

**ICANN**

**Moderator: Brenda Brewer  
June 9, 2015  
1:00 am CT**

Coordinator: Recordings have started. You may begin.

Leon Sanchez: Thank you very much. So welcome to this call number 36 of the Cross Community Works and Group (unintelligible) accountability on June 9, 2015 and today will be, of course, using the Adobe Connect room10 at least for the roll call and as usual I would like to call at this point for all those or if any are not in the Adobe Connect room but are in fact through the phone bridge to state their name to be added to the roll call.

So is there anyone on the phone bridge that is not on the Adobe Connect room at this point? Okay, so hearing no one, then roll call will be the attendees in the Adobe Connect room. We have a couple of apologies which I think staff will be taken note from and as usual we remind you of - I remind you to mute your lines if you are not speaking.

We have just had a little bit of noise in the background so everyone will appreciate and thank you if you mute your lines if you are not speaking. So we remind you of filing your statement of interest. It is essential to our group since it is an internal accountability measure for the group so we can't afford

not to be accountable and have so many, SOIs that have not been filled so far. So staff has been sending some reminders to those who haven't filed their SOI so far and since we haven't had any reply from many of them those who haven't filed their SOIs so far will be moved to observer status. They will no longer be considered either members or participants but will be moved to observer status. So if you want to...

Sebastien Bachollet: Both transparency with Sebastien comments, (Steve)?

Leon Sanchez: Yes, Sebastien.

Sebastien Bachollet: You are back, Leon? Good.

Leon Sanchez: Yes, thank you. Okay. So as I was saying those who haven't filled in their statements of interest they will be moved to observer status so with no further delay I would like to go into next agenda item and for that I will turn to my co-chair, Thomas Rickert, Thomas.

Thomas Rickert: Thank you very much, Leon, hello everybody. As you would have noticed in the agenda what we mentioned under Agenda Item 2 is actually quite brief. It is just tech review of the private comments on the draft proposal and in fact there is a little bit more to it and I would like to refresh your memory on how we plan to go with - go about with this.

First of all and as Jordan had already indicated on the mailing list in response to Alan's question what we are going to do today is just going to be an initial run through by the whole group which has been asked for by some members of this group who were concerned that if we just take the report and allocate them to the sub teams that the whole group doesn't really have a chance to discuss and weigh in and therefore for everyone to get an overview of where

we are , what we received and who is going to do what we are going to go through the public report comment to - public comment report tool, sorry. It is quite early in the morning in my time zone. And then allocate tasks to the work parties to further work on those.

There is a table which is going to be uploaded in the Adobe in a moment which specifies unambiguously which of the chapters in our report i.e. which questions that we have asked the community are going to be dealt with by which working party.

So if you look at this document that hopefully has uploaded in all of your Adobe Connect Rooms you will see that initial four chapters, i.e. the revised mission commitments and core values, fundamental bylaws, independent review panel enhancement and reconsideration process enhancement are under the purview of work party number two.

I think you do have scroll control so if you move to the next page you will see the items allocated to the other work party, to work party one and that would be the mechanisms to empower the community, you know, with the respective power, the under incorporating the affirmation of commitments into the active dialogue and suggested stress tests, although we should note that we had a, as you know, a special group working on stress tests and we will certainly involve them when these items are being worked on.

And lastly, if you scroll down to the third page you see the tasks that are allocated to the whole CCWG in the absence of special allocation to one of the work party and that is the public comment input framework and items for consideration Work Stream two.

So what you can expect to happen today is that we will go through the report jointly and as briefly as we can and then we will try to do the first step in our approach to determine whether we have support from the community, concerns from the community, whether there is confusion or whether there are diverging views stemming from community input on the various questions that we have posed to the community.

You will remember that, you know, I think it was me doing a little presentation on how we could go about with it so we would slide all the responses into manageable pieces and try to do our consensus building in an (unintelligible) fashion by actually looking at individual items and try to reach consensus on the uncontroversial ones and work more and more on those that are far from having reached consensus i.e. where we find ourselves with a situation we call divergent, either scheme of full consensus or consensus, rough consensus then we would have strong support with significant opposition and divergent. You know, that is the scale of consensus that we find in our charter.

So that is, you know, this table is going to be mirrored in the report so what we did prior to or what (Thad) thankfully did prior to sending out report to you is actually look at the individual comments we received and allocate them to the specific questions so instead of having comments by an individual or a group as such that has been put into the public comment the view to the comment received has been sliced and the portions of the report belonging to a specific question have been put into the specific or the respective sections of the overall report so we have a preselection done, not in order of quality or there have been - no judgment has been made but you find all the answers we received for let's say question A, question one in the question one section.

And I see that there is a question from Athina and Athina please do ask your question.

Athina Fragkouki: Hello all, can you hear me?

Thomas Rickert: Yes, we can hear you all right.

Athina Fragkouki: Okay, thank you very much. Yes, first of all thank you very much for all this work you did and this is indeed very helpful to make sure that it - comments really fits into a particular question and is allocated to workings for further - to working parties for further consideration.

With the (ASL) representatives already described how we are going to engage with our numbers community and this was done via the (RIR) meetings and via our mailing lists. The last (RIR) meeting with (unintelligible) was finalized last week. We do have comments expressed verbally in the discussions that have taken place at this (RIR) meeting and we do have some comments that were sent directly to our (RIR) mailing lists and our community feels much more comfortable with expressing themselves through our own mailing lists.

So we still have to deliver all these comments to the (WG) of course and so a - first I would like you to know that we still have some bits to insert into this work, some comments from our numbers community. I would like your guidance and how would that be - how we can do this in the best way for transparency purposes and so on. Thank you.

Thomas Rickert: Thank you Athina. First of all thank you very much for reaching out to your community which you did as we expected and I think we do understand and sympathize with the fact that you have your own work approach to collect

feedback from your community so I would suggest that you provide input as soon as you can and you will have noted that for the other language versions we have extended the public comment period so ideally you would have received your feedback so that it can be incorporated into our report by the time when we finalize incorporating the other language contributions that we get.

Then that would allow us - for us to actually close the document well before the Buenos Aires meeting and allow for the group to actually - they will already analyze all the comments received - in which format that you wish to do that I think that we would leave that pretty much up to you but it would be good for you, good if you could send your contributions, you know, either to the list or to us co-chairs and we will make sure that the results are incorporated into the report and check with the whole list and the wider community.

Great, so unless there are further questions with respect to the approach for this call I would like to hand over to Mathieu who is going to speak to the next subject on the agenda.

Mathieu Weill: Thank you very much Thomas and hello everyone, Mathieu Weill speaking. The first item of discussion we are going to get into this public comment review tool but before we jump question by question we thought it would be good to have a couple of a more general discussion points about the - how the input we got looks like and so if maybe staff can you put in the Adobe room the public comment review tool, the first page?

I think the first aspect, the first question we need to raise is looking and the contributors which are on page one of this document so we have received a number of contributions. I think the row number is close to 60. It is very close

to what the CWG received in terms of number of comments and I think the question we need to ask ourselves up front is whether the distribution of contributors is already saying something or is it sufficiently covering the various stakeholders we were aiming at - is there anything lacking?

So looking at this, this approximately 60 comments some of the comments actually come from constituencies within the GNSO. We have comments from advisory committees as well. A comment from (ASAC) was submitted last night. There - we can note a number - a significant number of governments providing direct input. I am thinking of Brazil, Spain, France, a significant number of (unintelligible) as well. I mean it is (AUDA) (NORATE) and others, (unintelligible).

There is a strong participation of US private sector organizations through, for instance the US Chamber of Commerce. We have the business constituency but that is a constituency obviously. The International Trademark Association is a broader association than US based only. We have a comment from Google from the private sector as well. We have - if I was to give a personal assessment on the private sector contribution I would say it is rather - it is quite focused on US led private sector and there is not much contribution from other parts of the world private sector.

For instance the European private sector does not provide any comment that I could note. We have had comments from our - four of our advisors. We have had comment - if we look outside of the ICANN community or people who regularly participate into ICANN I think it - we can note a comment from the Internet Architecture Board, the IAB, some - a couple of comments from stakeholders from India which are at least to my knowledge not regular participants to our ICANN public comment processes.

And I did note a missing part from the numbering community but Athina explained that this was on the way. And so if I look at the contributors that would be my initial reflections and I would say we have a good participation, good level of participation rather focused on the regular participants into ICANN public comments so external observers might say the outreach was not sufficient but that is always the case. And - but that is the initial perception that I would share and I would now encourage everyone to share their own perceptions about the distribution of contributors and what conclusion we may or indications we may take from that.

And I see Sebastien is going to ring for the first question. Sebastien.

Sebastien Bachollet: Thank you very much Mathieu. I just wanted to raise the point that as we just get the translation of the document in various language we can hope that some non-English speaking country and us will be more willing to send comments now and I hope that the lack of participation of some part of the world or some consistency will be balanced with the next comments we would (unintelligible). And as a matter of just a little question it is - is it supposed to by (unintelligible) order or by importance or by - I have some trouble to understand how it will. Thank you.

Mathieu Weill: Thank you, Sebastien. I don't know what you refer to in terms of order. There seems to be a...

Sebastien Bachollet: A (unintelligible) AS.

Mathieu Weill: Oh I see so there might have been a mistake and it suits me a conspiracy to have put Australia's domain name as administrator and the top because they have red hair.

Sebastien Bachollet: I agree with you, thank you.

Mathieu Weill: Any other question on the distribution of contributors? No, I see Avri is having stability issues with the AC - I mean I suppose it is the AC room and not the advisory committee. Is that - is, okay - to me it seems quite stable so it is probably a local issue so moving to another overview we can have which would be to look at basically what is kind - what possible report drew the most comments.

I think that my first general impressions would be that of course we have general comments from almost everyone, introductions and so on but then the topics that come very often into comments are the mechanisms to empower the community and the unincorporated associations - that is not a surprise for anyone I guess in this group.

There were a very significant number of inputs regarding the IRP, including some very well constructed suggestions of enhancement. There were various debates and we will get to that later I guess, on the composition of the empowered community mechanism, how the votes are located so that is not a surprise because we have had debates within our group as well.

Quite a number of contributions that refer either in favor or against the introduction of a fundamental (unintelligible) about whether ICANN's headquarters should be based in the US, a number of contribution as well including our advisors but also a number of others were calling for greater focus on (ASOEC) accountability, diversity and so on and the debate about private in the mission mention of either private sector led organization or the multi-stakeholder model is one of the debates that found an (unintelligible) in many contributions.

Just looking broadly at the document those are the items that apparently is - are drawing most comments and to me it - at least it feels like this is the - very much a reflection of the debates we have had within our group which is good news because that means that our group did anticipate well where the community discussions would take place.

