. Either we change all of this to match what...

Avri Doria: I would think...

Steve DelBianco: ...they put in or - go ahead. Sorry Avri. Go ahead.

Avri Doria: Yes. No, sorry. It's me that's butting in. And I'll join completely in a couple minutes. But I would think that our stuff could go in actually a comment. Because in a sense it's their job and we're making comments - normative comments on what they were doing. So I'd almost recommend that this goes in as a comment that could be dealt with in the joint discussion.

Steve DelBianco: Jordan, does that make sense to you?

Jordan Carter: It does and it doesn't. It does in the sense that it's a good idea. It doesn't in the sense that the writing in sections that we got from the co-Chairs is simply to complete our comment reports and submit them to them. What process the co-Chairs and staff has in mind to actually physically merge this content, how they're going to display reconciliations and so on is a mystery to me.

So I think it's probably something I could usefully find out and I will. But right at the moment I don't have an answer to it.

Avri Doria: Or we could include a comment in our own stuff that recommends that.

Steve DelBianco: There is already a recognized merge here. It happened in Istanbul on the Sunday before that meeting began. There was a work party that met for three

hours that afternoon. Becky Burr put up a document that had a column from the current bylaw, the column for the change and a column on the right showing how changes were brought in from the Affirmation of Commitments Paragraphs 3, 4, 7 and 8.

So there was an explicit recognition on the part of Work Party 2 that they would do that. And I saw at least one draft at the end of March that included that text in the core values. I just haven't seen one in the last several days.

So everyone knew where we were going and yet when we add a word here and a word there, there's a pretty good chance they didn't know about that word that we added or that phrase that we added.

So a reconciliation will be necessary and there may not be time Jordan - there may not be time to cycle back to Work Party 2 and Work Party 1. We could end up with this section, 6.6.1, being in here and having some point here or caveat that says this may not yet match with what Work Party 2 is going to put in the core values because I believe it's going to be in their document that goes out for public comment.

Jordan Carter: Can I just quickly comment to that?

Steve DelBianco: Yes.

Jordan Carter: But let's not get hung up on the process here. Let's get through and just see if we're - because we're seeing the third time of what's - or the second time we've seen this table. And I just urge (an economy) of speaking and thought on this.

We do not have to get it perfect. We will work with Working Party 2 and at some point in the next week or so the reconciliation process will happen. But what I'm saying to you is I don't at the moment know how it will happen.

Steve DelBianco: Yes. Agreed. Robin, please try to respond to a couple of things that have come up as well as Greg, substitute text, which is quote and to respect the bottom up multi stakeholder nature of ICANN. Thank you. Robin.

Robin Gross: Hi. Yes. I just wanted to talk about this principle of bottom up governance because I think it is really important. I mean I agree with Greg that it is absolutely fundamental text that we better be darn sure that's what we mean.

And I think that kind of is the point here is that we are trying to force ICANN to in fact be bottom up, to live up to its own promises. I mean every time Fadi gives a speech he starts off by saying how great multi stakeholderism is because decisions are made in a bottom up way at ICANN. Well here's our chance to actually require that of ICANN.

Now I, you know, to the argument it's aspirational text and we don't know what that means and all sorts of decisions aren't done in a bottom up way, well the same thing is true for the word transparency, which is also in the bylaws and the articles.

And so lots of decisions at ICANN are not made in a transparent way. But that doesn't stop - that doesn't - didn't prevent it from getting into these documents. So I think that - I think that we need to - we need to recognize that ICANN is really grasping for legitimacy in the global governance space.

And being in fact bottom up, promising to be bottom up in its decisions can help to give it legitimacy that it doesn't have right now. So I think that this is

something we need to take very - just very seriously and to recognize this is our opportunity to in fact require ICANN to be a little bit better and to live up to the promises that it makes and to evolve these global governance institutions to in fact be more democratic. Thank you.

Steve DelBianco: Robin, thank you. Let me remind everybody. If you simply scrolled your document to the next box, Item 4 in the Affirmation of Commitments says private sector led bottom up policy development model for DNS coordination. So the bottom up - it does show up from time to time in the Affirmation of Commitments and we've lived with this for six - going on six years.

All right. So we have Jordan Carter and then Kavouss. So I guess we're going to have to cut off this box and figure out what text we're going to keep in here. Go ahead Jordan.

Jordan Carter: No, no, you go ahead. I don't need to speak.

Steve DelBianco: Robin, your hand is still up. Thank you. Robin, think - Kavouss is going to go next but Robin, think about whether you would accept Greg's formulation or stick with the one you had. Go ahead Kavouss.

Kavouss Arasteh: Yes Steve. What you read from the Affirmation of Commitment was different from what you put in the new converted to the bylaw. Giving some general reference to the bottom up approach is different than you put in a particular part.

So I am in favor that whatever's in the existing AOC you introduce it in the new bylaw as a (shapo somewhere). But not specifically that any decision should be made in a bottom up approach would be difficult.

You introduce bottom approach at the beginning of the whole section, that the following items and so on, so forth should be done take into account that the bottom up approach multi stakeholder process, which is based on among other things bottom up approach but not in that specific item by item. That would be - make it difficult.

Make a general reference to ensure that the ICANN should take this bottom approach into account when doing its activities but not in particular part.
Thank you.

Steve DelBianco: Kavouss, it sounds to me like you're awfully close to what Greg suggested, which is the words and should respect the bottom up multi stakeholder nature of ICANN.

It strikes me that if those words are there, they apply the same regard as global public interest, accountability and transparency. It looks like you're very close to where Greg is.

Robin, thank you for the comment in the chat where you could live with the rewording that Greg put about the ones that warrant it. And understand Greg that it was DOC that was affirming and that's why Avri and I did not move it into the core values under the next box. We knew that.

All right. So I think that I'm seeing an emerging consensus with Greg's slightly formulation from Robin. And Greg's formulation is to add the words and should respect the bottom up multi stakeholder nature of ICANN. Could we get a show of hands of agree or disagree with that as a text we're going to lock in today? Agree or disagree please. Give it another five seconds.

