

**ICANN**

**Moderator: Brenda Brewer  
July 8, 2015  
1:00 pm CT**

Jordan Carter: Okay it's two minutes past the hour so we'll get underway. Thank you everyone for being (unintelligible) this morning, but given the nature of what we're doing and the timeframe that's not entirely surprising. I see the recording has started so (unintelligible) July meeting of the CCWG Working Party 1.

On the screen in front of you is the draft agenda for this call. I made a mistake in putting the draft agenda together and Jonathan Zuck was not preparing (unintelligible) Friday. And so I apologized to him for having that item there, 3 on our agenda. We won't be doing that.

And unless I've lost track of the email list, we don't have - Alan you haven't had time to magically produce two papers have you? You haven't given us a (unintelligible).

Alan Greenberg: I didn't even realize that one was on the agenda today.

Jordan Carter: Okay. Well the info was circulated in the volunteer and agendas update about 36 hours ago. One of the problems that we had was that the staff notes didn't

include the allocation of agenda items. And so it may be that my memory was simply faulty, so I apologize for that.

Alan Greenberg: It may be you sent out a note that I didn't consciously read. Whatever reason, I didn't know it was on the agenda today and I wouldn't have had time to do it even if I had, so...

Jordan Carter: Yes (unintelligible).

Alan Greenberg: Am I the only one working on that group, by the way?

Jordan Carter: I wouldn't call it a group. None of these are groups. You're the person who volunteered to work on that item, yes.

Alan Greenberg: Ooh, good, I get to put what I want in.

Jordan Carter: No you get to reflect the public comments received by it. So I think as a result of that, this call will be shorter than two hours, which is no bad thing from my point of view. And my proposal for the agenda is that we go through in order without things that aren't there.

So we'll start with (unintelligible) mechanisms document that Alan had circulated that others had discussed as the first item. And then we will review the updated AoC document that was circulated as well by - I think I circulated it but it was from Steve and that group.

And then we'll allocate our remaining items between our last two calls. And if there's any other business we can deal with it at the end. I was just seeing on the chat, Robin, you'd like to join a group on budget (unintelligible). Once again there is no group; there are no lists.

So Jonathan Zuck has promised to do something by Friday, so I would encourage you to email him direct and just say you're interested in helping out. And I'm sure he'll be glad of the assistance.

So, on that basis Alan, could you start taking us through the document that's (unintelligible) on the screen?

Alan Greenberg: I certainly can try. The group consists of four people of whom Greg, myself and Robin and Matthew Shears who unfortunately could not attend the one meeting we had yesterday. So his comments are not reflected in the document. And I will note there is a omission of a word in the very last sentence of Item Number 6 which I'll specify when I get to it.

We identified essentially six - I won't say separate items because they are somewhat intertwined - but six specific issues that we needed to come up with answers to. The first one is who should participate in this thing we're calling the community council. And at this point, that's just an arbitrary name so let's not get hung up on it. We'll come back to that in a little while though.

The second one is the vote weighting, and you'll remember that we had a number of different models with the reference model being the SOs, the GAC and the ALAC having five, and the FSAC and RSAC having two each and then there were two other alternatives that were mentioned.

The third one is something that wasn't mentioned explicitly in our report. It had been discussed very, very briefly earlier on in our process but ended up being the subject of - implicitly the subject of some of the discussions, and that is should we allow votes to be divided with different people carrying potentially fractional votes.

The last one is - not the last one - the next one is what do we do. Should we ever come to a vote, how do we handle groups that have opted out either in general in a specific issue or simply opt in but abstain? The next one is, should there actually be a group or is this just a process we're describing?

And lastly an issue brought up in Buenos Aires by a number of people of if the GAC participates in the community mechanisms, do we need to make any changes to the bylaws that give them slightly different treatment from the rest of the ACs? And I'll talk about the details of what that means a little bit later on.

In general there were very few comments. So we didn't have a lot of guidance based on the comments in some of the cases, such as should there be a mechanism or a group. I don't even think we asked the questions, and certainly not many people volunteered the answers.

In other cases there were some comments. They tended to be spread all over the map and did not give a really clear direction of where to go. So to a large extent we were left on our own. And what you see is what the three of us came up with. In some cases we have specific recommendations. In other cases we couldn't come to closure in the limited time we had.

Okay so first one is who should participate. There was pretty well unanimity - we didn't spend a lot of time talking about it - that all the ACs and SOs should be included. Should as a result of the next public comment, some AC or SO saying, "Not me. I never, ever want to participate," we can clearly remove them. But at this point there didn't seem to be any reason to remove them.

What participate means will vary depending on which model we end up picking. So again it's hard to determine who wants to participate before we know what participate means. So our answer was clear. It's all three SOs and four ACs and leave it at that.

Jordan Carter: Alan do you want to take - yes I was just going to say I think it would probably be best to take questions on each part of this as we go through because they're relatively short sections (unintelligible) so people shouldn't need to mull on it too much. Do you want to manage that process?

Alan Greenberg: Yes I'm fine with that. And I see no hands at the moment. Is there anyone who wants to raise the issue? Well Jordan (unintelligible) the issue.

Jordan Carter: With my (unintelligible) hat off and my Jordan hat on. I thought we got pretty clear and direct feedback from the FSAC and the RSAC that they didn't want to stay in this mechanism in their written comments and in their verbal comments in Buenos Aires. So I'm just curious if you considered that feedback and what your response to it is.

Alan Greenberg: Yes we did. Number one, that proposal, draft proposal, was largely focusing on a concept of membership. And there was a lot of confusion as to what membership means. And I will give two specific examples. One of them, the ALAC made a very definitive comment in its comment saying if the issue is between membership and delegates, we pick membership.

And I will tell you also candidly, we did that in the complete absence of understanding what the words meant. If we had to take that vote again it would be exactly the opposite and for some very strong reasons. So some of the comments in the paper were focused on membership but we didn't quite know what membership is.