Before we dive into the various sections are there any other comments from - overall comments before we go into the various sections? Okay, so let's now move to the next sections of the document in the general comments and the - I will turn to Leon for that section and we will rotate from co-chair to co-chair on that section - Leon

Leon Sanchez: Thank you very much for this Mathieu and well the first section had classifies or group, the different channel comments on the proposal. There are, of course, many - many comments which would be a total of three general comments on the proposal and I would like to of course review most of them and we have comments from (Richard Hill) and he is telling us that he feels that this is a step in the right direction but it suffers from (unintelligible) the wills and well of course he does many other comments and reminds us of some documents from the Internet (unintelligible) group.

Jan Scholte, our advisor, also has made some comments. He joins many other also (unintelligible) the achievement that (unintelligible) the group, the achievements and then comes the (unintelligible) the Australia domain administrator and well of course they raise many concerns that have been widely discussed in the list and they conclude saying that they strongly recommend the (unintelligible) of the (GN) the ICANN community return to the fundamental principles identified as part of the preliminary (unintelligible) of the (unintelligible) work and abandon the need for legal enforceability as a fundamental tenant of the accountability review and attempt to arrive at a

solution that delivers acceptable levels of accountability and community empowerment.

I think that this - a point that we have widely discussed and will continue to discuss of course and I think that this is some point that we need to have a consensus on whether we want to have enforceability on the rights that we are trying to provide the community with or if we are willing to sacrifice enforceability or other means and have some comments from Denmark and I can highlight the - acknowledge that in light of the fact that the CWG (unintelligible) is dependent on community powers. The dependence is not (unintelligible) promise so this is somehow linked to the previous comment from the Australian (unintelligible) administrator with regards to enforceability.

Let's remember that most, if not all the Stress Tests that happen around by the Stress Tests Working Party rely of course on enforceability and if we don't have that then of course the landscape changes quite significantly.

So they of course also welcome to the (unintelligible) by (DNTIA) the transition, the stewardship of the (unintelligible) functions and they also acknowledge that (unintelligible) also (unintelligible) on enhancing ICANN's accountability and they feel that the work done so far does contribute to enhancing ICANN's accountability.

Then we have some other comments by - this is on - well I don't recall the initials for (WEC) (William Curry) - that is (William Curry) and he states that we are doing or (unintelligible) accountability proposal is doing an excellent job on creating an (unintelligible) community and he acknowledges that by tidying up the principles to amendments and (unintelligible) the proposal makes clear what the standards ICANN would support is real held

accountable are clearer now and he also does some other comments and he feels that we are missing a space in which the community as accountability forum can hope for this accountable (unintelligible); He refers to the public forum so far and he also provides a way forward with different steps and I don't know if we should go into the details as of course different working parties will take care of that into the details of the comments received but he does provide some steps forward.

Then we have some other comment that of course endorses the comments from (Jenart Cholton) and this gentleman which is - whose initials are NM and I guess well I don't recall the name but initials are NM and he feels that we need to be more specific in our proposal and we need to have some specifics about that is (unintelligible) I think (unintelligible).

We need to have some specifics about making sure that we take specific steps to make sure everything they do (unintelligible) of course for the staff. They do everything that the advisory groups do and is widely disseminated as possible.

And he feels that it is important that transparency is not just offered but is actually implemented. Then we have another comment which reflects that or states that so far our (unintelligible) is focused on the board community relation and for this is proposing that we should have a deeper look or a wider look into the relationship not only with the board but also with management and staff.

And suggests that we of course deep dive into providing more details on how this relationship would function and how these two (actors) would be held accountable to the ICANN community.

Then we have a (unintelligible) the African, you know, large organization and its comments is supportive of the CCWG and also finds that their board needs to be further worked to find the best ways to empower the community and wants to avoid ICANN having the risk of being weakened or losing its independence and its inclusiveness in the multi-stakeholder model nature.

And we have some comments from the Argentinean Government. They will continue of course to participate in the IANA transition process and the discussion about making (unintelligible) for guaranteed transparency and accountability.

They recommend that the transition is conducted thoughtfully and the focus on maintaining the security and stability of the Internet and of course they encourage participation to try and get the work done by September 2015 which is of course an ambitious date as we know.

And they expect the process of globalization in ICANN speaks up and this will hopefully lead to a truly international global organization. Then we have some other comments from the Government of India if I'm not mistaken.

And they state that ICANN has (unintelligible) IANA operator and must demonstrate accountability in its approach. They also ask that subsequent to the IANA transition irrespective of ICANN's role and the view to (unintelligible) operational aspects of the IANA function ICANN must have improved robust accountability and transparency mechanism.

And they demand or they ask for a stronger accountability mechanism as a term of importance in terms of operations relating to mainly policy development and gTLDs.

And they ask that ICANN must be clear and transparent particularly about its structure, mission, operations, staff, elections, collaboration, decision making process, plans and budget (finals) and earnings.

We can have some more comments from DCAT and they remind us that ICANN has (unintelligible) many questions in the past relating especially to the accountability of the organization.

And they ask that or they come to the conclusion that therefore ICANN must allow another (unintelligible) and separate accountability and transparency party to be created to manage the issues that arise for actions or inactions of the board or staff and any other contractor assigned specific duties in the day-to-day running.

And that such accountability mechanisms need to touch on all spheres of ICANN including ICANN's budget of course.

He also said the proposal should be set to reduce the number of PDPs and proposals (unintelligible) minimum and that this will enable the community to properly comment or respond diligently to the proposals.

The number of days allocated for comments must also be increased to ensure (unintelligible) and I think that is something we've already considered thus our second public comment will be held by a period of 40 days.

And we have some comments from (unintelligible) and they are truly supportive of the work we're doing and they comment with a statement on the committee empowerment proposal.

And they think that it shows what is currently missing in ICANN to make this organization a truly multi-stakeholder one and they stress that with without the powers given to the community ICANN is more in a representative democracy model and not even because all board members are not elected.

Then we have a comment from (unintelligible) which is a registry and they stress that they are supportive of the work that we're doing and that they are aware of the openness in which proposals are being conducted.

And that we have carried in such a short timeframe and they are supportive of course of most of the principles outlined but they reserve the right to further comments since they haven't got other resources to go into details.

Then we have some comment from the Government of Germany and Germany supports the multi-stakeholder approach in here and in the (unintelligible) working methods.

And they remind us of the German position paper on guidelines and recommendations for actions for the IANA transition dated March 26. And they are initially supportive of the work that the CCWG so far has developed.

And we have comments from (unintelligible) which are two gentlemen, David Post and (Daniel Kelp) and they formulate of course different comments but I would like to highlight that they strongly endorse the four critical goals that have been identified by the working group.

And these are of course restating ICANN's mission, commitments and core values and placing those into the bylaws. Then establishing certain bylaws as fundamental bylaws that cannot be altered by the ICANN board, ICANN (unintelligible) but over which stakeholders have prior approval rights.

Then creating a formal membership structure for ICANN along with provisions assigned to give the stakeholder members greater influence on board decisions.

And fourth, have the (unintelligible) ICANN's independent review process. As I said this is a quite lengthy comment and I think that the one I just highlighted are the most relevant point although they do contribute with several other comments.

Again and we some other comment by IA and that is, saying that once the plan is accepted and this of course should be by the NTIA. ICANN must implement the bylaw changes in full prior to the US Government terminating the IANA contract.

So this of course goes to work stream one. Then we have other comments by (RB). This is as you can see these comments on page 6 and number 17, comment number 17.

And this person does - different comments on the advisors and the need to define on there which jurisdiction ICANN would be incorporated and it is considered to be a key starting point as the jurisdiction will (unintelligible) define the (level) that applies and the operation would imply registering bylaws et cetera.

And also have some input to the external advisors that ultimately defines the legitimacy and legality of the whole operation. Then he makes some other comments that it should be reminded that the NTIA asks for transfer of oversight to the global multi-stakeholder community.

And most of the external advisors to the group shared the notion that this requires some form of internationally agreed legal incorporation and accountability to an external group that can somehow represent the whole of humanity as stated in this comment.

And he says that we were told this would be unrealistic and he cites some documents for which is of course for May of 2015 for a full comment. And then we have the comment from the French Government and they state that they comprehend that a temporary jurisdiction over ICANN is necessary for the purpose of stress testing the CCWG accountability final proposal over a limited period of time.

And they state the CCWG accountability final proposal should be transposable on an international legal framework which they ultimately consider to be the only neutral legal framework suited for ICANN.

So this also has to do with I believe the call for extension on the timeframe by the NTIA. So I think that going through each of the comments will be quite time consuming so if you have had the chance to go through the document reviewing the comments which we begin commenting on or flagging not supporting statements or substantial input.

And I think maybe Mathieu you could (unintelligible) some comments or not supported statements in the document so far.

Mathieu Weill: Thanks Leon. I think we are trying to achieve two things here which are difficult. There was a concern that was raised before this call that substantial work should start with the CCWG overall review and not be tasked to subgroups until there has been a discussion at the group level.

And yet what we can see and is that we can go through everything at the same time we held some sort of prep working being done. So what I think could be a workable approach for this call which would probably help us get a better view of where people stand with our initial proposals would be on the section by section basis to just look at whether there are clearer non-supportive statements.

Whether there are some substantive issues that are being raised and we could just flag them but I would suggest we adopt a slightly more interactive approach where we just introduce each item as co-chairs and the ones in the room you probably can skim through the various inputs and we each share our perceptions of the various sections.

So if I were to do that for the general comments I would say that most of the general comments are supportive of the approach. There are some exceptions. Exceptions include an input from the (NA) (unintelligible) claiming that the whole process is the evaluation of the charter.

And a couple of contributions including by one of our advisors (Robert Bision) who basically would have liked our group to move to an international organization framework rather than the approach that we take, that we've been taking.

Apart from that in general the accountability framework the four building blocks are, there are comments that ask for improvements, comments that are very supportive but I think my personal assessment would be the four building blocks get some sort of (unintelligible).

And I think that's the kind of statement we could try and discuss now for a few minutes before going to the next action. Thank you.

Leon Sanchez: Thank you very much Mathieu. Next in the queue I have Jonathan Zuck, Jonathan.

Jonathan Zuck: Hi, it's Jonathan Zuck for the record. I don't know how to apply this recommendation to this call but it seems to me that what we need to do is kind of surface out of this document the questions of facts that are, that have been raised so that they can be dealt with in a factual way potentially with the help of our legal advisors and others and then questions of prioritization and comments for improvement.

I think any effort of summary runs a risk of over generalizing people's contributions which you don't want to do but I think that we need to get to the idea of the kinds of comments that people are making and list who is associated with them as opposed to organizing everything by the people making the comment.

So that we can kind of get a sense as you just discussed of what the weight of the comments is on the one hand but also just get to a functional list of criticisms, suggested improvements and suggested alternative models which I think will, you know, will fall out of this over time.

But that feels like the work that we ought to maybe subdivide or something like that or get help from staff with et cetera before going through this in such a linear fashion. I just feel like we're not absorbing the material that way.