All right. Jordan, Rapporteur, you can mark that in. We're going to go with and should respect the bottom up multi stakeholder nature of ICANN. We're going to underline in bold the word global in the third paragraph. We're going to remove the second paragraph. That's something that Avri had there as a placeholder. Thanks everyone. At this pace - go ahead Jordan.

Jordan Carter: Done. It's done. It's done in my (unintelligible).

Steve DelBianco: So let's move to Page 8. Kavouss, your hand is up. No.

Kavouss Arasteh: No, no, no. Oh no. No. I'm happy with...

((Crosstalk))

Steve DelBianco: ...pretty much what you asked for. It's pretty much what you asked. Page 8. So what Avri and I have done here is taken Paragraph 4 in the Affirmation of Commitments and it includes commitments by the Department of Commerce - that's what DOC stands for -- as well as commitments that ICANN makes. Okay.

ICANN commits to perform - they recognize and they commit to perform. The commit to perform shows up in the bottom half of this Paragraph 4. So I'm going to take Avri's cue and suggest that we remove the following edits have been included by the combined legal firms that are in the province of WT2. We don't need to have that.

The proposed new section is about transparency. So we took the words that are in the affirmation and added also financial or non-commercial impact on the public. I don't remember who suggested or non-commercial. I believe it was Avri or Robin, do you want to speak to that?

Robin Gross: Hi. This is Robin. Yes. I suggested it. Can you hear me?

Steve DelBianco: We do.

Robin Gross: Okay. So I just wanted to include that in there in order to make sure that people understand that financial interests are not the only interests that are taken into account at ICANN that are valued and that are weighed in the policy development process, that non-commercial interests the same way financial interests are taken into account are also evaluated in the process. And again, I think this gives more legitimacy to ICANN to try to expressly make this kind of clarification in its bylaws. Thanks.

Steve DelBianco: Just like the words in the public interest is already in the bylaws, that is very difficult to assess. So Sam is asking, we need to understand - we need clarification of what noncommercial means. But Sam, if we put that clarification in the bylaws, we need to do the same thing for the word accountable, for transparent, for global public interest. Where does this ever stop?

((Crosstalk))

Steve DelBianco: Why are only the new words the ones that suddenly create heartburn for you?

We'll take a queue. Greg, Jordan and then Sam.

Greg Shatan: Thanks - Greg Shatan. I have a problem with this addition, not necessarily with the spirit in which it was made, but financial and noncommercial are not just, you know, antonyms or two sides of the same side coin. Financial impact doesn't have to be commercial impact. I think - I can't speak to why this was

originally put in. But this is about overall financial impact - about cost impact on everyone, whether they are a citizen, a government, a commercial organization, a noncommercial organization. But it was limited to financial impact.

Now obviously there are other impacts. We could get into - we could take the word financial out, and require that they analyze this with regard to all of the impact on the public. But I think there's no such - I think financial impact has a reasonably well understood or well considered meaning. I don't think noncommercial impact has the same thing.

So I don't think that the slippery slope argument that if you - if one word is ambiguous and needs to be defined that every other word is equally ambiguous and also equally needs to be defined, and therefore you can't question the meaning of any word is really the way to go about, you know, trying to discover whether this text works.

I don't think the word noncommercial works here. And that's not because I want to limit this to financial impact. But I think because the financial impact analysis is not limited to commercial interests, and if we want to have a broader impact study that includes nonfinancial impact - which I think would be the opposite of financial impact, you know, we should consider that. But I don't think - noncommercial impact to me - it's just not working for me.
Thanks.

Steve DelBianco: Thank you Greg. As we go through the queue, consider whether we drop the word financial, and just say including any impact on the public - just consider that too. Jordan.

Jordan Carter: I just want to point out a procedural thing. If we continue at this pace, we will not be able to discuss most of the content. This content will be being sent through to the CCWG. So people need to consider how much detail they want to discuss this - whether they want to discuss all of the other issues that remain in the ten pages ahead of us. And so that's just something for you to think about.

The second point is that this is a debate about something that just does not matter because the - read the sentence. Read the whole thing. ICANN will perform and publish analyses with the positive and negative effects of its decision on the public. That's the lead sentence. That's what this is about - positive and negative effects on the public.

And then it specifies some things that will be included, including a financial impact, including the positive and negative impact on the systemic security and stability (unintelligible). Noncommercial matters will be considered because those are part of the positive and negative effect. Adding this or not adding it makes absolutely no difference to what this means. And I propose we move on.

Steve DelBianco: Robin has agreed in the Chat Jordan, that we could just remove the word any financial, and just say including any impact on the public. Could I get a show of hands on agree for that potential compromise here - to remove the word any financial or noncommercial? Just say including any impact on the public. Could I see it - green agree or disagree please?

Kavouss Arasteh: It's agreed. Financial is required, but noncommercial is not required.

Steve DelBianco: Thank you Kavouss. All right, this one does not carry. Looks to me like it is - two, three, four, five, six to two. I don't quite know what to do with a six to

two. A three to one ration doesn't sound like significant consensus. All right. So either Jordan, we keep talking about this or note is as an option.

I'm still hearing an echo, so somebody must have their speakers on while they're also on the bridge.

((Crosstalk))

Jordan Carter: ...a procedural approach here. Why don't we just leave it in bold, and we'll draw attention in the discussion with CCWG. And we can talk about the approach you want to take to (unintelligible). So by keeping it bolded makes it clear. It draws the eye. People will see it. And we can just, you know - I personally think we should take that approach to everything else that's on this table.

Steve DelBianco: Thank you Jordan. Jordan, now your comment was extremely astute - is that this is a qualifying clause at the end of a sentence which says cover all positive and negative effects of these decisions on the public, and then goes on to say including any financial. It doesn't mean only the financial. The word including was just simply to be suggestive.

But this report - this analysis is about positive and negative effects of its decision, which are both commercial and noncommercial, financial and nonfinancial in nature. Kavouss, if you're really - your hand is up. But if you're speaking about this particular item..

((Crosstalk))

Kavouss Arasteh: I'm sorry.

Steve DelBianco: Thank you. Okay. Any other questions on Item 4, Paragraph 4? I shouldn't think so. Let's go to Paragraph 7 which is where ICANN committed to transparent and accountable budgeting, fact based policy development, cross community deliberations, response to consultation, and to publish an annual report that sets out ICANN's progress against bylaws.