There's another comment - and I won't say who said it - who said the CCWG is looking at various membership models such as unincorporated associations and designators. Designators is clearly not a capital M membership. So there was a lot of confusion.

And at this point, subject to the next comment, we felt it was inappropriate to drop someone off because of a statement made at that time and even those statements really said they are - you know, they want to stay as an advisory committee but it's not clear that that's a decision for ever and ever amen.

So we felt at this point it was prudent to include them. Should they be adamant about it we can exclude them, but on the other hand they can simply opt out and not actively participate. And one of the items later on addresses how we handle that.

There was a discussion today on the WP3 call about accountability and how are we accountable to the overall community, not the ICANN community. And I think the ACs are a large part of how we are accountable to the rest of the world. So I don't think we want to dismiss them at this point. That's certainly my position. Steve? I'm sorry - Avri next.

Avri Doria: Thanks. I tend to think that we shouldn't exclude them at this point. I mean, you know, for example we've just seen how one of them just added themselves as one of the chartering organizations after having not been one. So opinions do change over time.

Now I think if they were to say in looking back, you know the bylaws being written, you know, please remove our name, then that's reasonable. But I think in any formulation we should make the formulation with the assumption

that anyone that opts out today with a completely different outfit and a completely different set of circumstances two years later should be able to opt back in without having to have a bylaws change, unless they specifically request to be specifically named as excluded. Thanks.

Alan Greenberg: Thank you Avri. And I think when we go later on to the - how do we handle votes, there was a general feeling again of the group yesterday that we had to accommodate that. Steve.

Steve DelBianco As Avri indicated we had an hour and a half of stress test call this morning where we also discussed this notion of one of the NTIA stress tests about whether we were sufficiently open to participants of the global Internet community and whether even SOs themselves were internally accountable to people that were trying to penetrate those organizations and have their voice heard.

And I will have to say I support Alan's Point Number 4 on Page 2, and I think it's what Avri just said. It's that I do believe that we have to leave the voting option open to any AC and SO that's officially recognized in ICANN's bylaws, that their votes should be countable when they decide to participate. And even if they told us today they're not interested in voting, I believe the bylaw...

Alan Greenberg: Steve you seem to have cut out.

Steve DelBianco ...really open to the community. And I would hate for a few years from now to look back and say we had a terrible issue on security, stability, and resiliency. And when the bylaws change came up for a vote, the FSAC and RFSAC weren't allowed to vote.

It would be much better I think to keep the invitation open. And it also helps to separate ACs and SOs participation in a voting mechanism from whether or not they ever decide to exercise this legal personhood for enforceability. They have nothing to do with each other, and it helps to really keep them separate and show that we recognize the community is open to all and create a place for them to vote should they decide they want to vote.

And I'll close by saying we've got to have another visitation on the Excel sheet to determine what are the appropriate supermajority thresholds at different levels of participation. Three quarters may not always work but - and I think Alan goes on to say some sort of minimum participation level. I haven't thought enough about that, but we certainly have to adjust the thresholds. Thank you.

Alan Greenberg: Thank you Steve. Greg?

Greg Shatan: Thanks. Greg Shatan for the record. Another thought that occurred to me with regard to this community council - I'll call it that for purposes of our discussion - would be to in a sense mimic the current role of the RFSAC, FSAC and GAC and have them participate in an advisory capacity and to provide advice.

So the idea that membership or participation in this group requires a vote is perhaps adding a bar that doesn't need to be there. So - and keeping them out of the room because they don't want to be voting members, assuming that's the case, seems to be creating an artificial barrier. So...

You know, in the statement they may have indicated they want to remain in their advisory role. Well that advisory role consists of advising the board and also advising the community. So it seemed to me that advising the community



council would be a natural extension of that. That is not to exclude the idea of voting but it creates another path, an advisory path relating to the community council. Thank you.

Alan Greenberg: Thank you Greg. I think that's a good point, and I'll add a note that choosing not to vote does not mean you can't talk. And it's another reason for making sure they are included. So I think we have unanimity on that.

Greg Shatan: I think that includes choosing not to have a vote as well.

Alan Greenberg: Anyone else before we go on to Item Number 2. I'm not following what's going on in the chat, so if indeed there is something there, then...

Jordan Carter: I was just going to say - Jordan here - that we should - let's leave it like that, open. But let's make sure in the chat text that in the next chat we do reference the fact that these advisory groups may wish to be advisory participants rather than decisional participants based on their own feedback, but that we're leaving it open, so.

Alan Greenberg: Excuse me, people are trying to call me at this point on Skype. Excuse me for a moment.

Jordan Carter: Is there someone else who was part of the group who could maybe carry on with (unintelligible)?

Alan Greenberg: Greg can you take Item Number 2, and I'll be back in as soon as I can?

Greg Shatan: Sure, it's Greg.

Alan Greenberg: Thanks Greg.

Greg Shatan: So as noted, the second item that we discussed then, looked at the comments for where the issue of voting weights or numbers of votes per participating organization, there were a fair number of comments, perhaps a dozen that dealt with this in some way or maybe a few more than that.

There were a number - about ten as noted here - that explicitly supported the numbers that we had in our first draft, which are listed there. Then there were those who questioned why we were having a lower number of votes for the FSAC or RFSAC and suggested just kind of level votes as well.

There were also some suggestions that the GNSO should have a higher number of votes or that perhaps was commensurate with its position in these things or that the votes perhaps should shift based on the subject matter at hand, whether it was perhaps the gTLD or ccTLD or perhaps even stability, security, resiliency issue that was before the community.

But there was really no - we did not come to closure in our discussion of how we might proceed on this point and while there was, you know, the single largest group of comments were in favor of the reference mechanism, it still represents a very small group in terms of the total number of comments.