Leon Sanchez: Thank you very much Jonathan. Next I have Thomas Rickert, Thomas.

Thomas Rickert: Thanks very much Leon and before we move to the next point which is going to be methodology I think what we can and should do as a group maybe is to

discuss some of the very general principles that we heard about from the contributors.

So I think it's important for us to state the level of concern there is and Mathieu just did that, the level of support there is. So Mathieu mentioned that we seem to have a rough consensus on the four building blocks.

I've only seen one contribution asking for a fifth building block that which would be staff but the staff topic and how accountable staff would be is in other segments as well.

So I think, you know, unless there are (cliques) in this group that have a strong view against confirming that we have consensus on the four building blocks that would be a topic that we could put into the bucket of okay this is something that we can do a consensus for.

Likewise what we see in this first chapter as well as in the second chapter that there are multiple comments asking for the community powers to be enforceable.

So I think that's something that we can clearly identify for our group as a subject that needs further elaboration and discussion. Also the reminder that what we're coming up with needs to be easy to understand.

That's also something where we as a group can acknowledge unless there is objection that we take good note of that and put that into the comment and actions to be taken box in the public comment review period.

As far as questions go, you know, we have some questions that we received with the public comment and we also have some very concrete suggestions which more like the wordsmithing part.

That's something that we definitely need to allocate to the work parties and this case work party one to take a deeper look at. But if you look at the general comment section, you know, I think the good news is that we have a lot of support.

So we seem to be on the right track and we seem to have these, a few topics that are coming up over and over again and that is, you know, questions about the membership model.

And there we can ensure and acknowledge that we have more work to do in that regard. I mentioned the subject of enforceability but then there is also the role of staff.

And I think that, you know, these are the high level aspects that we should try to confirm and nail down and get the groups views on.

Leon Sanchez: Thank you Thomas. Next in the queue I have Kavouss, Kavouss could you please take the floor.

Kavouss Arasteh: Yes I could, today we want - thank you very much for all the comments, explanations it was very helpful for people who have not had time to read these comments. We had a good brief, thank you very much.  
Have I missed something in the general comment relating to the approach of membership model and designator model? If I have missed I would look at that again.

If not perhaps it would be good to also have a subcategory relating to comments received regarding membership model and designator model including the UA.

The second question, not question, comment is that with respect to the categories that you have perhaps it would be good that we create another subcategory.

Let's state one example. A recall of the board. Comments received in favor, comments received against. Those comments received in favor perhaps with or without any improvement suggestions because there might be comments in favor of the recall of the board but they propose some improvement to the proposal, so the initial proposal of CWG.

That would help to further analyze the situation and my next question now is that how we should tackle these issues? There is a lot of comment on how we are going to summarize this preparing outside for the second proposals for the second public comment.

Just in (unintelligible) Mathieu mentioned that the good participation I see there is imbalance in the participation in sending comments. There are considerable (unintelligible) comments for one or two that particular area and there are no comments from many other areas so and so forth.

I don't want to go through details but I see that we should not count the number of comments we should count the number of the communities or countries or areas that made the comment but still I see the (unintelligible) what we expect (unintelligible).

Leon Sanchez: Thank you very much Kavouss and (unintelligible) that we can recall the different comments will be mapped for the working parties to work upon and that way we can - we will be able to of course incorporate them into our document and refine our proposal for the second public comment period.

And of course the different suggestions that you have made will be taken into account and we thank you for your comments. And with that I would like to turn to my co-chair Thomas Rickert for the comments on methodology, Thomas.

Thomas Rickert: Thanks very much, Leon. I'm now looking at the methodology related comments that we received starting on page 13 of our report and I think we can't go through all the reports in glorious detail.

But as I mentioned during my previous intervention there are some general themes that we can see and I would like to briefly discuss those with you. The first and before I do so I sense that there is a lot of support or also the absence of issues with the methodological approach that we took working from establishing the status quo to defining requirements to then finding solutions.

So the way we went about it with the overall project was not criticized except for one objection that we got and that is from the (unintelligible) charity and the - so that's (unintelligible) who has criticized the way we went about with this in multiple ways.

As you know, that this has previously going on record doing that. Apart from that as mentioned the way we went about with this was not criticized but there was criticism on some of the aspects on our implementation.

So we have been criticized for truncating the public comment period resulting in a couple of comments that resulted (unintelligible) comment again at a later stage and I think that is something we'd gladly accept to happen.

At the same time now that we have opted for a 30 day public comment period with exception for other language versions we can't turn back the clock and make that un-happen.

So that's something that we have to accept and maybe we as a group should also respond that people will get another opportunity to respond to our work results so that in total we have two public comment periods, one of 30, one of 40 days time.

So that's one of the concerns. Another concern that has been voiced was that here needs to be more outreach and in this outreach subject we also got the suggestion that all public comment periods should be supported by graphics to make things easier to understand.

And also that we should use language and models that are easy to understand so that it will have an easier time understanding what we're trying to do. So in terms of outreach I think we should acknowledge that there is more work to be done.

We need to do more analysis and this is sort of adding to what Kavouss said in terms of what (unintelligible) we reached what geographic regions we've reached in order to be able to demonstrate that we have done the outreach that we could do. Certainly we can't reach everybody with a very specialized topic. But outreach has been a concern then. We had some comment with respect to jurisdiction and that jurisdiction to be the key component of our work. I think that this suggestion or request is not so much a methodology related subject

but that's more of the substance that is being discussed within our discussion on the recommendations. So unless you disagree I would suggest that we defer to other sections of the report where the jurisdiction topic is discussed. We will get back to that subject as we move to the report.

But I guess the question for this group is whether we stick to our original suggestion that we were primarily be dealing with the jurisdiction subject in Work Stream One. And make that response to the public comments we received or whether the group thinks that more work on jurisdiction needs to be done in this very phase of our work ID within Work Stream Number One. Our default setting, if you wish, is that if this group had agreed that we would be dealing with things in Work Stream Number Two.

Therefore, my suggestion would be to respond to the restriction comment that again we see in various places in the comments we received that would take good note of that and that we will keep those comments that we received for further analysis when we get to this point in our deliberations in Work Stream Number Two. But that is something that I will await your response to that objection to because I think that would be any change in our approach, at least slightly. I see Avri's hand is up. Avri, please.

Avri Doria: Thank you. This is Avri speaking. Hopefully, I can be heard okay. I think that the approach on this jurisdiction issue I think that we can't just push it off and say - and I'm not saying that you said that. But just in case so we can just say oh, push that off to Work Stream Two. I think we do have to review the decision we made in the light of that of the comments that we've got because they were rather serious and sometimes extensive. But that in considering it, looking at it again, perhaps making the same decision we made not trying to prejudge that.

That we also - if we do push it off into Work Stream Two, we do it as more than just a bullet item but actually do it with some real substantive explanation of the why it's being pushed off. And the how it will be dealt with. And just so it's certain that it's not a sweeping it under the carpet until later so we can get by transition. And that will be a delicate thing. And also the last point I wanted to add on that. I'm not sure that that's something that doesn't be to be done by the whole CCWG as opposed to within one of the work parties. Thanks.

Thomas Rickert: Thanks, Avri. Very good point indeed. My suggestion was not that we would just wipe it off the table but I would like to sense from this group whether actually having gone through the comment of whether this is something that we should really retable for the whole group or whether for this work stream or whether this group should provide a robust rationale having looked at the reports and then moved to Work Stream Number Two. But I hope that there is agreement that we would. I look at this task that is for the time being to Work Party Number One to take a look at and to analyze the report in more detail and get back to our whole group with the suggestion including a rationale for response.

So the jurisdiction topic is a recurring topic. And then we have another topic which is the role of staff and the community. So how can staff and the community be held accountable? So I think that's something that needs special attention because that's something that we heard of multiple times also before the public comment period started. With respect to the community accountability there have been suggestions made by our advisors. I encourage you to take a look at those. I think that's something that we all need to put more thought into.

With respect to staff accountability it was my understanding that we would customize that under the board accountability because ultimately the board is responsible for staff actions. So I would like to get some feedback on whether this group thinks that we need to put more work or that we should really separate staff accountability from board accountability. I do remember that when we discuss the IRP and the reconciliation process, we took note that you can certainly take action against actions by staff and not only by the board. Any feedback on back?

From Steven DelBianco and the chat is responding that we don't. That we shouldn't look at staff accountability separately and that was also my understanding. Any objection to clarifying that we see that as a matter that has been discussed by the group previously and that we see that as a board accountability topic. There are some agreements and I think we should take note of that.

And I see that there were some discussions in the chat with respect to the last bullet we discussed, i.e., the jurisdiction issue. Obviously, the idea was not to take away the discussion from the whole group. But I think for making the discussion manageable we should task the work group other or the work party with providing a proposal for response including the rationale. So I hope that this clarifies. And Avri, you've also asked when we could discuss this staff topic. I really would need to dig the archive. But we did have several opportunities where the question of what the staff does as opposed to what the board does was discussed. And what I took away from that, and obviously I'm not the only one, was that staff actions are ultimately controlled by the board so that ultimately the board is accountable for potential wrongdoing of staff.

And they would back this up by the budding RRP and the reconsideration process which again cannot only be directed against board actions or inactions

but also relating to staff actions. The community accountability point was also highlighted in the chat. Again, I guess this is the subject where we really need to produce some more work and find ways to increase accountability of the community.

Then, and I would be through with my comments in a moment. Then there were concerns about the role of government in our methodology. I would suggest that on this specific point we should defer to the discussions of the governmental roles and the other groups roles in the overall accountability architecture which is discussed elsewhere in the report. So that action - responses are provided to that.

Another point I'd like to mention is that there has been some requests to further discuss some of the definitions that we are using. In particular, the term public interest and what it means came up multiple times. So the question I guess for the whole group is whether we should actually reopen that subject. Many will remember that we had a lot of discussions surrounding the public interest and what we put into our draft report so far is what we came up with the best solution we could find at the time.

So I guess I would appreciate feedback from this group as to whether we should just explain our thinking again and the difficulties that we had with defining the public interest and why we came to where we were or whether we should actually reopen that discussion on the public interest again.

Kavouss Arasteh: Thank you, Thomas. Public interest is an important interest. It is very, very difficult to have some agreement on exact definitions on the scope of public interest. And in light of what we had before I see it's very difficult to reopen that discussion and it may take multiple times. We should be devoted to other very important issues that could be a solution or could we find the solution

and response for others and going to something which we see don't think you have an agreement on that.

So I suggest that perhaps we should not reopen the discussion on the public interest. Point number one. Point number two. We should not discuss the staff accountability. The staff is accountable directly to the board. And what we did with the board accountability that we have properly addressed. So we should not enter into the micromanagement of the system and going to the lowest level of the staff and make them accountable to the community. It has some conflicts with this sexual arrangement in any organization if you go to that level. Thank you.