We will strike the first paragraph in revised core values. That's the text we didn't need, and in Paragraph 7, in its entirety, with the additional text that you see in underlined bold there. So not only would it adhere to transparent and accountable budgeting processes, but it would provide reasonable or adequate - pick your word - advance notice to facilitate stakeholder engagement in policy decision making.

And that ends up being quite essential because we want the community to weigh in early enough on strategic plans and on budgets, on bylaw changes and policy changes so that we don't surprise the board and management when we suddenly challenge them with a reconsideration or an IRP. Maybe this also helps to eliminate some of the top down in position with outside expert panels that ICANN resorted to over the last few years.

Okay. I will take a queue on this one. Are we all good with those words, and does anyone have an opinion about going with the word reasonable or the word adequate? All right, not seeing a queue, why don't we leave the text as it is presented? Sorry Kavouss, I guess I went too fast. Go ahead Kavouss.

Kavouss Arasteh: Yes. Steve, both of them are subjective. Adequate - what is adequate? Reasonable - what is reasonable? Leave it as it is and then just update. I think if you'd have some time, instead of saying reasonable or adequate, we say we do some timeframe, but we do it later. I don't think that you need to discuss that because it is impossible.

Steve DelBianco: Yes, I agree. Thank you Kavouss. Greg, you're in the queue.

Greg Shatan: Just quickly, I'll put on my lawyer hat but not give legal advice. Reasonable is a - and reasonable in a standards have been heavily defined through litigation, statutes, etc. over the years. So using the word reasonable actually means something very specific about something. And it is considered to be actually an objective standard or the so called reasonable man standard.

But that doesn't mean that it's necessarily easy to figure out what it means, but at least there is a body of law if we were to interpret this as to what reasonableness means. Adequate, as far as I know doesn't have that same long standing clarity - legal clarity that one could find about it. We have nowhere near enough time to talk about reasonableness means. But we could actually - it could actually be determined by law based on precedent. Adequate, I don't think would go there.

So frankly I'm happy keeping the two in brackets. But I did want to point out that reasonableness is actually a term of art in the law, and adequate is not. Thanks.

Steve DelBianco: All right Greg. Thank you. Jordan, unless you want to try to resolve the reasonable adequate dispute, we'll leave it as is.

((Crosstalk))

Steve DelBianco: We're happy to get them in writing. But if your comment is that we need to understand what it means to say provide detailed explanations, I get it. All of these words in this commitment are subject to interpretation and will be difficult to implement. They've been in the affirmation for six years. So

somehow or another we've either been ignoring or following this commitment although I can't for one recall getting a copy of that annual report.

Robin Gross, go ahead. You said I've got a proposal on this. Sam, all right. Sam, you're in the queue.

Robin Gross: Can you hear me okay? Can you hear me?

Steve DelBianco: We weren't, but now we do. Go ahead.

Robin Gross: Okay, great. Okay. So I think maybe we could just fix this with a small wording change. So we could say instead providing sufficient advance notice to facilitate informed stakeholder engagement. Just a couple - instead of reasonable or adequate, we would change it to sufficient. And then we would just stick the word informed in front of stakeholder.

And I think that would get us where we want to go, and maybe could resolve some of the concern about what those words could mean.

Steve DelBianco: Robin has proposed saying providing sufficient advance notice to facilitate informed stakeholder engagement in policy decision making.

Robin Gross: So if that rewording can alleviate some of the concerns, maybe otherwise let's just leave it in bold and - or maybe even put both option in bold and see what the comment - what the public wants to do about it in the comment period.

Steve DelBianco: I'll ask Greg very quickly to - you said reasonable is a legal term. Adequate is not. Is the word sufficient better than reasonable - better than adequate?

Greg Shatan: It's about the same as adequate. As far as I now there's no considerable legal background to what sufficient means. But gain, I'm just going to say something I said in the Chat, which is we're moving way too fast to actually edit this as real text for bylaws. And we're moving way too slow to get through our work.

So I think we should probably say that all of this is about what should be the sense of the change, and that none of this is intended to be implementable. We're really - we're talking about policy and implementation at the same time in other words, and there's a reason we don't do that. Thanks.

Steve DelBianco: Robin, I'm not sensing a groundswell of support for the alternative word. And it doesn't seem to satisfy Greg's legal point. We'll finish up the queue. Sam?

Samantha Eisner: I'll keep this very quick. I think that there are some easy ways to address this. I think that part of what we should be looking for, not just within the WP1 text, but out of this process are documented processes by which we do this, right? So clearly having some sort of notice and an expected period of notice, you could refer out to notices as defined within processes or something like that, and not worry about specific words.

But I think that Greg touched on a very important point in the Chat, that time in the notice to policy decision making - what does that mean? Where does that go? Because this is where we start crossing the line between what are ICANN - the board's obligations versus the ICANN community obligation in getting information out about the policies that are under development.

And so if this was limited to more of the budgetary and strategic planning issues that it's following, or more tied to that and not also tied into the areas where the community itself has responsibilities, that's...

((Crosstalk))

Steve DelBianco: ...commitments in 2009. Would you please ask (John Jeffrey) when he signed the affirmation commitments...

Samantha Eisner: (John) didn't sign it.

Steve DelBianco: ...signed it for ICANN - okay sorry. The CEO - the chairman - when they signed it, ask them if they thought the word ICANN meant the community or the corporation. And I'll wait for your answer on that.

Samantha Eisner: So I agree...

((Crosstalk))

Steve DelBianco: This is language...

Samantha Eisner: This is where we're talking about ICANN being held accountable in - to its community through independent reviews, through all the tests that we're making. If ICANN is - if there is agreement among the ICANN community and embedding among the ICANN community and following on with notice requirements, that's fine.

But if this is going to be held out to - the board itself didn't make sure that the GNSO did something on the right amount of notice, is that really where we want this to go? That's why I'm asking for the careful consideration to be. And I'll leave it there.