One could say that silence equals consent but that - you know, even then you're kind of trying to read a lot into silence. However, you know, recognition that there were issues in proportionality and also issues in fitting the way the different groups arrange themselves internally, how many subsections they have or sub-subsections, raised an issue with the number of votes.

And we really dealt with this really with Number 2 and number 3 together, which is the concept of fractional voting. So why don't I take the hands now but recognize that the discussion of fractional votes or in other words having more representatives than the number of votes given to a group so that if for instance RFSAC wanted three people in the room and only had two votes, they would each have 2/3 of a vote. That at least solves some issues of seating people. Jordan?

Alan Greenberg: Greg I'm back now if I could have a word first though.

Greg Shatan: Oh sure Alan. Go ahead and I'll hand you back the chair and then hand you back Jordan.

Alan Greenberg: Okay I'll point out that there were some comments supporting the reference model. There were some comments that were vehemently opposed to it. And the ALAC and the board were among them. You know, essentially unless we could justify why they were different they shouldn't be different.

The - you know, the bylaws treat them all the same. It doesn't give one more priority than the other. And the rationale that was used in Frankfurt I guess when these were first proposed was size.

But if we use that as the measure then the ASO doesn't warrant the same number of votes as the GNSO and ccNSO. So my personal position is all should be equal unless we can really justify with a strong reason why they're not equal.

But as Greg said there was certainly not a very strong opinion exposed in the comments. So I think this is going to have to be a conscious decision. Jordan.

Jordan Carter: I think one of the reasons for this as well that there wasn't a lot of comments received because of the (unintelligible) with the questions being not exactly right cut out on the Web site. And that's part of the reason why we haven't got great feedback around the mechanisms in general.

And I think the logic behind FSAC certainly was it was a board-appointed group so you don't have a board-appointed group holding a board to account. And in the (ISS) I see because it was such a small and technically focused group. I just wanted to also note that I don't support differential voting based on issues because none of this infrastructure is designed to deal with policy questions or business of ICANN questions.

So there shouldn't be issues that have been dealt with by this mechanism that require that. And even where things do require that as a vote in terms of what the board does, it doesn't have differential voting mechanisms for different issues, depending on whether they're GNSO ones or not. So I don't support differential votes, and I do think there are some solid reasoning's behind what we had.

I think that we've got to be much clearer about our questions in the coming round and that we don't have a mandate based on the public comment that we've received to propose a different representation at this point.

Alan Greenberg: Avri?

Avri Doria: Thanks. Avri speaking. I agree in terms of not wanting to do the differential vote based on issues. But there is one argument in that, and that's the argument that sometimes the issue is more about one area and may pertain slightly more to one of the SOs or ACs than another as part of the reason for

why it really should be parity of votes across all of those that commit themselves to being voters in this.

And I want to put in a counter to the “but the FSAC is picked by the board” issue. Indeed the board does approve the nomination to the FSAC that comes from the FSAC nominating process. So to say that it is the board picks them is not really - in a sense they have the only proper NomComm in ICANN where a group nominates and some other group verifies.

So to make that a reason why they would deserve less I think is problematic. And also when you consider their, you know, stability and security and resiliency being primary missions of ICANN that they certainly have a very strong role in advising and such.

So while I could live with us staying with the previous one, I very much favor the fact that we really have good reason for doing parity across the organization and not deciding that one organization is lesser than any of the others for these reasons.

On doing normative votes, I think that that could work and we’ve got that issue in a couple places. I just know having lived with normative votes and normative time cards and all those things in the past they do make the situation much more complicating and such. So we need to consider that one.

And there are several different ways to engineer the solution, the parity - either having, you know, voting members who can be trusted by their stakeholder groups advice (unintelligible) how to vote, having members and participants or having a normative vote where you know there’s somehow a percentage being done.

And I think we should look in that case at which gives us the functional simplicity most easily, something that can be explained and understood. And if you've ever tried to explain normative voting or normative timecards to anybody, it's (unintelligible). Thanks.

Alan Greenberg: Thank you Avri. I don't know what normative timecards are.

Avri Doria: I don't mean normative. I meant normalized. Sorry. I was using the wrong word. Everywhere I said normative I meant normalized. And forgive me.

Alan Greenberg: Okay. Greg.

Greg Shatan: Thanks. Greg Shatan again, taking off my hat and being in the subgroup and just making a general comment I didn't really make in the subgroup, but I do see some - I still see some justification for giving a lesser weight to the FSAC and the RFSAC. And I think that's because they don't represent stakeholder sectors - sectors of the world's communities.

You know, the commercial stakeholder group, you know, represents the entire private sector other than registries and registrars and ccTLDs. The ccTLDs at least represent kind of a large business sector of the ccNSO. The GAC represents the world government. FSAC and RFSAC represent, you know, small technical groups brought together, you know, for advisory purposes - advice that may be very important but which maybe again points toward an advisory role.

But saying that the RFSAC should have as many votes as the non-commercial - all of civil society and academia, private sector and registries and registrars of generic TLDs seems to be a miss-weighting, or at least it's an apples and oranges kind of weighting that I find, you know, troubling.

And that's without, you know, any lack of respect for the work that they do. It's they're fundamentally different. I think GAC and ALAC, even though they're ACs instead of SOs really are stakeholder representational groups in a different way.

So I grouped them more with the SOs in terms of that. And I think our weighting does the same. So I think there is a logic to it all, whether it's a perfect logic - well, we're not going to get there. But...

Alan Greenberg: Thank you, and I put my own hand up. I didn't comment on differential voting. I strongly object to it. I don't think there's any reason for doing it, nor do I think we could guess ahead of time at what the categories should be and specify it.

Greg said the FSAC represents a small technical group. I strongly disagree. They are a small technical group who represent everyone who is concerned about security and stability of the Internet. As votes go, should they try to - choose to exercise them, I can think of few that should be more important and weighed properly.