Thomas Rickert: Thank you very much, Kavouss. So that clears the report for not reopening the discussion on both the staff accountability as well as the public interest and the definition topics. And the next in line is Steve.

Steve DelBianco: Thank you, Thomas. Six months ago I dove into this notion of trying to define the public interest for purposes of ICANN's very limited scope. That conversation happened mostly on e-mails. This was before we discovered it in the calls. And it reveals some additional agreement with a very limited definition of public interest in the ICANN context.

The one we put forth was public interest for ICANN and the availability and integrity of registrations and resolutions. That was a simple statement but it addresses the only two things that ICANN affects in the Internet which are at registrations of domain names and resolutions. And everything else gathers around those two aspects. So while there was some initial agreement that that was the good start that conversation about public-interest definition took it to multiple directions as some would seek to add to that platform. Special

attention to some other aspects that may go beyond the availability and the integrity.

And everyone grew very tired of the discussion and I think we let it go after about a week and a half. It might be that, with ICANN's limited mission statement which is part of our proposal, that that limited mission statement could resurface the discussion of what, at any minimum, public interest means in the ICANN's context. So that can be limiting, may not be possible, but we can say what, at a minimum, about the availability of integrity of registrations and resolutions.

And had that fit neatly into mission statement portion of the bylaws that we're proposing. And then rely upon the limited mission statement to be what puts a cap on how expansive ICANN can be about pursuing initiatives in the name of the public interest. So I'd welcome revisiting it and be happy to work on that.

Thomas Rickert: Okay. Since we don't seem to have they clear view by the whole group I think we should allow for the work party to take a look at it. I guess what's important is actually to look at whether the contributions we got from (unintelligible) add something to the (unintelligible) that we hear arguments that have previously been made in the group that will justify for us to reopen entirely the discussion.

Before he moved to the stress test the sub topic there's one final point that I'd like to highlight and that is the contribution from the ICANN Board which have asked for and impact analysis. And as we open it up for comments on the stress test I would like to placeholder to ask Steve and Thomas who are both on the call to maybe also speak to the subject of impact analysis versus stress

test. And how we see this request from the board and whether we should make that they separate action for our group.

So this was the high-level topic for the methodology approach with respect to stress test. We got some suggestions for additional stress test. We got a lot of support for the notion of having stress test at all. So we seem to be on the right track with stress testing let alone the fact that we are required to do the stress test anyway. But the community seems to like what we're doing there but there are some questions and there are some tweaks requested. I'm not sure whether Steve and/or Becky would like to speak to that. I'd like to give you the opportunity to speak on the topic.

Steve DelBianco: Thomas, it's Steve DelBianco. So I'll dive into a quick analysis of the two and a half pages of stress test.

Thomas Rickert: Please do. And maybe you can also say sentence or two about the impact analysis.

Steve DelBianco: All right. So we'll start with the impact analysis. That was on page 16, Items 73. In what the board is suggesting is that adopting the powers available under the reference mechanism of membership would have impact on the organization. This is not unlike two stress tests that were proposed by Chris Disspain a few weeks ago. And the stress test work party has attempted to categorize those into new stress tests which would be in our second draft. When you get to this notion of whether a membership structure would introduce stresses on the organization itself if it has to change the way it does business or its courts could potentially or conceivably become more involved in helping to arbitrate and figure out the decisions about interpretation of ICANN's bylaws and mission statements.

For the most part we believe that that impact is minimal since courts are only enforcing decisions. There are not interpreting. I think that we can address the impact analysis as part of the refrain stress test that were first put forth by Chris Disspain two weeks ago.

Okay Thomas, I thought I would quickly summarize the 11 comments we received those stress test which are on pages 17 through 19 of the comment document. There were three from government. Three from US entities and the rest were very well distributed. They are very generally supportive of the exercise of stress testing as you indicated.

A few revealed what I'll call generously the notion of confusion between jurisdiction where ICANN is incorporated. I think the attorneys educated me as a (unintelligible) attorney that jurisdictions is a function of ICANN being subject to the laws of any nation where ICANN has activities where that country can assert its legal reach over ICANN. And that really has very little to do with where ICANN happens to be incorporated. ICANN is incorporated in California under those laws and within that framework of those laws that we put together these community powers. But I don't believe that has anything to do with jurisdiction on ICANN's activities 'cause they are affecting to citizens or residents of that particular country that country would feel that it has jurisdiction over ICANN.

Of the three GAC comments, I wanted to note that two of the mentioned that we didn't implement stress test 21 with the notion of what would happen if a CCTLD manager wanted to appeal a decision to revoke or to assign a CCTLD to a different manager. As you recall the stress test team concluded that we should just defer to the framework of interpretations on that. And allow the CCNSO, work with the GAC and others to come up with how they wanted to handle the framework of interpretation.

So stress test 21 was sort of parked pending further development. And there's no intention I think, even our second draft, to do anything with that. One of the GAC members differed on stress test 18 and our response to that stress test which would've suggested that ICANN is only obligated to work to find mutually acceptable solution in cases where the GAC advice had a consensus.

I think the Danish government makes a great comment that we should look harder at capture the various mechanisms from bodies other than just governments. It seems that we focus perhaps too tightly on our governments capture ICANN as opposed to other stakeholders who can capture different elements of the ICANN community. And that is in fact one of the stress test that we have. Stress test number 12. We're being asked to do the deeper dive on that.

There's an invitation from the new America foundation (unintelligible) and the initiative to add two new stress tests. And they are fascinating. They get to this question of enforcing ICANN's contracts and contract enforcement is a fundamental role of ICANN. But what happens if those contracts contain provisions that might conflict with the limits admission statement that ICANN has.

That has a going forward a view but the stress test team is going to need help from the whole CCWG about whether the limited mission statement is retroactive. Does it look backwards in time at contracts that ICANN has already negotiated today as part of the new GTLG program. And how do we achieve consistency between the bylaws, the mission statement core values and contracts that ICANN has already putting out and people are signing and enforcing.

A couple of other associations are very generally supportive of the whole notion of stress tests. And we've called out in particular one or two that they agreed with the way the conclusions were reached. I did want to note that there are a few folks that said that stress test drove changes. Like the stress test 14 drove the changes to the affirmation of commitments. That we should then take stress test 14 out.

But it was positioned as a stress test. It generated changes to the bylaws in the same sense of all the accountability of reviews. But there's no need to I think to take the stress test out if they've, in fact, been responded to elsewhere in the document. The registry stakeholder group has asked for specific changes and revisions and expansion on four categories of stress test. And that's a detailed analysis that we'll do. Brazil was supportive. And that summarizes the 11 comments that we have on stress test. Do I have to take a queue or pass the baton back to you Thomas?

Thomas Rickert: Thanks very much, Steve. Any comments from the group? Kavouss?

Kavouss Arasteh: Thank you, Thomas. I think CCWG in general and any of us should not take a defending position for what we have (unintelligible). Rather we should be open to the comments and to see whether the comments are relevant and could be proof to what we proposed. I would take an example of (unintelligible) comments relating to the impact. They have experienced for more than 16 years and their comments should be duly and properly taken into account for two reasons. Reason one, there are comments from the people that have experience. And second, if we do not listen to what they say and do not take it into (unintelligible) when the proposal CCWG goes to the NTRA. They will put negative comments saying that we made the comments and they will not consider.

So I think we have to have a better understanding of what they proposed and to see to what extent we could be engaged into the discussions and negotiations and understanding to find out the most appropriate way how to handle the issue. So once again, none of us should take any defending position of what they have written or they have referred or they were initiating of (unintelligible). I see that the defendant's position but some of us which may not be a (unintelligible). Thank you.

Thomas Rickert: Thanks Kavouss. That is a variable reminder that we should be very open minded when looking at the comments. I'm not sure whether I heard too much or a defensive attitude about the comments that were made during this call. I guess what we need to do and that goes not only from the comments from the board but for all comments is that we should analyze whether there is (unintelligible) or not.

Whether they are repeating argument and things that we have previously discussed -- i.e., that we have already taken into account. And if this were the case then we can say okay this has already been looked at. So the group doesn't have to reopen the debate. There are other topics where we might get ideas that add something to the discussion. And then we need to look at how best to incorporate these ideas to our thinking. So I think as I said, we shouldn't be defensive.

But at the same time we should be looking at how we did this before or are we just doing arguments that have previously been made or is something added to the discussion that should be reason for the group to reopen debate on a certain topic.

Steve, thanks so much for a sterling job as usual and explaining the comments we received on the stress test. And unless there are further comments on the

methodology/stress test section I would like to over to Mathieu to guide us to the next portion of the report. Sebastien, I see your hand is up, please.

Sebastien Bachelette: Yes. Thank you, Thomas. About methodology I would like very much at present avoid to have to push that on you. And I know it's difficult and I am sorry to say that when people say they of course say that, they rightly say that or they -- it's a way to influence the old group. What we need today is an objective vision of the inputs and not the position of one or the other of the presenters. And once again I understand that it's difficult but I hope that again everyone can try to stick to this more objective way of speaking to us because we need to do into our own mindset and not the one from the presenter. Thank you very much.

Thomas Rickert: Sebastien, applying your principle I should be prevented from saying that I agree with it but actually I do and I hope to take this as an reminder and stay as objective as possible. Thank you so much for that. And with that I'd like to hand over to (unintelligible).

Mathieu Weill: Thank you, Thomas. Mathieu Weill speaking. So the next section is the section regarding mission and covert use and fundamental commitment and covert use. So looking at the comments in these sections, I think we can note that there is frequent support to the clarification of ICANN's mission that the group has been undertaking. In terms of enhancements and suggestions, and I'm just quoting those where I think there are at least two or three inputs going in the same direction. There is a call for clear support of freedom of expression, human rights, this discussion that we've had and that's been taking place on the list. It's not a widespread call, but it is amongst several contributions.

There's been a discussion that's been led by several I think private sector organizations to clarify the balance - there's a section where we try to clarify what was meant by ICANN about balancing between values and commitments. It's quite a - not being a lawyer I would say a legalistic comment, but I think it's certainly something that we'll need to investigate further.

Becky do you want to add a word on this without going too much into the legal stuff or in general on the mission?

Becky Burr: Sure. Yes, I think the one thing that we could also say is that there were some comments for narrowing and tightening the commitments and core values in that they were so broad as to be too encompassing. And the new America Foundation comment focused quite a bit on the mission core values and made an argument essentially for just stripping all of this down to mission to a very sort of limited mission test. But otherwise I think that, you know, there's general support for clarifying the mission for making the mission enumerated as opposed to more expansive.

We did get one very helpful comment from the IAB on some language, specific language. I'm sorry, Sebastien, I just described the comment as helpful but that was my opinion but not necessarily objective. Over to you, Mathieu.

Man: Mathieu, I think you might be on mute.