Steve DelBianco: All right. But if we took the black underlined words out, all we would do is put in the bylaws what you've already had to live under in the affirmation commitments for six years. And that is why I don't see that we're creating new ambiguity and new problems for something that you and your employer have lived under for six years. I don't get that part. Are you only talking about...

((Crosstalk))

Samantha Eisner: That's not what I'm saying (Steve). Please stop characterizing me.

((Crosstalk))

Jordan Carter: Steve and Samantha, please stop talking for a moment. It's Jordan here. This debate adds absolutely nothing to the work we're doing. Please refrain from it. Please stop having this conversation. It cannot help us. It will not take us anywhere at all.

Steve DelBianco: Agreed. Kavouss?

Kavouss Arasteh: Agreed with Jordan. Leave it as it is (unintelligible). We propose something at CCWG. Thank you.

((Crosstalk))

Steve DelBianco: It sounds as if we will just leave the text in here that's bold and underlined since it's been there for over a week. We don't have an adequate substitute that everyone seems to coalesce around. Okay.

Jordan Carter: Can I make a suggestion please on this one? This is Box 8. Aside from deleting the following edits part which we're doing with all of these, there's a question we need for either A or B, and this is about the nonprofit adventure facing the US. That is going to be tabled at the CCWG, so we don't need to worry about the not being discussed in this discussion - just for the information of the group.

Steve DelBianco: And that would be with respect to 8B on Page 9. I don't think that 8A was something that would be for the full CCWG. Eight A sounded rather cursory as an obligation for ICANN to affirm its commitment. Is there anyone who thinks we should not have 8A other than Avri?

All right, seeing nothing I think it's fair to acknowledge what Avri said as she questions the need for A or B. But B will be the one we'll discuss in the broader group. Can we move to C? B is operated as the multi stakeholder private sector led with input, etc. And I believe it was Robin who added the words bottom up.

We've had this discussion for well over an hour, added the word bottom up private sector led organization. That isn't a surprise word, but it is a new word. Can we take a queue on whether we want to keep bottom up in there? Looks like we'll leave the word bottom up in there for 8. And we have dodged a tricky question on 8B. So Jordan, I'm sure we'll hold you to the promise of being sure to cover it when we get to the CCWG full discussion on 8B.

All right. Let's move to the next page. This is Section 6.6.2. This was first visited eight weeks ago. It was discussed in significant detail in Istanbul - took a lot of comments in Istanbul and several email from Avri, when then were reflected in this new text.

So the key here is to take the four periodic reviews and the affirmation commitment, and bring them into the bylaws. Those reviews represent one of our key ways to hold ICANN. Greg, you asked a question. I thought we'd just covered that. We're keeping A and C, but B is the one that the full CCWG will be discussing per Jordan's request.

Greg Shatan: The way this is drafted though, it looks like A is being kept out. It's not included on the right side. So...

Steve DelBianco: That was all - I understand. That's a fair point.

Greg Shatan: So I think if we are considering keeping things in on the left, they should be on the right. Otherwise I think we're making a misimpression.

Steve DelBianco: I agree with you. Greg, I agree with you. Jordan, would you please put A above the yellow text that says questions that need for A or B, so that A will be in there for consideration? I really believe B is the one that's controversial.

Jordan Carter: Yes, I can do that.

Steve DelBianco: Great. So let's go to - thanks Greg. If we go to Page 9 on AOC reviews, I'm not sure I understand the yellow comment. It looks like it comes from Jordan. What does that mean?

Jordan Carter: Yes. So in the previous version of this document, there was quite a nice explanation about what the subsequent material would do, but it's gone here. And so if you're a reader who isn't intimately familiar with our work, which we have to assume most of the people aren't going to be, I'm just saying that I think I need to write a bit more explanatory text, just setting out what this is.

And I'm clear that is saying that to incorporate the reviews would have an overall proposed bylaw that sets out the reviewing scheme and the reporting and so on, and then following up (unintelligible) each of the reviews. So it's just I wanted to raise that question of adding some more header material to explain what it is.

Steve DelBianco: Thank you Jordan. The four bullet points and the explanatory text - I'll paste it into the Chat. The reason it's not here is that I believe that when Avri - nope, it's not going to let me paste it. It said the ability to sunset reviews and create new reviews, community stakeholder groups should appoint their own members to the review teams. Give review teams access to all ICANN internal documents, and require the ICANN board to improve and implement review team recommendations including recommendations from previous reviews.

Those four recommendations were surfaced in December when we inventoried the community's comments on how to improve. So the reason they disappeared from the document is when Avri incorporated those into the actual bylaws language and the chapeau table that you see in front of you.

And Jordan, I complete agree. It would be better to have the short little four bullets just above the table. They were in the previous version, and we'll put them back in. I will email you that text.

Jordan Carter: Thanks.

Steve DelBianco: You're welcome. All right, so we have this chapeau section which what Avri did to make the reviews simpler to read, is the common elements of all four reviews are here. And then new elements of each review - specific elements of each review are in the tables that follow.

So you've all seen this text for going on eight weeks. But you saw it in each of the four reviews as opposed to all moved up to the header. Are there any questions? Avri, I see you in the queue. Go ahead.

Avri Doria: Actually most of what you say is true. That first item there is one I've been talking about for eight weeks, but I think it's the first time in the last couple of days that people have seen the language.

First one is based on the ATRT - one and two, but especially two's recommendation that there be annual reports on the state of transparency and accountability - kind of like part of the annual report, and also that there be the annual update of the status of where they are with - where staff is with implementing the outputs of other reviews.

So that is something that while each of them contain some notion that there would be reports on it, this brings into the bylaws on the AOC type reviews the notion that yes, it may be three to five years before you do another one, but there's an annual reporting on the status of the improvements. But that one hasn't been there for eight weeks. So that's why I got kind of jumpy about people having seen it for eight weeks, because it is relatively new. Thanks.

Steve DelBianco: All right, thank you. Jordan, I just emailed you that text above the table from the prior draft. Is there a queue? Are there any question about the chapeau text - these common elements that will apply to all four of the reviews - independent experts, transparency and openness, consider approval and begin implementation? Great. Thank you.

Let's move to the first...

((Crosstalk))

Kavouss Arasteh: Please, which page you are now?