The RSAC is a harder argument. And, you know, if we're going to differentiate, I might differentiate the RSAC differently from the FSAC. But, you know, at the time we made these original recommendations the RSAC and the FSAC were the only people not in the room. It was an easy decision for us to make. I'm not sure it would have been as easy if they had been in the room.

So I - personally I strongly support equal representation for all the ACs and SOs unless we can come out with something else. But I don't think we're

going to come to closure on this. We are half an hour into the meeting and I would suspect that we need to leave this open and ask a very clear question on the next time around.

Alan Greenberg: Anyone want a last kick at the can? I still have Avri's hand up and mine. Now down. Sorry - someone said something?

Steve DelBianco Sorry Alan, it's Steve.

Alan Greenberg: Yes, go ahead.

Steve DelBianco Thank you Alan. I was just saying that we began much of our work here about multi...

Alan Greenberg: Steve you're cutting out.

Steve DelBianco ...including the GAC. And at that point - I'm sorry, I don't know what to do about that. So I'll try to come back on later.

Alan Greenberg: Okay. All right, Item Number 3 which was already talked about somewhat is fractional voting and essentially saying if a group for whatever number of votes that we attribute to a group - and my personal thought is it's almost better to have more rather than less so that we don't have to go to fractional voting but we could subdivide the number by the right - you know, by the right divisor.

Should a group choose to divide its opinion in smaller quanta than one, I think we should allow it. I see no reason that we shouldn't allow it. And I think that was the general agreement of the group that met yesterday. Is there any discussion on this? Jordan.



Jordan Carter: Sorry, unmuting myself. I'm just recognizing that you said you had seen the chat. So I think that we should allow fractional voting and this is all dependent on this actually being a group of people. What I think we should do is set some thresholds about how many people can come along and participate in the deliberations of this group. I don't want to see like 40 people from one SO and three from another.

So maybe we should set some higher-ish thresholds that give people flexibility for the number of people they want but that it's still in the end - the vote threshold (unintelligible) kind of led to the balance of influence in casting decisions between the SOs and ACs. That's my view.

Alan Greenberg: Noted. I think that's not an unreasonable restriction to put on in terms of the number of people. Any other comments? And regardless of whether there's a group or not, both have to be cast by some entity, whether it's a person or not, so I don't think it changes the overall calculation. Greg.

Greg Shatan: Thanks. I was about to say in words what Avri said in the chat, which is I think that each group should decide how to fractionate its votes. And it may be right that the GNSO would divide into quarters and then each quarter could decide what to do with its vote - divide it further or not.

But I don't think it's up to us to decide. I do, you know, have sympathy with Jordan's point of not kind of packing the group so that, you know, one group would essentially have enough people there to monopolize the conversation.

So I'm not - you know, maybe there needs to be some sort of, you know, maximum threshold, percentage threshold that's there, but, you know, with

enough flexibility so the groups could be rational about what number of people they've got participating.

So, you know, it may be up to each - maybe something to go back to each group potentially and say how would you see seating people? You know, it's easy enough to posit that the GNSO would seat seven people - you know, one from each contracted party house, stakeholder group, and one from each constituency in the non-contracted party house, but that's again, that's not our job to decide that.

Don't know how the CCs would seat the people. And of course there's ccTLDs that aren't in the ccNSO, etcetera. So I think we just need to have some way of avoiding kind of packing the room. But other than that I think, you know, leave a fair amount of flexibility. Thanks.

Alan Greenberg: Steve.

Steve DelBianco Hey thank you Alan. Can you hear me more clearly now?

Alan Greenberg: Now we can, as long as you don't cut out. We could hear you clearly before when we could hear you.

Steve DelBianco Okay Alan. Alan I'll return again to the discussion that was held this morning on the stress test work party team. One of the stress tests that we had added back in June was in response to the concern that there could be a disconnect between an AC's will and desire and the way in which that vote was cast into the voting mechanism.

We used to call it the avatar or the rogue voting. And we had addressed that. Today's debate on the stress test work party was hey, do we even need - do

we still need that anymore? Because there isn't any requirement to have a member cast a vote or a designator or an avatar. That's all gone.

Well our debate came around to say that we still have a human being who has to either raise their hand if they're in a room or hit the send button on their email to communicate their vote into the voting mechanism. So whether you do a community council or we just simply let each AC and SO take a few days and come back with their vote, either way, a human being has to either raise their hand or hit the send button.

Because of that we're going to keep the stress test and we are going to say that yes I guess there is a scenario by which the person who's designated by ALAC to communicate ALAC's vote on a particular bylaws change might have gotten it wrong or gone rogue.

And when that happens, the stress test analysis says that other officers or members of that AC/SO would have to communicate very quickly to a mailing list of voting mechanism folks that, "Hang on, hang on, the ALAC vote was not cast properly. We're going to remedy that situation. Please suspend the voting," you know, something to that effect. And this may not need to be in the bylaws. It could just be a procedure.

So I'm just trying to respond to the point whether you're community council or just a permanent group of AC/SOs, we probably do have to designate a person to raise their hand or hit the send button and we have to deal with the fact they may not accurately reflect the underlying AC and SO views. Thank you.

Alan Greenberg: Thank you Steve. And I put my own hand up on a number of issues. First of all, Greg, I don't think fractionate is a word, and I refuse to allow new words to be coined in this meeting. And if it is a word I don't like it.

In terms of the going rogue, I believe in our proposed report we explicitly specified that for removal of the board, the community representative or whatever had to follow the direction of the AC/SO. We were silent I believe on the other ones.

I strongly support the concept, and it's not just going rogue. I can recount a situation that happened a year ago or so of where we the ALAC or part of the ALAC identified someone to vote on behalf of other people. And they went away for the weekend and didn't. And therefore that community ended up being essentially unrepresented and that changed the outcome of a vote.

And I think there's a real possibility of that, and so I support the kind of process that Steve identified as making sure that the votes cast are in fact representative of the AC and SO. I think that's essential to the credibility of this process. So I strongly support that.