Mathieu Weill: Okay I was on mute. Thank you very much for reminding me everyone. And thank you, Becky, again. We have some good comments in this section. The two main discussion points apart from the freedom of expression are the ones about the sections of the mission fundamental commitments and core values

which refer to the private sector-led organization. That was a topic of discussion within our group, and obviously it is also a topic of discussion in the public comment.

So certainly Work Party 2 will have to do a - to focus a part of its work on analyzing these comments and the underlying arguments so we can see which - how we can move forward with that once we've listened very carefully to the community on this.

And the last point that comes to my mind in terms of this section is a note that we've heard some support but also care - strong care will be taken by SSAC and RSAC about the - how security wording is placed in the document. That's what I get with my own personal bias when I look at these comments. And I think it's, as I was saying, this - it's very substantial and constructive substance for Work Party 2 to refine the mission and core values section of our report. But overall it's really supportive overall.

Any comments on this section in the room? No? So I suggest we move to the next section, which is about the fundamental bylaws. I will turn to León for that.

León Sanchez: Thank you very much, Mathieu. Well with regards to fundamental bylaws, my sense of the different comments received is that there is general support for introducing this concept into the bylaws. And I don't identify any relevant objections or rather I don't identify any objections to the concept of adding fundamental bylaws.

I only - I can only highlight some comments from the IPC that states that they don't believe that there's the need for additional means to propose or amend the fundamental bylaws. And there are also comments with regards to the

threshold proposed on provisions were of use to fundamental bylaws. Also the ALAC notes that when speaking of reviews, we should be mindful of the timings and the relevant reviews.

And I think that as I said I cannot highlight any significant or rather meaningful objections to the introduction of fundamental bylaws. And I would of course like to open the floor for comments on this section. Okay I see no comments or no one raising their hand on the section speaking about fundamental bylaws.

If there are no comments on this section - I have Steve DelBianco. Yes, Steve?

Steve DelBianco: Thank you, Leon. One of the fundamental bylaws questions we raised was whether Article 18 of ICANN's existing bylaws, which calls for the company shall have its principal place of business in Los Angeles, California, there was discussion about whether that from a fundamental bylaw. And I saw one comment on it in the stress test section, but I haven't read all the rest of the comments that have been submitted to understand if others from the community have indicated whether they think Article 18 should be a fundamental bylaw or not.

It might be that the way we positioned that question in the body of our document that we didn't get the kind of explicit attention to answering it that we needed, and maybe that's something we do in the second comment period, is to keep that question alive and put it in a way that people will understand we'd like to know whether the community thinks this should be fundamental or should not. Because I would have expected more comments on that. It's possibly the way we presented it that caused a few people to miss that. Thank you.

León Sanchez: Thank you very much, Steve, and yes you have a point about the significant discussion item, and we should definitely continue to look at it. And I don't know if there are any other comments or immediate reactions to what Steve just said, but I have on the queue Tijani and Kavouss. So I'll go with Tijani Ben Jemaa. Tijani, could you please take the floor?

Tijani Ben Jemaa: Yes, regarding the introduction of the fundamental bylaws (unintelligible). But what we have to put in the fundamental bylaws (unintelligible) comments on that and especially for what Steve just raised now about the location of ICANN and the (unintelligible), there was an original comment saying that in fundamental bylaw we have to put understanding and fundamental issues of the organization, not any operational or functional things. So I think that - if we think about the principle of the fundamental bylaw, yes there wasn't objection but if we think about what we have to put in it, there was a lot of comments on that. Thank you.

León Sanchez: Thank you very much, Tijani. I realize that Kavouss was up but then it was brought down. Kavouss, do you still want to make some comment?

Kavouss Arasteh: No, thank you. I put down my hand. Thank you.

León Sanchez: Thank you very much, Kavouss. As Keith Drazek pointed out in the chat box: fundamental bylaws refer to higher threshold for amendment and note that it's off the table of course. And are there any comments with regards to the section on fundamental bylaws and the comments? I remind you that there's comments and on Page 33 of the document, and the last comment on fundamental bylaws is number 156.

Okay. So I have no other comments on the fundamental bylaws section. I'd like to turn now to Thomas for the independent review panel enhancement. Thomas?

Thomas Rickert: Thank you very much, León. And this seems to be the - one of the topics where we got most comments from the community, and I think that placed the burden on us to do all these comments justice. So this might be a point actually that's going to take less time than the others because we will have more in-depth analysis by the work party, led by Becky.

I think what can be stated is that looking at the various comments, there - I haven't spotted a single objection to enhancing ICANN's IRP. To the contrary, most of the contributors do speak in favor of enhancing the IRP. One more fundamental criticism that was made was to further clarify the relationship between the IRP and the reconsideration process.

And then there's a lot of discussion about the niceties, the details of the IRP, which obviously we haven't spelled out yet. So I guess that Becky's group needs to thoroughly analyze the comments that have been made that in part actually go down to the wordsmithing level. But I think that one of the encouragements we got from the community was actually to look very thoroughly at diversity when it comes to panelists. So, you know, this topic that we discussed early on about inclusiveness is found here as well.

But again, the good news is that we get a lot of support and there's a plethora of comments, and I'd like to turn over to Becky to maybe highlight a few that she would like to address with the whole group.

Becky Burr: Thank you. I think that's exactly right. The vast majority of the comments were supportive of enhancing the independent review process. They were

largely supportive of the standing panel approach. There were some questions and suggestions about the proposed mechanisms for nominating and confirming members of the panel.

Some folks suggested that the board had too much power in that process, some suggested that we ought to do something like request, you know, a call for expressions of interest or something along the lines of a tender that would have been done for the pick process in the new gTLD context.

There - most of the comments supported the notion that the conclusions of the panel should be binding. There were a few exceptions to that, and one raised by the government of France that we will need to look at, because there clearly are constraints on the - the IRP was not, as we proposed it, was not set up as a investor state arbitration, which is something that's familiar to governments. So we just need to clarify that.

There were a couple of comments regarding the sort of level of complication and sudden requests for sort of clarification on what's in and what's out, and just a more detailed, easier to follow roadmap for how it would work. And then clearly there were some questions about the interrelationship between the reconsideration process and the independent review.

So I mean I think the bottom line is there's a lot of very substantive comments on the details but the sort of general takeaway is that there is support for the process and the enhancements that was outlined. Over to you, Thomas.

Thomas Rickert: Thanks so much, Becky. Any questions or comments from the group?  
Kavouss?

Kavouss Arasteh: Yes, Thomas. The IRP and the binding nature of the decisions, we need to look at that one once again, in light of the comments that we have received. I may be it's very tough that you give everything to finally to one single individual or one individual to decide with binding nature. There should be some possibility of appeal to that, because I listened to the discussions and some of the e-mail exchange that some people did even after that binding decision to have any possibility to go to the court and they want to finish with that binding decision.

It would be difficult to put the fate of everything in the hands of one individual to decide the binding decision unless there is some appeal process. And then if it is confirmed, then it would be binding. So one stage may not be sufficient. And the court should always be available in case that anything goes wrong. I gave an example in the previous call -- I don't want to repeat that -- that there might be cases that the ICANN board decides on something correctly and the community objected to that and ICANN confirmed that its previous decision is okay and goes to the IRP. And IRP confirms the views of the community and that then there would be some problems.

On the other side, if ICANN decides on something wrongly and the community does not object to that and that situation how will we handle it? So the binding decisions without going to the court is difficult. We would have always the possibility that one side should have the way to go to the court if it objects to the decision of the IRP. Thank you.

Thomas Rickert: Thanks, Kavouss. I'd like to turn to Becky to respond to that question.

Becky Burr: Yes, so there definitely were some comments that - about the need for, you know, some refinements within the issue, whether, you know, if the parties elected to go with a single arbitrator, whether that could be binding or whether

it would create precedent or rather it would only be, you know, a three-panel, three-member panels that created binding and/or precedential decisions. Then there were suggestions that, you know, the, you know, decision of three-member panel could be appealed to the standing panel as a group.

Clearly the - what we proposed contemplated the ability to go to court to enforce a decision of the IRP. I think that, you know, the - we need to - maybe we need to distinguish between governments and other parties in terms of the resorts to court might be. But the notion that everything is appealable to a court, every decision of a - of the IRP is appealable to court, is some tension with those not insignificant number of people who expressed concern about a model that sort of created more incentive to go to courts to resolve this view.

So I would just caution that, you know, this is work that the WP2 is really going to have to dig in on, because there are clearly some tradeoffs and some nuances that we have to deal with.

Thomas Rickert: Thank you very much, Becky. Next in line is Mathieu.

Mathieu Weill: Thanks, Becky. Thanks, Thomas. My question is, I noted several comments which were pointing to a suggestion that a party would not be eligible - would not have standing in front of the IRP unless it has participated to the previous public comment period and et cetera.

Did you notice that as well? I thought it was a new idea that we hadn't discussed before and therefore I don't know if it's something you've noted. And certainly it's something that I will be interested to look at further analysis. It was a bit surprising to me, but I wondered if, Becky, you had already had a chance to look at this.

Becky Burr: I haven't looked at it in depth. I have noted it, and it's definitely on the list of things that we're going to spend some time thinking about. It's - if I could just give a plug, there is a WP2 call scheduled for Wednesday I think around 19:00. I'll recirculate that. But to the extent people can set aside the time for that call, that would be very helpful, because we do have a lot of work ahead of us.

Thomas Rickert: Okay. So unless there are further comments for the IRP section, let's go to the reconsideration process now. And for that I'd like to hand it over to Mathieu.

Mathieu Weill: Thank you, Thomas. Mathieu Weill speaking. So the reconsideration comment starts at number 196, for all you desperately trying to follow on the screen around the document. There are many supportive comments regarding the reconsideration enhancements that the proposal suggests.

One item of concern as already mentioned by Becky is the relationship between the reconsideration process and the IRP. There were also concerns about or at least reinforcement of concerns that we were raising already regarding the composition of the panel of board members doing the reconsideration, the independence from legal - from ICANN Legal. Those were items that were mentioned several times.

And there was a point raised regarding a formulation that was - we were mentioning - a proposal mentioned relevant information and there was a discussion whether it should be relevant or material information. And that seems to raise some interest among the legal community. I must admit, that was a little bit central for me, but I think that's useful input for Work Party 2.

And I've also noted a comment, I think it was ALAC, pointing out to whether we had considered some of the decisions to be (unintelligible) were coming

from external panels and that we might have to give some special consideration to that aspect.

So the short summary of these comments on reconsideration would be this: a number of supportive comments, some concerns. So my initial assessment, and not being in Work Party 2 and this gives me a light of bias, would be some refinement, but we're on the right track on that topic.

I don't know if Becky or even (Robin) have had a chance to look at this. I see Kavouss' hand is up. Kavouss?

Kavouss Arasteh: Yes, Mathieu. You have asked or Thomas has asked the relation between reconsideration and the IRP. I think it was in some of the discussions that I have raised or pointed toward this that reconsideration and IRP are complementary to each other. They are not replacing each other. Generally speaking and naturally, we do not go to the IRP directly. We start the soft process, which is the reconsideration. If someone makes the decision in any way in our life to give us some time to comment on that.