Steve DelBianco: Kavouss, we just moved from Page 9 onto Page 10. And I'm sorry, from Page 10 to 11 - if you go to Page 11 of the document.

Kavouss Arasteh: Okay, thank you.

Steve DelBianco: And it's the first one. It's the ATRT - accountability and transparency review team. Sam Eisner asks a great question in the Chat. If by bringing these over to the bylaws, we make these community suggested improvements, and we take advantage of the transition to get them. Well then does that mean that there's a separate review in the bylaws than there is in the affirmation?

No, that would be tragic, and it's certainly not our intention Sam. So what you bring up is a very good point that once these bylaws are established and if we are satisfied as a community that all the commitments in the affirmation have been made and brought over to our satisfaction, that might be an opportunity for ICANN to unilaterally terminate the affirmations, suggesting that it's now accountable to the global community, not just a bilateral way to the US government.

So it's a great point Sam. I don't know whether it should show up in the document or not. We don't want to have overlapping reviews. It's hard enough to do these four reviews than to do eight of them. They're ever so slightly different. That would never be our intention.

As Jonathan Zuck said, our intention should be to get rid of the AOC. If we can't get the US government to quit, we should ask ICANN to quit, providing everything that we need is brought over. Right, either one could terminate.

All right. We'll take a queue. Avri, you're first. Your hand's up. Avri, not hearing you.

Avri Doria: Yes, thank you. Sorry, I double clicked on the mute. I actually - I think it's a good question. I've been thinking about it for a bit. And remembering that this would be part of the package that we'll be presenting to NTIA, I think the issue is it would be best if it is put in the light of in accepting the proposal there is a side agreement as it were of both of them accepting the termination of the AOC when these bylaws - and I hope fundamental bylaws - are accepted.

So I would say, and I'm not sure how we'd put that in language in this presentation, other than perhaps a paragraph which I can help write or what have you that basically says understanding that it should be by mutual agreement - that is putting them in the bylaws and NTIA accepting that fact, we mutually negate that they are - that the AOC is superseded by this. That's what I would like to see happen. I don't know quite how...

Steve DelBianco: Avri, I for one would like to support that entirely. It would go at the very top of Page 7, right after we discuss the contingency of why we're bringing it into the bylaws. If you could draft that paragraph and circulate it as a standalone paragraph in email, that would be helpful.

Avri Doria: I can.

Steve DelBianco: Right above 6.6.1. Okay? Thank you Avri.

Any other in the queue on the ATRT? When we met in Istanbul there were suggestions - and believe me, I worked very hard to get them all in here including Chris Disspain's idea to put side by sides and make sure we explain any change that we made.

Okay. I don't - sorry, Jordan. Go ahead.

Jordan Carter: Thanks Steve. I am - I put in the words. Are you looking for - sorry, are you looking for comments on the chapeau bylaw about the review?

Steve DelBianco: We thought we were done with that, and we're on the ATRT. But I'm happy to go back to the chapeau. Do you have something on that?

Jordan Carter: No, it's okay. I was just getting myself confused. Don't worry.

Steve DelBianco: Not a problem. In the paragraph Avri is giving us is on an intention for NTIA and ICANN to mutually terminate the AOC after all of these bylaws changes have been approved. And that will go up on the top of Page 7.

Any others in the queue on the ATRT? Great, thank you. Let's go to the next one. Kavouss, Page 12 please. Page 12 is the second review - the security, stability and resiliency review or the SSR review.

Something that came up in Istanbul is that those of us on this team recommended no less frequently than every five years, but the AOC required it every three years. This is no less frequently than every five years. So that if members of the community could suggest good reasons why it should be done every year or it should be done specifically next year because of a huge threat

to security, stability and resiliency, I should hope that they could muster enough support to get the board to decide whether to do that.

And if the board's decision didn't meet with the community's approval, that's a decision that could be challenged. But I don't think it makes sense to lock us in to a forced march experience of reviews every three years when we're talking about four reviews here plus all the other structural reviews that are already baked into the bylaws, most of which have a five year cycle.

I believe there is grand support to move to every five years as opposed to every three years. Are there any comments on that frequency issue? Go ahead Kavouss.

Kavouss Arasteh: What is the argument that the three years is too short and five years is better?

Steve DelBianco: Right now we have eight reviews this year that have to be done in ICANN. I can't even begin to think about how we're going to find the volunteer and staff support to get eight reviews done this year. And it's because I believe there are three affirmation reviews and five structural reviews because ICANN has so many reviews in it.

We're not adding reviews. We're simply moving them from the affirmation into the bylaws. But while we make that move, we wanted to create the flexibility that it would only have to be done once every fifth year as opposed to forcing it every third year. That should relieve some of the pressure, although Kavouss, if there was a driving need to have a review right now on security, stability and resiliency, this doesn't prevent it. It just says no less frequently than every five years. You're allowed to be more frequent if you wish.

Is that right Sam - eight reviews this year? How are we going to do this?

Okay. I see no other queues. Let's move on to Page 12. Sorry, page 13 - it's the third review. The third review is the tricky one because it was initially designed to just look at the new gTLD expansion if it occurred, so that we change the wording to make sure that the wording matched. This notion of an ongoing expansion of the new gTLD space - and it might be done in rounds or it might be done as an always open round. So that's why we rephrased that second paragraph.

The AOC is extremely prescriptive. It would say that the AOC required a review two years after the one year review, and then another one every four years thereafter. So literally we'd have the new gTLD round. Every single round would generate reviews, one a year out, one two years out, and then all rounds together get reviewed every four years. We're trying to rationalize, streamline and simplify that. And that's what this is attempting to do.

We have gotten rid of the review that's supposed to occur two years after the first review of every single round of the new gTLDs. I see your timing Jordan, we're close. So what - any other queue on this, or are we ready to go with - are we ready to go to press with this text? Any hands? All right, I see no hands. So Jordan, that wraps us up on that part. And we move to Page 14 which is the last review - the Whois review.

In Istanbul Alan Greenberg and others asked us to make the wording more flexible, so it says Whois/directory services instead of Whois because now we know of it as directory services. This is what the EWG has been working on. So the way it's phrased, this review would with occur either one. And it would be done no less frequently than every five years.