I'm not quite sure where that goes in the document I'll revise but I will add it. Make a note. All right, and I think I heard general support. Greg do you want to get back in?

Greg Shatan: Yes just briefly. We're talking about following the vote of the AC and SO. I guess...

Alan Greenberg: (Unintelligible)

Greg Shatan: Well, right. I mean the issue let's just take a mythical group that divides up into, you know, seven components. Does that mean that each component isn't voting the way the group that it represents but rather the way the entire SO has decided to vote? I guess we don't - or is that in essence - I think that too may be up to each SO.

Alan Greenberg: I think so.

Greg Shatan: So if X NSO decided that, you know, based on its council that a vote of that council would in essence control all the votes of the people in the room whether there are 5, 8, or 13 of them, that's one thing. And if it's each group votes its own view and if, you know, subgroup X and subgroup Y violently disagree they'll cast different votes, even if, you know, even if one kind of lost in its SO.

So it's a kind of a question here about whether we are, you know, having really SO level voting, in which case it almost - when it gets to voting it doesn't matter almost kind of who's in the room. The votes are all going to be bundled and delivered by - at the SO level. But I'm actually against that. I think that...

Alan Greenberg: If I may try to summarize so we can move on, most people - and there's one exception - feel that the vote should be traceable back to the organization. Avri says she doesn't accept that but I think everyone else is supportive of that at this point. And the AC/SO has to designate ahead of time exactly how its votes are divided or not. Everyone agree?

Okay, next item is how do we handle groups that opt out, either in general in a specific issue or simply abstain - an individual, perhaps a part of an AC/SO abstains. And how do we count abstentions?

The arguments there are that if we could abstentions of which we may get - for opting out - of which we may get many as no's, then chances are we're saying that none of these powers can ever be exercised.

If we don't count them as no's, we have the danger of there being so many opt-out/abstentions that those who are left may be a very small group, perhaps very focused within a specific part of ICANN and therefore the substantive decisions that are being made on behalf of ICANN's future by exercising these powers may be exercised by a very small group of people or a small group of stakeholders.

So the group suggested that we should count abstentions, we should not count abstentions or opt out. That is, they reduced the denominator in looking at whether there's a majority, a supermajority or whatever is required but that there be a minimum number of yes votes to take a decision. And we can't really decide what that number is until we have decided on Question 2 of the actual weighting.

So we're not coming out with a hard recommendation but we're coming out with the algorithm on which we will later be able to try to assign minimum thresholds. I'll open the queue. No hands? Jordan says the approach seems sensible. We have no hands, no more talking. I'm going to take the opportunity to go on to the next item then.

This one was - the question was should there be a mechanism that is people vote through email or something like that or should there be a formal group? We started off somewhat divided on this, and I think ended up undivided.

Specifically the issue is there has been some fear expressed that if you call something a group under whatever name, there's a whole concept of mission creep. It's going to grow to have to justify its own existence.

The counterargument for that is if indeed we ever get an issue which is going to require one of these powers to be exercised, it's likely to start in a single part of the community and will require perhaps a fair amount of socializing of education of discussion to get the other groups on board.

There will also have to be someone or something that will essentially oversee the process by getting community support and discussion, maybe even public comments or something like that. And the fact that we are going to have a group and there didn't seem to be a reason to not give it a name, the scope that it will have is going to be limited by the bylaws.

There is a concept that if something arises between meetings, not only might we want these people to talk, we might want these people to talk face to face. And so the concept of who gets travel support becomes a technical - you know, an administrative detail but something that really has to be addressed ahead of time.

So there was a general feeling in the end that we should have, convene a group. It may never meet, and indeed if there are no issues it probably won't ever meet. But, you know, we should give it a construct that allows it to meet if necessary.

It would also allow it to request or have staff support should that be necessary to do investigations because it may well be that if an issue comes up it's not white and black. There may be some work that has to be done to understand

the issue better and there may well be a need for staff support for that kind of thing.

So there was a general feeling by the time we finished that there is little harm in and probably some significant benefit in actually convening a group which may never meet. I take hands. Steve.

Steve DelBianco: Thanks Alan. I support the view you take that it could be helpful to have the conversation and the convening. And I know Jordan has made that argument for several months. So I support that option - coming together and having a conversation. But I wouldn't make that a requirement of the conducting of the vote.

In other words, the vote ought to be a mechanized, traceable, such as hitting the Send button on an email. And even if the folks were together on the phone or in a room and they agreed yes we're all unanimous I think that to be accountable and transparent we should record that, even with the mundane administrative step of hitting the Send button on an email to get all the votes into a repository that's transparent to all so we know how all the ACs and SOs voted.

So I'm supporting the idea of having an option for convening and consultation, but with the requirement that the votes be transparent and accountable.

Alan Greenberg: Okay I would point out I think that probably fits under the voting thing and I think it's something we do need to say. And I certainly didn't even envision that the voting would necessarily be done at the time they were convened. The convening of actually getting together, whether it's a teleconference or a face-to-face meeting is likely to be earlier on in the stages than finally taking the



decision because the decision we've just discussed and most of us believe that the actual decision's going to have to be backed up by decisions of their individual groups, which certainly (unintelligible).

Steve DelBianco: Great, thanks for that explanation because then I'm really comfortable with it.

Alan Greenberg: Yes. Jordan.

Jordan Carter: Sorry, I keep forgetting to unmute myself. I just wanted to say what I said in the chat again, that, you know, having a get-together is helpful to get the cross-community discussion that should be part of holding the whole corporation to account.

And, you know, making sure there was a gap between that discussion and the casting of votes we can have a set minimum and maximum time so that there's time for that dialogue to be discussed back in the SOs/ACs before they decide how the vote is cast. That sounds logical to me.