For reconsideration, you receive a bill from the telephone company, they give you ten days or the bank 30 days and so on, for reconsideration. So we should not go to the IRP directly. So I think the relation is that they are complementary to each other and they should be done in a stepwise process. You start with reconsideration, and if the ICANN board does not reply to reconsideration, which is not satisfactory on something which is right in the view of the community, then the community goes to the IRP. Otherwise directly going to the IRP and bypassing the reconsideration, does not seem to be very productive. Thank you.

Mathieu Weill: Thank you, Kavouss. I think the input we're getting is that we need to be very clear on others to interact, and that's a very interesting point from - that we're getting from this public comment that we were not clear enough, and the point you're making - the approach you're suggesting is certainly promising. And I see Becky in the chat acknowledging that this will need to be taken into account.

Anything else? I don't know if - yes I see (Robin) on the call. (Robin), you have any comment on this reconsideration process inputs? Okay. So I suggest we move to the next item. And I'm turning to León for the mechanism to empower the community, quite a small item in our public comment. León?

León Sanchez: Thank you very much, Mathieu. I believe that it's actually if not the point for the item that has received most comments. It certainly has received many, many comments. So we'll begin on comment 222. And there is someone typing really heaving in the background, so if you could mute your line while not speaking, that would be very helpful.

So the different comments received on the mechanism to empower the community seem to be supportive of establishing this empower mechanism. However, there is still the discussion on two main subjects that identify through the comments. The first concern or the most widely raised concern is with regards who will guard the guardians, and this is how will those be part or designated to the community mechanism will be held accountable to their designating constituencies or SOs or ACs.

So there is of course one point that has, as I said, been widely discussed and continues to be discussed, of course, since this is a subject which many of us and I have reflected on the comments. It could lead us to an endless loop of holding people accountable to whom and how.

So it is of course something that needs to be further discussed and maybe this is - it's worth opening the floor for comments and whether those leaders maybe feel that there should be an ending point to the comments on who will guard the guardians. So are there any comments on this concern that has been widely raised through the comments on the mechanism to empower the community?

And I see a question from Holly Gregory regarding how the community (unintelligible) hold the ACs and SOs accountable. And I also see Avri Doria's hand up. So Avri could you please take the floor?

Avri Doria: Yes thank you. This is Avri speaking. I think we have to be able to present a coherent argument for why what we're setting up does not go to that infinite regress or does not reasonably go to that infinite regress. I think some models are more likely to than others.

And I think that that's what incumbent on us. It's not that we should stop talking about it at a certain point. I think we should be able to explain why it is not likely that the model we're presenting goes to infinite regress. Thanks.

León Sanchez: Thank you very much Avri. The comments also state that any solution or any proposal that we end up coming with should be as simple as possible and should also avoid leading the community and ICANN into the courts. So this is of course another concern that has been widely discussed by the community.

And as I said another point that has been widely commented is the fact that the proposal considers a membership model as the most viable way to achieve the different powers for the community. And my sense - and of course I could

be wrong - my sense is that most of the comments are supportive or at least understand that a membership model needs to be set up for the community to be able to enforce the different powers that we're trying to provide it with.

But there are also comments that call for considering alternative ways for achieving this. There is of course a set of comments that call for to get deeper into the discussion on whether the designator model would be the most feasible instead of the membership model.

And there were also comments that continue to discuss on whether the SOs or ACs should be members or if - as some have suggested - maybe the chairs of the set SOs or ACs should be designated as members within the structure and will this - of course something that we will continue to discuss.

And another concern is how incorporated or forming these semi-corporate associations there are many members that feel that this would carry a level of complexity and side effects within the ICANN structure. There is also - there are also many comments with regards to maybe the unintended consequences that this membership model could have upon the ICANN structure and how ICANN will continue to function of course.

And I think that this is some point that we would really welcome your input with regards to this comment. So if there is anyone that wants to comment on what I have just said, it would be very important to do that. I see Kavouss's hand is up. Kavouss could you please take the floor?

Kavouss Arasteh: Yes Leon. I think the comments should be seen not to be contradictory to the reality. On the one hand if you want to have full power to do something, you have to pay for that. And the payment is some complexity in the process. You

could not have simple process and have full power. They are contrary to each other. So we have to be very careful of that.

And I think the issue of the membership has been properly mentioned in several legal assessments. If you want to have power in all six areas you have no choice but membership model. If you want to have power on four of those six, you could go with designation or designator or some other arrangements and with some difficulty. So we have to look at that one.

The issue is to be replied is the current situation that I have asked in the previous mail I send you, something that we need to (unintelligible) that if there's a membership, who among the SOs and ACs have the right to all of those six powers and who does not have -- from the AC and the SO point of view but not from the six powers against membership and designator.

So we have to have another comparative table. But we should not argue about the membership and designator and go to the simplest. It is no simple way. If you want simple there is less accountability. If you want more accountability and more control, you have to pay for that and there is no real simple reply to that. Thank you.

Leon Sanchez: Thank you very much for your comment Kavouss. And you are right into the extent that if we want to have some power to enhance our accountability we will of course need to consider forming this on incorporated associations. And one thing that is important to remember is that either way we choose, if we choose to go with a designated model or with a membership model we would still need to form unincorporated associations.

And this would of course not deal with the concern that some members have raised with regards to the perceived or the alleged complexity that

unincorporated associations would carry. So this is very useful Kavouss.

Thank you for your comment. And I don't know if there is anyone else who wants to comment on this section of the document. I see Mathieu Weill.

Mathieu could you please take the floor?

Mathieu Weill: Thanks Leon. I think it's important that we all remind ourselves that regarding this question about the mechanism we had until very recent, we've had input from FSAC, that basically they want to remain an advisory body so would not want to participate into the mechanism as voting member or anything.

(RSOC) seems to be in a very similar mindset. And we are hearing a lot of concerns about governments, about the ability to join a new system that would be member driven. So that's - there's a lot of parameters that we'll have to take into account on that matter.

So I think that what Jordan is saying in the chat, it is extremely important on that topic that we distinguish between factually analyzing the comments we're receiving and then moving the discussion forward. Those are very different steps and I think the challenge on Work Party 1 is to ensure we really distinguish between this analysis and then highlighting the issues we have to take forward further and then moving them forward.

This is going to be a very - a discussion will carry way beyond Buenos Aires (with me). But I think it's worth mentioning that we will have to refine the system anyway because some of the parts of the community aren't providing us with very clear input on whether they want to be part of the system or not. Thank you.

Leon Sanchez: Thank you very much Mathieu. I have Tijani Ben Jemaa next on the queue. Tijani?

Tijani Ben Jemaa: Thank you Mathieu. Thank you (Unintelligible). Thank you Leon. I look at (unintelligible) because I saw the chat that (unintelligible). For the membership or member model, I don't think this is the main problem. The main problem is that a model shouldn't - must be (unintelligible) to all the community stakeholders to participate and decide on those powers. And this was the problem and this is where there were a lot of comments and a lot of (honest) objections on some points.

So I think that we have to think about that. And the second point about this issue was the (unintelligible). And there is a lot of objections about going to the GAC (unintelligible) of ICANN (unintelligible) in any (unintelligible). So those are the main points in my point of view that was in the comments and that we have to address carefully, and we have to find the right solution.  
Thank you.

Leon Sanchez: Thank you very much Tijani. Unfortunately your audio seems to be breaking a little, so I could catch a couple of your comments but I did not quite catch your whole comment. So if you could summarize this either on the chat box or on the list that would be of course very helpful. Next in the queue I have...

Tijani Ben Jemaa: Is it any better here? Can you hear me better now?

Leon Sanchez: Yes I think that is better.

Tijani Ben Jemaa: Do you hear me better? Okay, I said that the main issue, the main - the comments were very strong about two things. The first point is that any system we would choose should give to all the community stakeholders the ability to participate in the size of the powers.

The second point was the enforceability, going to the (court) because for the public comment, I saw the reaction on this. I think those are the two main points that we have to address carefully. Thank you. I hope you heard me well.

Leon Sanchez: Yes it was far better. Thank you very much Tijani. Next on the queue I have Roelof Meijer. Roelof please take the floor.

Roelof Meijer: Thank you Leon. This is Roelof Meijer for the record. Can you all hear me?

Leon Sanchez: Yes we do listen to you.

Roelof Meijer: Okay. Yes I just want to bring in a nuance into the comment made by Leon and by Kavouss. And there was extensive discussion on the mailing list but now there was no reaction. And my nuance would be that it is not in order to have those powers. We need the SOs and the ACs to become unincorporated associations.

It is to have legal enforceability that we would need an incorporated association. It's a fine point and I think it's being forwarded by several people on the mailing list. In practice that legal enforceability will not be scarce because the powers will be available once they are incorporated into the bylaws and we have the structure like a community council or something to actually enforce it.

So I just wanted to point out again that the unincorporated associations are all we need to legally enforce the powers (that they) can support. And there are alternatives to this. So I don't think we should automatically conclude that this is the only way that we can reach our objectives.

Leon Sanchez: Thank you very much Roelof. Are there any other comments with regards to this section of the comment segment? Okay. I see some support from (Curtis Payne) to Roelof's comment. And well since there are no further comments on this section so far, I would like to turn now to Thomas for the power under considering rejecting the budget and strategy operating plans. Thomas?

Thomas Rickert: Thanks so much Leon and I'm looking now at Page Number 65, and Paragraph 266 onward. This is relatively brief. To put it in a nutshell, we received a lot of support for the community power to reconsider reject budget of the Strategy and Operating Plan.

There are two caveats to it, mainly one of which is that there are - there's the need for a consultation process with between the community and the board in order to ensure that this community power does not have to be exercised because it's deemed to be disruptive to the organization potentially.

So I think my suggestion, subject to further analysis by the subteam would be that our response would be that we need to be clearer on that requirement, which as you will recall we have discussed over and over again.

And I think there's no one in this group that objects to the requirement for a consultation process prior to the adoption of the documents - you know, the budget, strategy, or operating plan to make sure that the community had the opportunity to voice its concerns or wishes and for the board to be able to properly take them into account.

So this is already there. I think we should just be more transparent about it and respond in that session. The other concern that has been voiced is that there might be a back and forth between the community and the ICANN board.

If memory doesn't fail me - but Jordan will have the opportunity if he so wishes to add to that - we already have something in our proposal that would prevent a back and forth from taking place. But maybe we need to be more transparent on that feature of our proposal as well.

But all in all the commenters have been very supportive of our proposal and I think I will stop here and just open it up for group members to respond or comment. And Jordan should you wish to add to this just put yourself in the queue. There doesn't seem to be any - ah, Jordan fire away.