About six weeks ago Robin Gross and (Bruce Tonkin) wanted to add the OECD privacy principles to the review. And there is the line. It says such existing policy also includes the requirements and legal constraints regarding privacy as defined by OECD as amended in 2013. And there's a hyper link to that footnote.

So I believe we can take out the word note Robin Gross and (Bruce Tonkin), because that text is actually there Jordan. But since that text is there, you can take out the note referring to Robin and (Bruce). We'll take a queue on this particular one. And again please note that we've changed the frequency.

Jordan Carter - yes 8B is the headquarters in the USA, but offices around the world. Okay, Samantha says if we're tired now, just wait. Okay. All right. Let's go - the next one. I think this would be helpful if Avri would explain this periodic review of the IANA function if the CWG asks for it. And this is a placeholder. Avri, tell us about this one. Not hearing you.

Avri Doria: Okay, yes. You should hear me now. Do you hear me now?

Steve DelBianco: We do.

Avri Doria: Oh, okay. Basically and it's in formulation now, we haven't come up with recommended wording. We weren't even sure we were supposed to. But one of the design teams was basically working on the IANA review function, which is a periodic function. We set it at five years. Well we set it - the first one at three years and then subsequently at five, and basically have patterned it off of an AOC type review, and are recommending that it be an AOC type review, and that it basically inherits a lot of the mechanisms and formalisms that we have for the AOC review.

So there's an entire description of that review and the details. And what we've started doing, but haven't completed and wasn't even sure who - which of the CWG's responsibility it was to do it, but trying to model some language as we have in these others that could be imported. When I created that as a TBD, the design team that was working on it was only proposing it in the CWG.

We've now gotten to the point where it's fairly well established as part of the CWG recommendation. And so going the next step to actually filling in the placeholder is the step we're kind of at.

Steve DelBianco: Would the CWG then Avri - would they appreciate that we take their text - I suppose it would be a paragraph or two similar to the other reviews above. They'll appreciate that we take their text and put in in here before we publish, and that we'll cite it as coming from the CWG Item N - periodic review of the IANA functions, and its functions plural, not singular...

Avri Doria: I would think so.

Steve DelBianco: ...according to their...

Avri Doria: Huh?

Steve DelBianco: Yes, it's functions plural not singular.

Avri Doria: I think that would be good. It's just that the text at the moment describes the function and doesn't - I mean it describes the review, but it describes the review in a manner that's not the same as the way the other reviews have been described. So that's the step we're at now.

Steve DelBianco: We're going to leave it to you and the design team to try to come up with the phrasing so that it sits with the same tenor as what we have, right?

Avri Doria: Right.

Steve DelBianco: Great.

((Crosstalk))

Jordan Carter: I think we should just leave it at that. We should - all we need to do is to have a clear placeholder to remind people that this text might be coming. I just added it at the top - text to come from CWG, and then in back the design team end, just so people know where it's coming from.

Steve DelBianco: Excellent.

Avri Doria: Yes, that's...

((Crosstalk))

Avri Doria: They approve the text. It would - yes, that's good.

((Crosstalk))

Jordan Carter: May I ask a question of Avri or Steve? Sorry, once we finish this item.

Steve DelBianco: I think we're finished now for the affirmation reviews being brought over. We're about to embark on the bylaw changes - two of them that are suggested from stress test. But go ahead Jordan.

Jordan Carter: Let me ask a question. And Avri and Steve, on Page 13 of the pdf, there's two little blurbs in yellow in the notes column. This is in the competition, consumer trust and consumer choice AOC review. So the reason that they're yellow was that in transcribing it I couldn't quite work out if they were in the right place

So for drafting purposes, clearly the bit about one year and two year is in the right place because it's beside the text with you. Can you tell me what's the new (unintelligible)? Is it the safeguard put in place? Or is the whole - is it A and B? Or is it something else?

Steve DelBianco: It's subsequent rounds of new gTLDs should not be open until the recommendations of previous review required. This is one of Kavouss's suggestions - so my bad. We should have hit a couple of character turns to force new next to Kavouss's item. Okay. Everyone agreed to that.

((Crosstalk))

Avri Doria: It was me when I was editing.

Jordan Carter: Thank you.

Steve DelBianco: Thank you Jordan. Kavouss, your hand is up. Not hearing you Kavouss.

Kavouss Arasteh: Yes. TBD which is there, it still remains TBD - to be developed. You have not proposed any text.

Steve DelBianco: We won't be proposing the text Kavouss. The CWG is and IANA work team. And as soon as they finish that text, we're going to paste it in here.

Kavouss Arasteh: Yes, okay.

Steve DelBianco: And we're going to indicate that it's going to come from CWG's design team, and that's what he's going to put in. Okay?

Kavouss Arasteh: Okay.

Steve DelBianco: Thank you. All right. Only two more pages Jordan. We ought to be able to do it. Six dot X - this is Page 15 for those of you following along. These are bylaws changes that are suggested by stress test. The stress test work team, when it looked at all of the different proposed mechanisms in CWG and CCWG on a preliminary basis - because I realize nothing's final yet.

We were able to determine some potential bylaws changes that would be necessary in order for us to adequately address the stress test. The way this section is organized is we have a repetition of what our charter told us to do for stress tests. This is essential because plenty of people will misinterpret a stress test as being a probability based risk and impact analysis. And that is not what it is. That's not what the charter asks for.

We're simply evaluating in the face of what the community says are concerning contingencies and risks, what would be the reaction of ICANN and the ability for us to hold ICANN accountable to the community in the way in which it reacts to a crisis. It doesn't mean that we'll avoid every crisis, particularly some of the financial crises and lawsuits. Then the way in which ICANN budgets and makes decisions and acts in the face of these shocks - how does the community hold ICANN accountable?

So with that preamble, the first one is 6x1, which is forcing the board to respond to advisory committee formal advice. Jonathan Zuck, you're on the

call. Could I ask you to get in the queue and explain the need for this as well as the origins which Avri fed to us from ATRT2? Jonathan Zuck?

Jonathan Zuck: Hello?

Steve DelBianco: Yes, we hear you. Go ahead please.

Jonathan Zuck: Can you hear me?