Alan Greenberg: Great. Jordan, in the chat I see you objected to the last paragraph, which said there should be provision for face-to-face. I guess I don't see the harm of requesting it.

And requesting that it be part of the base budget because if such a meeting is necessary, you know, let's say the issue comes up immediately after an ICANN meeting when it is quite possible that something gets raised during the ICANN meeting but doesn't really come - isn't fully understood until a week later.

It would be almost impossible to get funding on-the-fly after-the-fact. And I personally, I'll admit, I added this idea towards the end of writing up this document. And Greg didn't disagree when he looked at it.

But I think it's a prudent (unintelligible) to make. We're talking about potentially really substantive decisions that are being made here. And I think we all understand that there is a real core between teleconferences and meeting face-to-face.

So I personally would support keeping it in, but I'm open to other people. Thank you.

Jordan Carter: I don't mind just leaving it in for now and having the discussion with the whole CCWG. I think that's fine. I just, I just can imagine, you know, that - if especially if it's a week after a meeting, whatever the issue is, is unlikely to explode after that.

And people will just renew their contacts with each other. And we are the Internet. So that isn't unreasonable. But why don't we leave it there for now and make sure that it's affected in the next draft to tech.

Alan Greenberg: I'll point out, I don't think any of us are likely to decide to try to ditch the board just so we can get next trip.

Jordan Carter: Hopefully not. At least I'm not going to.

Alan Greenberg: All right, Item Number 6 is one that came up during the Buenos Aries meeting. And that specifically is do we - if the GAC chooses to participate either as in some level of role, and it's looking clearer whether we were

talking about just participating, being part of the group or actually exercising a vote should there be voting.

That it should not be allowed to contain - to have what is currently somewhat preferential treatment. Now I will point out that the preferential treatment is identified in two paragraphs of the bylaws.

And it says that the board must respond with a reason why if advice is not followed. And if advice is not followed that the groups must try to find a common ground.

ATRT2 made a recommendation that for all ACs the first part of this be included in the bylaws. And I think we have to presume that it will be since the board has accepted it.

That is if any AC gives formal advice that the board must either respond to it positively or give a rational for why it does not. The other ACs do not have the second part of the conditions. That is the board must interact with the AC and try to find common ground. So it's the last part that we're talking about.

There have been a number of people who have said if the GAC can participate in the community mechanism, then they cannot have that last privilege treatment.

It was suggested in our paper that a middle ground might be that the GAC cannot issue advice. And what the document said, cannot issue advice to the board on a decision of the community council.

And I believe Greg after the fact corrected it and said what he meant was counter to a decision on the community council. Or the GAC can't come back

with another kick at the can and say don't follow the advice of the community council.

Other people have said that it's not related to the decisions of the community council. It's either pick which mechanism you want. Do you want to participate as an equal AC on the council? Or do you want your privilege position? And you can't have both.

So there are a number of difference positions on that. I'll open the queue to Steve.

Steve DelBianco Alan, I agree with your analysis that the quote on quote, "special difference" is likely to be just a single option, which is the bylaw's requirement Section 11, which is the requirement to try and find a mutually acceptable solution. And that is the only item.

And that was the focus of Stress Test 18 where we, in our CCWG first draft said that we ought to modify the bylaws so that the GAC can't use just simple minority voting when they bring this special status advice to the board.

And it was apparent that that mattered a lot to certain GAC members. The GAC hasn't taken an official position on it yet, but it certainly mattered to them.

And this came to a head with NTIA who said that they believe that that bylaw's adjustment and Stress Test 18 was necessary to fulfill NTIA's core requirement. And they put that in writing for us.

So it looks as if we are heading toward a bylaw's adjustment. One small line that says that only where the GAC had consensus must the board undertake

trying to find a mutually acceptable solution. So that's already been shaved back from what it is prior to this transition.

Now turning to your idea in Number 6. My personal view, and I haven't sounded this out in CSG yet, but my personal view is I don't think you can tie one to the other.

And I can give you two practical reasons. If the GAC decides there some matters about which they care deeply and they want to get involved in a vote, what if - how do you tie that then to removing their ability to provide advice? Because in many cases, the GAC advice, consensus or otherwise, will have already been given to the board prior.

So the community coming together, the community council coming together and voting on a matter. And if you want to shut them off from that vote, I wouldn't support that.

This is, after all, multi-stakeholder means equal, multi-equal stakeholders. And that's one of the reasons we extended the GAC the invitation to exercise their vote if they wish to. But we are taking several other swipes at governmental powers at ICANN.

It's not just Stress Test 18. There are four other specific ways. I won't get into that now. But I think that the practicality and the (optics) of trying to tie voting participation and the giving of advice that you were created to give is really problematic. And I don't think I would go there. Thank you.

Alan Greenberg: Thank you Steve. I personally support that. I think the concept of trying to remove that last clause of saying the board and the GAC should negotiate and

try to find common ground, which incidentally, even though they are not bound to it, they are doing right now with the ALAC on a particular issue.

I think, I won't say suicidal, but I just can't see the GAC accepting that. I can't see the governments who are participating, very vocally in some of this, accepting it.

And I really don't see the merit of leaving this red flag and trying to achieve this for what I would see as exceedingly minimal gains. They're not going to give up - they're not likely to give up that privilege or right, whatever, in exchange or powers that we may well never actually exercise.

So I think it's a foolish game to do it, but there are a number of people, and Avri, who is on the call was I think the first person who vocalized it at the meeting, felt very strongly about it. So maybe we need to hear other people.

Certainly the group yesterday did not try to pass judgement on it. We simply raised the issue. Avri.

Avri Doria:

Hi, this is Avri. Just to indicate that I think there still is a double bite at the apple there, even in the situation that Steve mentioned where they had two census on a point of view. They negotiated with the board. And they negotiated with the board in good faith allegedly.

It comes down to a particular decision made against the bylaws. And now all of a sudden they can be part of trying to overrule it by voting. So I really think that the two powers are incompatible.