Jordan Carter: Thanks Thomas. It's Jordan Carter here for the record. I just wanted to reiterate my apology for not having been able to read all this material in the past 24 hours and not being as smooth with it as I could be.

I just wanted to say Thomas that I largely agree with your reading of the support and that (unintelligible). And to be clear there already are consultation processes in place - quite extensive ones around the budget and Strategic and Operating Plan processes.

And my observation and the observation of people who have been involved with them for a long time is they are improving. So I think there's a range of helpful things here but there aren't any fundamental roadblocks us getting this done.

Thomas Rickert: Jordan, the audio was cut out. Are you still there?

Jordan Carter: I think I finished. So that's why I stopped talking into my mic.

Thomas Rickert: Oh, okay. Sorry, it sounded a little bit abrupt from an acoustic point of view.

Jordan Carter: Sorry.

Thomas Rickert: Unless there are further comments from the group I think we can move on to the next subject which would be led by Mathieu. Mathieu, over to you.

Mathieu Weill: Thank you Thomas. This is Mathieu Weill speaking. The next subject is starting at Item 288 on Page 69, and it's the changes to the standard bylaws. Let's not spend too much time on this. Feedback is positive. There are some parameters, concerns about the time limits of 15 days to initiate the objection to the standard bylaw change.

And I've also noted some comments regarding the threshold. There seems to be some confusion about 3/4, 2/3, so some things that they would probably - one I think we'll be able to review efficiently. And there was an outstanding input from (Afnik). I'm not using any bias here.

If the changes are about some of the SO/AC structures then we might need to consider whether there needs to be some specific relationship with this SO or AC. So that's - I mean let's not take too much time on this unless there are any other comments that I think that outlines that we had some valuable input but we are on the right track.

Are there any specific questions on that section? If not I would suggest we move to Leon for the fundamental bylaw change section.

Leon Sanchez: Thank you very much Mathieu. And we'll move on to the fundamental bylaw section, pretty much the same as Mathieu just said with regards to the bylaw changes, the regular bylaw changes. Most of the comments are - or rather all of the comments are supportive of having a set of fundamental bylaws designed or stated (unintelligible) by those fundamental bylaws.

There are a couple of comments by a business constituency with regards to Article 18 on whether should that be a fundamental bylaw. I think that Steve DelBianco has already commented on that point. That is this comment that business constituency has made.

And also there are some comments from the IPC with regards to the requirements for this recommendation and I think that it does not appear to be a well-defined list of requirements so far. So I think that these are the main concerns with regards to fundamental bylaws.

As I said, all the comments received are supportive of adding a set of fundamental bylaws. So I'd now like to open the floor for comments on fundamental bylaws. Okay I see Steve DelBianco's hand up. Steve could you please take the floor?

Steve DelBianco: It's a brief question. 318 is the board's comment. Staff has summarized it by saying that, "We recognize the board does not have unilateral ability to change the bylaws." But today they do. The board can vote to (unintelligible) bylaws itself. There is no community input. So is the board being descriptive of today? Or are they being normative and endorsing the change that we're recommending here?

Leon Sanchez: Thanks Steve. Well there's definitely something that should need some clarification. So are there any other comments with regards to - I see Sebastian Bachollet. Sebastian could you please take the floor.

Sebastian Bachollet: Yes thank you very much. Sebastian Bachollet. Steve you are right with your question but in the petition of the current way of doing it the board didn't change the bylaw just by himself. There is a comment, a publication of the

proposal comment period and I guess usually the board take into account the comments made, and it's not totally black and white.

And I have no answer of what you're asking but just to be sure that comment process is well described. Thank you.

Leon Sanchez: Thank you very much for that Sebastian. Any other comments on this section? Okay so having no more comments on this section I'd like to turn now to Thomas for recalling individual ICANN directors. Thomas?

Thomas Rickert: Thanks very much Leon and I'm now looking at Page 17, very bottom of Page 17 Paragraph Number 325, which is already on Page Number 71. We're now going to discuss the community power to recall individual ICANN directors, which is broadly supported by the commenters.

And I have not seen a single comment speaking against that, apart from maybe the one comment that we received from Dot NA challenging everything that we did. So I think we should take note of that overarching objection to our work results.

But apart from that there is broad support. I've just been pointed out that to one comment from (Afralo) that is not supported, that is not supportive. I apologize for the oversight. So there seems to be one objection in this section. But apart from that, the community power is endorsed by the community.

We do, however, have some requests for refinement of the process, which I think we cannot discuss here. Also I'd like to point out that one question that we still tagged as unresolved seems to remain unresolved, and that is the question of how to deal with NomComm appointed board members.

And I've seen two comments that were in favor of the current NomComm to take on the task of recalling directors and two comments that ask for either another committee or a subteam of NomComm to take on that task.

So I think that some more work on that needs to be done by the work party. And I note that particularly the ALAC has offered a spectrum (unintelligible) ALAC on how to approach this. But I'm sure that Alan will speak to those, who has put himself into the queue.

But let's move first to Tijani first, and Tijani, maybe you can move in close to the microphone as you previously did because you were much easier to understand when you did so. Tijani.

Tijani Ben Jemaa: Thank you very much Thomas. It wasn't because I was far from the microphone. I was speaking in the phone, and now I changed to the Adobe Connect. That's why you hear me better.

Okay let's come to the objection. You said the objection of (Afrello) about recalling individual members. (Afrello) didn't object to recalling individual members. (Afrello) said that recalling members without reason is not acceptable. And (Afrello) said the recall must be done by the whole community. The (unintelligible) must be done by the whole community.

It shouldn't be the right of the appointing body to recall the (director). Those were all the issues that (Afrello) expressed. Thank you.

Thomas Rickert: Thanks very much for that clarification Tijani. So even better. There is no objection to the community power and (detection). And I'm sure that Work Party 2 in this case will take a look at the refinements that you have for Alan.

Alan Greenberg: Thank you very much. My comments are akin to Tijani's. Certainly parts of our community and I believe also the board had said that if we are to remove individual members it should be a community action, not an individual AC/SO that appointed them action.

So we certainly have some difference on which way it should be. My understanding from the legal advice was that the only mechanism that we could put in place was that an appointing body removes the (NC) that we can't have a different one, which is why we went to the NomCom - having to remove NomCom appointees through some construct or another because we couldn't have the rest of the community removing them.

So I think we need clarity from that legal counsel as to what is legal and what is not so that, you know, we put some constraints around what the options are we're looking at.

The second difference between various bodies - and again some people at large said it, the board said it or implied it that we should only be removing people for cause and that is cause that could be documented and therefore presumably appealed. And that adds a level of difficulty to the whole process and I guess we need some guidance from legal counsel as to what extent this is legal or optional. And then we need a subsequent discussion on which way did we want to go.

You know, from my perspective removing a director is akin to a divorce on irreconcilable differences. You know, not necessarily something you can document but just saying that the relationship is not working anymore. Identifying specific failures that perhaps can be appealed puts it in a completely different context and I think we need to decide what we're looking for. Thank you.

Thomas Rickert: Thanks Alan. Kavouss?

Kavouss Arasteh: Yes Thomas. I have sent you before a set of questions which is very important which is not properly answered in any of the legal assessment. I ask if possible to have a table. In that table we have a vertical columns, seven SOs and ACs plus the NomCom. And on horizontal you have the six powers in two option. Option 1 SO and AC are members and option 2, SO and AC are not members, which power they could exercise in each of those case. That is very, very important.

And I also ask the question whether - if we take the designator approach whether ACs who do not designate any board member are still called designator because they don't designate anybody. So do they have any power at all or not? And there is ambiguity in the 29 voting procedures that some of the ACs could not be a part of those 29s and it is not quite clear.

So without that table it is absolutely difficult to understand who could exercise what power under what conditions. So we have to have that table and I have explained it quite clearly in the question that I sent. It is (unintelligible) and I don't want to put it in the chat here. But you have that and it was promised that the legal advisor look at that one and reply to that. Is not replying to me. It should replied for everybody that we should know that quite - that answered quite clear (unintelligible): if an SO is a member what of the six powers could be exercised? If SO is not member what power could be exercised? And so on, so forth.

And the question of designator, whether the three ACs which do not have any director designated by them are they still called the designator, have any power to do anything. And then recall or removal of the board with and

without cause is two different things and should be clearly mentioned that the area that they could without cause recall (unintelligible) because this is not - also are not quite clear. Thank you.

Thomas Rickert: Thanks Kavouss. Josh, I assume you have put yourself in the queue to respond to Kavouss.

Josh Hofheimer: Yes. Thank you. This is Josh. Kavouss, I think we've tried to make clear that the particular SO or AC is not really - has no consequence on your question. The question is just whether any SO or any AC is a member or a designator. And so you have to look at who you are choosing to have be a member or who is choosing to just be a designator if you had both.

So and we've already prepared a chart that says which - and we've shared it with you all that says which of the powers. And as you noted previously the members can exercise clearly all six of the powers. The designators could be appointed to exercise four of those powers.

So if you made an SO a designator it would have certain powers. If you made it a member it could have certain powers. But it's up to the SOs or ACs themselves to decide whether they want to be members or designators or up to this working group to decide whether there should be any members or just designators.

But the - again the individual SO or AC really has no bearing. That doesn't drive the decision as to what power it has. The power it has is driven by what kind of group it's going to be, whether it's going to be a member or perhaps something less like a designator.

Thomas Rickert: Thanks Josh. Kavouss, you have put yourself in the queue again.

Kavouss Arasteh: Yes. Thank you very much Josh. If you provide that information in a (unintelligible) that we could look at that one. But is important that if one AC or some AC does not wish to be a member or cannot be a member what is their position? And I - it would be very appreciative if that should be also explained: what is their position if they cannot be a member or they do not want to be a member whether they still remain a designator or not and what is their relations with those who are members in the removal of the (unintelligible) board member. Could they participate in that or they could not participate in that. Thank you.

Thomas Rickert: Thanks Kavouss. I think that your additional questions have been understood and it's my understanding that this is work in progress. Let's take a look at that offline to have some communication with you to confirm that we got your questions right. So I think we should leave it there for the moment.

Holly, you had your hand raised? Did you still want to comment?

Holly Gregory: Do I - I (unintelligible) because you mentioned that we do need to have and question (unintelligible) we are working on expanding out the chart and seeing how we can make it clearer around what can be exercised even though it's not enforceable. And we're working on that. But I understood that Kavouss had some other questions that were going to be provided to you in writing so you could decide when you wanted to certify them to us. Thank you.

Thomas Rickert: Thanks Holly. And Kavouss, Mathieu had posted a link in the chat to the table that has previously been produced. Maybe you can also take a look at that whether it satisfies your needs for information because that's already completed.

Okay with that I think we can close this part of the discussion and move to the next agenda item which is the recording of the whole board and that will be led by Mathieu.