Steve DelBianco: We do. Please Jonathan, go.

Jonathan Zuck: Sorry about that. I couldn't raise my hand at first for some reason. So I feel like I've talked about this a number of times - beat a dead horse or anything like that. But it's a fairly simple addition to the bylaws that was actually proposed by ATRT2 in Recommendation 9.1, which is just to insure that recommendations that come from advisory committees are considered in decided of the board so that the board has taken a stand, which in and of itself should be sufficient for that - those decisions to be viewed in the mechanisms that are being worked on in work party two or (Becky Burgess)' group.

So that's really the bottom line. I don't want to go on and on about it. But that's really the issue. It was already recommended and has yet to be implemented by the board. And it was already approved - it was already subjected to public. It's just a question of including it in our recommendations for bylaws changes.

Steve DelBianco: Thank you Jonathan. So the new language which is not new at all - it's only new in the sense that it hasn't been done yet. This is the top of Page 16. And it says the ICANN board will respond in a timely manner to formal advice from all advisory committees. So SSAC, RSSAC, the GAK, ALAC - when they're

providing formal advice, and the board simply has to respond in a timely manner which could trigger our ability to challenge the board's response.

Any questions on that? We'll take a queue. Great.

Next one is 6x2. This is the infamous stress test 18 which we have been discussing for about ten weeks. Kavouss, you're in the queue. If you're on for 6x2, would you allow me to first talk it through and then respond? Or if you want to refer to...

Kavouss Arasteh: Yes.

Steve DelBianco: ...to the previous one, please begin to speak.

Kavouss Arasteh: It's in your hands. What do you - if you want me to speak, I'll speak. If you don't want me to speak now, I don't speak. It is up to you. You are in charge.

Steve DelBianco: Kavouss, are you going to - got it Kavouss. Are you going to talk about the one that Jonathan just explained or the one I was about to start on?

Kavouss Arasteh: I'm talking at the beginning of the paragraph - the introductory paragraph is wrong. The NTIA is referring the statement in 14 of March does not refer to GAC. It refers to the attempt of some government that wanted to control the internet. This is wrong here. Hello?

Steve DelBianco: I'm listening - yes. I understand.

Kavouss Arasteh: This text is not correct here. So please delete this text.

Steve DelBianco: I believe that I quoted it directly with a footnote. But are you saying I quoted it wrong or that it's being misapplied?

Kavouss Arasteh: That has nothing to do with GAC - is to do with control of the internet by some governments - has nothing to do with the GAC. Because GAC has the first four G government, you associated that with that? It has nothing to do with GAC.

It is the overall understanding of United States government that some government in the world wants to control the internet. And they put this item here. It has nothing to do with the GAC. So please delete this from this statement.

Steve DelBianco: Kavouss, I...

Kavouss Arasteh: It is totally inappropriate.

Steve DelBianco: Got it Kavouss. But with all respect, I don't think I'm going to do that because in fact the US government - NTIA - in an official reply three weeks ago suggested that this change to the bylaws was considered essential to meet the requirements of NTIA. I sent you all the detail of NTIA's response to that. I sent you (Thomas Schneider)'s reply. And all of that has been documented carefully. This is in fact considered an essential requirement by NTIA for the transition.

Kavouss Arasteh: That has nothing to do with the GAC. It's okay - but nothing to do with the GAC. It's to do with the transition.

Steve DelBianco: I agree with you. And it may - that may have been the origin of it. But this has evolved to the point where the counter party who will determine whether we

have met the conditions of the transition has said in writing that this bylaws change is essential to meet the conditions of the transition.

Kavouss Arasteh: Steve, this is relating to the transition. It's not relating to the GAC decisions or advice. This relating to transition and is valid for transition. That is not valid for the GAC advice.

Steve DelBianco: I'm afraid that we've moved past that because the US government in (Suzanne Ridell)'s reply to (Thomas Schneider)'s concern cleared all that up. And the US government and...

((Crosstalk))

Kavouss Arasteh: You can tell Mr. (Schneider) and - this is - (Suzanne Adams) is not everybody. (Suzanne Ridell) does not represent everybody.

Steve DelBianco: It represents NTIA's position...

((Crosstalk))

Steve DelBianco: I checked on that. It does represent NTIA's position.

((Crosstalk))

Jordan Carter: Kavouss and Steve, just stop for a minute. Just stop for a minute. We're talking about the text I believe at the 6.x.2 - the first couple of sentences. What that says is that stress test 18 addresses ICANN's - essentially GAC advice in that context of NTIA's statement.

So that's - it does. That's an unarguable fact. You know that's where - that's what the context is. The statement has been made. So arguing about this doesn't add anything to our deliberations in a context where we have ten minutes left.

Kavouss Arasteh: No, I don't agree with this text. Put it (unintelligible). I don't agree with this text. This has nothing to do with the GAC decision.

Jordan Carter: Which text?

Kavouss Arasteh: The three lines saying that...

Jordan Carter: Which text?

Kavouss Arasteh: The text is saying that ICANN is supposed to be GAC advice in the context of the NTIA - the statement regarding the transition. We are talking of transition. We are not talking of the GAC. This text below is about the GAC. The text that's three lines about transition, and it is right. USA statement is right. NTIA is right and (Suzanne Riddell) is right - related to transition, but not to the GAC advice.

Jordan Carter: Kavouss, the stress test identifies that GAC advice is a concern of many of us in meeting this requirement. So the purpose of raising this in our comments document is to see what the community thinks about that and about the proposed change to the wording. This has been on the table for a long time. It's been through a lot of discussions. Your opposition to it has been noted a number of times. And that's - there is not sufficient support for your perspective to change the text. So we have to move on.

Steve DelBianco: Thank you Jordan. I'll take a queue beyond Kavouss. And Kavouss, for your convenience I just pasted the definitive line from NTIA into the Chat. And as Jordan indicated, it's probably not just about NTIA - it's about the community and what it is that we want.

The community wants to give deference to GAC decisions. The community wants to be held to the need to enter a consultation, to work out a good faith, timely and efficient manner to find a mutually acceptable solution when the GAC sends us advice. And that only the GAC is entitled to that kind of deference and that kind of a high pressure situation to work out a mutually acceptable solution. And since the beginning, that has been rooted in the GAC's documented, required procedure of a consensus space method.