I think it's highly complex to say if you've used one, you don't get to use the other. But I think that that is a compromise point to say we're not trying to

remove that. But when you use your trump card, you don't then get to use the regular path or vice versa.

So I understand what it says and it makes sense is that they will have played their bylaws trump card before we ever got to that vote. But having played it, I really believe it's problematic and it falls into the category of things that may look like we have made the governments more equal than anyone else.

And I think that that's problematic. But I wasn't going to speak a lot about it because I knew it was in the minority of this group.

Alan Greenberg: Thank you Avri. I'll point out one more, in my mind, practicality. If I understand the process properly, our proposal goes to the board for approval and they have committed to negotiate with us, the exact same terms they're using with the GAC, if there are some things that they find they could not accept.

I think changing the bylaw with regard to GAC advice is something the board would not be able to accept. That's a personal opinion. I have asked any board members. But certainly that's the way I take the optics of this. Greg.

Greg Shatan: Thanks, Greg Shatan once again. Just briefly, I saw a report on the hearing that took place this morning in front of the House subcommittee. And while I haven't kind of - I did not get a chance to watch it real-time, I understand that Fadi made a statement that the - that governments aren't - do not have a voting mechanism.

And that this may only have been with regard to the board, but we may need to look at what was said there exactly.

Alan Greenberg: I listened to this, and I don't think he said anything in conflict.

Greg Shatan: The governments have not asked for new or expanded powers. Quote, "Governments do not have a seat on our board. They do not have a voting mechanism. We hope this will be maintained," said Chehade. Of course, you know, that may be only referring to the board.

Alan Greenberg: Avri.

Avri Doria: Avri again. Yes, and I think that there is no problem if they opt out of the voting mechanism. You know, and indeed my impression from watching the hearing this morning was that, you know, I think Larry at one point said no, they're not getting any extra power.

And Fadi did say they don't have a vote. That didn't necessarily mean they wouldn't necessarily get one in the solution. So I think there's space in what he said to be both true but not necessarily reflective.

I think that if the GAC does not opt for, and this is, you know, we talked about earlier, excluding themselves permanently from the ability to join the voting mechanism. Then I think there's absolutely no problem with the bylaw relating as it is.

If it's only the having both mechanisms where I see a problem. And I see a difficulty in explaining how this doesn't mean we've given up extra stuff because now they're voters. And so we got a think about that. Thanks.

Alan Greenberg: They're voters, but without a veto. I will try to refine this to reflect the discussion we've had now without adding too many more words to it. And I see Steve has his hand up.



Steve DelBianco Thank you Alan. I was at the hearing, and I'm very keenly covering what happens in Congress and the administration. I wasn't going to bring this up, but you gone there by wanting to bring up what was said by Fadi.

He said the same thing in Buenos Aries, which is a narrow focus on whether we allow governments as multiple equal stakeholders to participate in a multi-equal global stakeholder voting scheme.

And if you focus only on that and they decided to exercise voting, it would be a mistake to say, because of that the government have greater power. You have to net it against the other ways in which government powers are reduced in this transition.

And one way is Stress Test 18, which changes and raises the bar for the GAC to get any of that difference on advice. The second one is to enshrine in the core values that the private sectors leading it the multi-stakeholder process.

Also in the core values we restrict ICANN's scope of activities by saying they should not undertake any other mission not specifically authorized in the bylaws.

We go on to talk about the content that they carry or provide. So under the due bylaws, I strongly doubt that GAC advice coming out of Beijing on safeguards could have been adopted by the Board of Directors and survived an IRP challenge by the community.

And then take a look at the affirmation of (goodness) reviews, which we're going to talk about next. In our proposal we strip the GAC chair of their privilege of appointing or approving the review team member.

They are a member of a review team, but they don't get to appoint all the numbers. And that most importantly, this IRP. The IRP allows the community members to come together and challenge a board decision that might have been there to accept GAC advice.

So a board decision in the future to accept GAC advice on something like an Amazon would be challengeable under the bylaws and core values. That would be awfully easy to overturn at that point.

And the GAC members understand it. They understand that they may get the ability to vote in a community council. But they understand that when you net it out, this does not enhance or net government's power over the new ICANN. Thank you.

Alan Greenberg: Thank you Steve. Anyone else? Steve I'm going to ask you if you can help me put some words in that last paragraph akin to what you just said. I'm not sure I have the presence of mind to have captured it. But I may call...

((Crosstalk))

Steve DelBianco I'll help you with that.

Alan Greenberg: Help me refine it. Anyone else before we turn this back to Jordan? I thank you for your help on this. Jordan, over to you.

Jordan Carter: Thanks Alan. That's been a good work through and a good discussion. And I think the next job for you to do, because we wouldn't want you (unintelligible) or not without enough work to do is to translate this

discussion, rather than an updated version of this paper is into the part of the proposal.

So we just go back to the public comment report and start to redraft and redline that content to reflect these discussions and the input. So that's the approach that Steve took with the panel is that what we need to do on all of these things in order to get text ready for the past meeting. Are you up for leading that process along with the group Alan?

Alan Greenberg: I will certainly try. I will redraft this paper because I think it's important that we capture the concepts before we try to map it into the words in the proposal, but yes, I am willing to try.

((Crosstalk))

Alan Greenberg: How to go on parts of it, but I'll seek advice as I go along.

((Crosstalk))

Alan Greenberg: I will do my best.

Jordan Carter: And we need to try to discuss it before Paris. So have a (think of next), 15 or 20 minutes. And then when we come to the allocation of it into the agenda for Friday's meeting on Monday's meeting, we'll just boast on which is most realistic. Great thank you.

((Crosstalk))

Alan Greenberg: Not be Friday.

Jordan Carter: Okay, well that's an easy answer to that one then. And thank you for that. The next item on our agenda that we're going to do is the AOC update. So that there is revised text that was circulated on the list.