Mathieu Weill: Thank you Thomas. This is Mathieu speaking. So the next power is the recall of the board and I think, I mean, just like all the powers there's - there is an overall support for the power itself. No significant objection to introducing this power to recall the entire board. I'm on page 61, comment number 347 by the way.

I think the feedback we're getting on this particular power is of course a concern - some concerns about the potential for disruption, disrupting ICANN operations. And there certainly is the need for to clarify the caretaker board and what would be in place to protect against too many adverse effects of this power which is however clearly conceived and perceived as a last resort.

There are some comments advocating for a higher threshold of 80% instead of 75% for this power. Some comments were questing more clarity about the circumstances upon which this power could be invoked. And I noted a comment by (Lynx) that would - was suggesting, I mean, well actually it's a comment suggesting that any SO or AC should have the power to spell the entire board. And so that was the most disruptive comment compared to our initial proposal.

So once again some clearly useful comments that Work Party 1 will be able to deal with I guess and something we have anticipated around the concerns of - around disruption that we need to elaborate on. Are there any things that I'm missing in this section? Comments? Questions?

No? So conscious of time let's move to the next section about the AOC.

Leon?

Leon Sanchez: Thank you very much (unintelligible) to the section of the AOC incorporation to the ICANN by-laws. Again most of the comments are - or practically all the comments are supportive of incorporating the AOCs into ICANN by-laws. However they highlight or they stress the need to take care of this incorporation of the AOCs from different approaches.

Some of the comments recognize that key aspects of the AOCs must be incorporated into ICANN by-laws and other comments recognize that some of these AOC points have been envisioned and designed from a U.S. perspective. And if we are to incorporate this AOCs key points into the ICANN by-laws we should think of the actual context and the actual situation in which we are trying to incorporate this affirmation of commitments, key points into the by-laws.

And while I think that highlights pretty much the different comments on the AOCs there are of course some concerns, especially with regards to having ICANN incorporated in the United States as a - well it mentions that it would be of a concern for many governments of course. And this is something that should be further discussed and carefully thought of while addressing any by-laws provisions that incorporate this affirmation of commitments, key point.

And with regards to the reviews there is also wide support for incorporating (unintelligible) to the key points that will be incorporated from the affirmation of commitments. And pretty much all the comments agree that this review process would enhance ICANN's accountability.

And there is also a couple of comments with regards to how the affirmation of commitments should be incorporated with regards to the language of the - of ICANN being a private sector-led organization. Of course governments have raised their voice and provided with comments with regards to having the (unintelligible) on equal footing with the private sector.

So we're looking now at page of these comments and on page 18 and the last comment is number 397. So I'd like to open the floor now for comments on this document section.

Are there any comments with regards to (unintelligible) take the floor.

Kavouss Arasteh: Yes. I think looking into the incorporation - so sorry. For affirmation of commitment I think it has been analyzed and most of the issues are fundamental and which are important. They are suggested to be included in the ICANN by-laws, in the fundamental by-law but the remaining is not.

So I don't think that we should gear a (unintelligible) for all of the ICANN (unintelligible) and the affirmation by commitment. Those which are necessary they put - if they don't put them in the by-laws where are we put them? And if we don't we put them in the by-law put in somewhere else what is the status of that somewhere else? How would it be enforced?

So it is important to see that those which are identified to be in by-law they were necessary in the view of (unintelligible) that is important and should be in the by-law, either by-law traditional and standard or by-law in the fundamental. And there are those which will not. So we should not talk about affirmation of commitment. We should talk about the provisions, which provisions they contested not to be in the by-law.

This is what that's expected the equal footing of government. If the only area - well maybe (unintelligible). The only area that they have equal footing their government currently they have advisory capacity and they could - do they want to have a voting capacity in that case? There are two ways. Either they should be an SO. If not they be an AC but voting capacity to have a director like the (unintelligible). So is that the case that we understood from the governments?

Avri Doria: This is Avri. Can you put me in the queue?

Leon Sanchez: Yes Avri. You're next.

Avri Doria: Okay thanks. And I apologize for any extra noise. I am in a car on the way to airport.

There's a couple of things. One with regard to the government's participation in some of the reviews, like the ATR tapes. (Unintelligible) have participated as whole members not just as observers and advisors. So I wanted to point that out.

And I wanted to point out and I think you may have mentioned it but I wasn't sure that the fact that people in the comments have asked for more flexibility in terms of how all of these various reviews go together. I think in terms of calling them AOC reviews that is just a convenient handle for it but obviously as it goes forward they just become reviews of a particular nature.

The other thing that I think was an important request of us was how we - how the AOC itself progresses, evolves, et cetera after. So we may want to put a little bit of work into trying to explain how that process (unintelligible). We

did talk about it. I just don't know that we ever got around to writing it and putting it in. Thanks. Going back to mute.

Leon Sanchez: Thank you very much for this Avri. Are there any other comments on this section?

Okay so now I'd like to close this item and go to my co-chair Thomas Rickert to reveal the section on changes suggested by stress test. Thomas, could you please take the floor?

Thomas Rickert: Yes. Thank you Mathieu. Thank you Leon. And being conscious of time let me just briefly summarize that there is support for the changes to the by-laws supported by the stress test but there has been considerable discussion with respect to stress test number 18. So that seems to be the main topic for the commenters to chime in on. And I would just like to leave it there and confront to the group that this is work that would be taken on by (unintelligible) (Steve) and others to further analyze.

So that we can now move to the Work Stream 2 items and with that I'd like to hand over to Mathieu please.

Mathieu Weill: Thank you Thomas. I think we've already covered some of the input from Work Stream 2 because basically what Work Stream 2 comments show is that then we need to certainly be very clear on demonstrating that Work Stream 2 does not mean we're putting a topic under the (unintelligible). So being much stronger in terms of how and when we're going to deal with these issues is apparently expected.

The jurisdiction issue was highlighted several times as a very important work for Work Stream 2 in several comments. There were mention about the board

staff/community staff relationship that came up as well including interesting suggestions about disclosure of staff engagement with government representatives that were mentioned several times. So that it was more about the transparency than the redress part.

And an interesting suggestion that came back a couple of times as well is that - whether we should introduce as part of Work Stream 2 the assessment of the efficiency of the Work Stream 1 mechanisms. And I think that's a topic we'll have to discuss how we move forward with this.

So Work Stream 2 items are not allocated to work parties. So probably the abstract of this will be undertaken by the couture and then shared with the group just like the others.

And since we only have five minutes left I think I will leave it at that unless there are any questions on Work Stream 2.

Oh no questions. So I'm turning to Leon or Thomas, I think now we should certainly - okay. So actually Thomas is suggesting that I continue.

So what we are expecting from work parties now is.

Thomas Rickert: This is Thomas. Can I ask Mathieu for a signal whether his call was dropped? So his call was dropped. So I suggest that I briefly take over.

I think what we should clarify before we end this call in four minutes' time is what the task for the work parties are. And actually we do have three tasks for the work parties, one of which would be for the work parties to go through the public comment (unintelligible) i.e., for the sections that have been allocated to them and draft responses for the comments and actions field in the public

comment review tool. Not for them to decide but for them to make a suggestion as to how we should respond to the respective community member that made the comment.

And the answer can be this has already been dealt with, this is off topic, this is something that we will further look into, this is something that will be dealt with in another section of the report. And then the, you know, so that would be the preparation of feedback in this document that we have been discussing today.

The second action item would be to classify the feedback that we received in accordance with the methodology that we have agreed on and state whether there is consensus on this agreement with a certain suggestion that we made, whether that has brought support, significant opposition or whether we have divergence so that we can then take stock of that and proceed to consensus building for individual questions.

So these two items we suggest need to be concluded before we freeze the document prior - before the Buenos Ares meeting, i.e., the date for that would be the 16th of June. And the first step that's then going to need - being worked on would actually be the digesting of the input we have received and improving or rethinking the suggestions that we have put in our meeting that we are put into our report.

I think that is it for today's call. The final remark that I'd like to make is that the face-to-face meeting that we planned to have is going to be in Paris according to confirmation by the meetings team. And it's now one minute to the top of the hour and I'd like to give the opportunity to my co-chairs to add to that.

Oh sorry. I've seen two hands from Kavouss and Roelof. Can I please ask you to keep it to the briefest possible statements that you can make given that we've already talked for three hours. Kavouss?

Kavouss Arasteh: Brief yes. First is number 18: we should look at that one in a purely neutral and impartial manner and the presenters should not push for (unintelligible) points. And that is something that we raise. Unfortunately we were not given the chance but now we have so many comments and we have to look at that again.

Second with the face-to-face meeting unfortunately one day of that meeting is conflict with the ICG meeting. I don't know what we can do about that. Thank you.

Thomas Rickert: Thanks, Kavouss. Roelof?

Roelof Meijer: Thanks Thomas. Roelof Meijer for the record. Thomas, I don't know if you intended a chronological order in your actions 1 and 2 for the working parties. But if you did I would suggest the opposite order because to me it would be more logic that first we see if comments are in agreement, if we have consensus or (unintelligible) so we classify everything in that way, and then we make - draw reactions to the clients.

Thomas Rickert: Thanks very much Roelof. I suggest we take this point offline to discuss with the co-chairs - with (unintelligible) to also hear their views on the approach. But your point does make sense.

Unless there are further remarks from your side I'd like to hear what my fellow co-chairs have any other remarks to make. So this is the last opportunity. Mathieu, your hand is up. Please.

Mathieu Weill: Thanks Thomas. I think this is just a remark that I'm actually amazed we've covered so much ground in this call and it was a long call and it was painful at times. But the - I hope you shared the overall impression that the path we are following is supported by the comments we've received so far. There's a lot of work to be done on implementation and we have multiple challenges ahead of us.

But I come out of this call and that's my personal feeling is very much supported in terms of we're going in the right direction, the community is with us on many of the fundamental requirements, and there's a need to be very careful to be in listening mode to the input we are receiving before Buenos Aires where we should certainly clarify when there's confusion, but also seek to further understand the concerns that we're receiving when we're receiving concerns.

So it's very useful that we've had this call and I really want to thank all of you for participating in today. Thank you.

Thomas Rickert: Thanks Mathieu. Sebastien?

Sebastien Bachollet: Yes. Thank you very much. As we are entering into a new phase of this work I would like to be sure that every coach and (unintelligible) must feel willing to do the job. I think it's important as a matter of (unintelligible) to have some points of control about the ability and engagement of our leaders. And thank you for the (unintelligible).

Thomas Rickert: Thanks very much, Sebastien. We will take that as an action item for our debrief which includes both co-chairs as well as (unintelligible). And Mathieu

has already done a sterling job in sending out this (unintelligible) message which I otherwise would've communicated to you.

So that leads me with thanking you for a very constructive, very long call and we're going to hear and reach - read from each other very soon. Thank you and goodbye, good morning, good evening, good afternoon.

Woman: Goodbye all.

Man: Bye.

Man: Bye-bye.

Man: Bye everyone.

END