Today the GAC does so in the absence of a formal objection. That's what they do today. And it's based into the GAC's operating procedures. When we initially proposed repeating that as the standard, there was considerable objection from (Thomas Schneider) and two other members of the GAC. We know they weren't speaking for the GAC, but they were individually concerned.

The co-chairs of the CCWG along with those of us in the stress test team said let's try to meet them halfway. So instead of prescribing today's really high bar standard for consensus, all we said is with respect to government advisory committee advice that's supported by consensus. And that is what is on Page 17. That's the underlined bold line.

So notice that the word consensus there is really up to the GAC to determine. The GAC may or may not keep its current standard of the absence of a formal objection. It might use a standard like the GNSO uses or ccNSO. We don't know, and we're not telling the GAC what to do. But we're saying that if

GAC advice comes over and something less than a reasonable understanding of consensus here, then our obligation to work out a mutually acceptable solution is not whole.

All right. So that's the explanation for that change. There are four paragraphs I inserted about a proposed rationale for this. And I hope that that's sufficient for us all to debate it. Now Kavouss, your hand was up. And Jordan's - let's go to Jordan first because Kavouss already spoke. And we'll come right back to Kavouss. Go ahead Jordan.

Jordan Carter: I think we're well familiar with this. Can you hear me?

Steve DelBianco: We do.

Jordan Carter: Yes, thanks. I think we've all seen this text a number of times saying that the GAC is discussing it. I know it will be an ongoing issue of discussion. I think we should say that we're ready to leave this as it is for our comment report.

Steve DelBianco: Thank you. Kavouss?

Kavouss Arasteh: I have already mentioned that. Unfortunately there is no need to such a change. GAC at any time could modify its principle 47, which is guaranteed by consensus, and then have other advisors without consensus, and that has been something which has been quote (unintelligible) effectively in addition and we don't need to change that. We don't need to go to the majority. It would be dangerous that we put in the bylaws that GAC may go to the majority.

If GAC decides for certain cases goes to majority, GNSO decides. If GAC continues to have this consensus, they will continue. There is no need to make

any changes until the issue is fully discussed and debated at GAC. This has not been discussed in GAC.

Steve DelBianco: Thank you Kavouss.

Kavouss Arasteh: You cannot propose anything. Thank you.

Steve DelBianco: Got it. Thank you Kavouss. And not only did I past the text from NTIA, the four paragraphs on Page 17 that directly address what you just said. We are not telling the GAC what to do. We are not even - this is not for the GAC to decide. The GAC is one member of the community.

Because this is all about what ICANN has to do when the GAC sends us advice. It has nothing to do with the way GAC does advice, but only the obligations that we have at ICANN to take that advice and try to work out a mutually acceptable solution. This opens the door for the GAC to do whatever it wants.

And Jordan, with that, I don't see any other hands in the queue. It looks like we are finished with this (unintelligible).

Jordan Carter: Thank you Steve. And thank you all for that somewhat torrid work through of this document. And I would just note again that by putting this into the document, we are guaranteeing that it will be discussed by the GAC along with everyone else. And thank you Steve for taking us through that material.

So ladies and gentlemen, we've spent three and a half hours working through an 18 page document, and it's exciting stuff. What I've got in front of me on my computer is a version of this document that is - you've all got up to where

we got to yesterday. And it's got a series more comment bubbles and questions. It's got some extra material. It's got some stuff deleted.

And so I move now to propose to you what it is that we're going to do next with this material. And here's my suggestion. Straight after we stop talking, I will fire this around on the working party list so that you can see all of the material. And I'll spend the subsequent half hour or so - I'll accept all the changes. I'll do a bit of tidying up. I'll change the header material so that it refers to the contribution to the comment report.

And then I will - and I'll try to make some editing things that suggest that things were agreed to debate. And I - no, it's going to - so I won't do any of that. What I'll do (unintelligible) I'll pdf all that I've taken, and I'll put it out immediately as the Version 3.2 on the list. For any of you who have follow up time now to look at it - to make any further final comments and tweaks.

And then about six hours from now I will circulate a version that does all that I said - the tidying up, incorporating comments. And we'll do the table thing in the powers that we talked about. We've got options for that regarding thresholds. I'll make it as good as I can get it.

And then at around 0300 hours UTC, so 3 pm in (unintelligible) - about six hours from now - and I will circulate that version and as a clean document with a track changes version form Version 3 so that compared to the base that we're working off. And that will be open for any final tweaks until our deadline which is Friday at 2359.

So that will be the last chance to pick up on a word that's missing, on a punctuation change, on any other small thing that we can do. Then we will send it through to the full CCWG or wherever the co-chairs tell me to send it

so that it gets adopted into the single piece of paper that we'll be reflecting on in the next couple of days, and then dealing with another intensive work period.

So that is what I plan to do. And as you will have noticed, there are no more calls from working party to schedule this - working party one scheduled at the moment because we've largely done what we had to do to this point. And it's not my intention to plan any more such calls at this point until after we've had the CCWG meeting on Tuesday, which should let us know whether we need to do anything else.

Given the number of calls and intensive working that we've got next week, I'm hoping that we won't need to meet with the group until after we've done that (unintelligible) and decided what the next stage is in our next with the CCWG is, including whether we need that working party.

So if there any questions or comments on that, because I'll take those now. Kavouss, your hand is up.

Kavouss Arasteh: Yes Jordan, let us thank you very much for all the work you have done and the work done by Steve, by Avri, by others - lots of work, hard work. And really appreciate all those efforts. Thank you.

Jordan Carter: Thank you Kavouss. It's been fun, most of the time. And so no calls. And if there are no hands on that process which is about the only process I can think of us doing, I would like to thank all of you for the work that you've done. And this is a pretty (unintelligible) such a short timeframe. And I know it's a valid contribution to the work of the CCWG. And I'm looking forward to us discussing it with all of our other colleagues in that group next week.

And thanks everyone. And I'll be having something in your inbox very soon,
and then an updated final draft in about six hours.

Take care and enjoy your day. Bye.

END