And could the staff please put that document on this screen. That would be great. And if my memory serves, which it might not, the two key things were some new language and the mention of the OACD privacy (outlines) and some other tweaks. So Steve would you take us through this? And it would be good if we could finish this item by sort of 25 past the hour at the latest.

Steve DelBianco Okay, so in front of you we have the document that reflected edits since Monday. I will specifically point out edits that I made pursuant to the Monday conversation.

On Page 1 down at the bottom, Avri's text is in red. And Avri has stricken words stakeholder groups. And I don't agree with that. But this is the kind of descriptive part of the front end. So I don't think we need to fight too hard about that.

Let's focus that conversation for when we get to the review team composition. All right please, so if you went to - jumped ahead to the Chapeau section on bylaws text, we can go all the way to Page 3 and get to that issue where it shows up.

The first change I made was at the very top of Page 3. There's blue text to the right. And I indicated that the current affirmation not only lets the board and GAC chairs designate review teams, but I added the phrase it has no diversity requirement because I went back and checked the affirmation of commitments.

There's no diversity requirements there. So we probably want to be more clear about the fact that the state that the groups must be as diverse as possible is a new statement that we are proposing as part of the bylaws adoption of the affirmation review. It's not part of the affirmation today.

And then immediately below that are the two options for review team composition. We titled them Steve and Avri for the sake of simplicity. These are identical to what we had in the document that we all spent so much time in on Monday.

These are different ways of articulating review team composition. And they're both different than what we put out for public comment. All we put out for public comment was something very similar to what the affirmation reviews have today.

But I realize we can't just rely upon that since we don't have the chair of the GAC and the chair of the board sitting there making the decision on how many. And if we are in fact going to let the community decide how many and who, we ought to be explicit about it. We ought to own that.

My proposal is to keep it open to any participants the same way these calls are and this working group is. But when it comes to voting, if and when it comes to voting the voting would be equalized among the ACs and SOs. Again, much like the way this particular working group and most working groups work.

And then Avri, I don't want to put words in your mouth, so I'll let you quickly describe your alternative. And Alan, I'm going - Jordan, I'm going through this on the assumption that you want to get closure on this today. If you have other plans, then let us know. Jordan?

Jordan Carter: I want us to try to get closure or to agree to put these two options to the CCWG for discussion. That sounds right.

Steve DelBianco Got it. So we may be that this particular WP1 may not have a preference, and you may not even choose to do a poll in this group. But nonetheless, I've taken a few minutes to describe my approach. And I should defer to Avri if she would like to describe hers.

Avri Doria: Sure. This is Avri. First of all, part of my issue with Steve's is the same issue I've had up where is the complication of normalizing votes and having an indeterminate number of participants. And then figuring out how to do a normalization. So that's my first part of my resistance.

The other part of my resistance is these AOC reviews are supposed to be consensus affairs. And here we're jumping far too quickly to how to resolve it by voting. And not putting a set of, you know, you've got to reach consensus on this if at all possible requirement. So that was part of it.

What I tried to do was build a solution based on what we've been doing with cross community working groups with these groups. And basically, you know, these groups basically took part of their learning from how we did the affirmation.

And now we've really quite refined the issue where we have as many participants as they felt they needed to participate able to participate. And that also enables us to reach beyond the (axel) in terms of participants, which I think is important.

But it also keeps the core group responsible. So if we can reach like what happened in the CWG, a consensus without us members ever having to segregate ourselves into a dividers group that is best.

If we can't reach consensus with of the participants because of whatever reason. You've got a group of participants that are just, you know, to out of the mainstream and they're vocal and you just can't reach it, then you come down to the members and say okay, do we have consensus among the members.

And that is the second best solution we see best. Then if we need to resort to voting, there needs to be. And so basically the idea is to have a strict decision procedure that will resolve the issue in the long run and not leave a complication of okay, how do we do this.

So those were the reasons for, you know, the numbers I've got in that are obviously flexible. But the idea was that we want to keep it small, but we want to make sure that all the XOs can participate.

But we want to keep the core group small, so three, five. Getting bigger than that gets to be a problem. I picked three. But, you know, if it has to go bigger, it has to go bigger. But then we have to argue about what's right or because that's good for the GNSO, five because that's good for the GM graphical distribution balance, some other number.

So that becomes, in terms of the participants, again being open. So that was the basis of that one is something predictable. Something that doesn't take a lot of deciding. And then yes, the other part is the diversity.

And going back to the, not to the AOC itself, but I'm looking for it and I couldn't find it quick enough now, the instructions for how the two chairs were to put it together.

And what they were able to do, whether it was mandated in the AOC or not, was deal with the diversity issue, was make sure that the geographies were all covered. And indeed if you looked at certainly the ATRT, they could make sure of that.

So basically transferring that ability to the combined chairs. So basically the five chairs sit together, say okay, here is the nominees that we're bringing up. Let's pick the strongest team we can for this particular job based upon skillset and diversity.

So it was using these parts that we've always used before. Kind of like, you know, agreed upon language from before. Trying to be equivalent to the process we have now of having somebody do a selection from among a greater number of candidates presented. And to be small. Thanks. Anybody else still there?

Jordan Carter: Thanks Avri. I'm still here. And so just in terms of what we do with this text, because I think these are the - along with (unintelligible), it was the (unlinked) change. Do people think - there are different logics behind these two composition approaches.

And I kind of wonder whether we should complete sort of, you know, allow ourselves to put those through to the thing. I think Steve, you are trying to say something?



Steve DelBianco If you could Jordan. The only distinction that between the Steve and Avri text, the only distinction is whether to have a hard limit of three for ACs and SOs who are allowed to participate.

In all other respects, it's the same. You open it up to everyone. Opening gets you diversity and skill sets. In both cases you try to get consensus, but only if necessary do you go to voting.

And in both Steve and Avri's, the voting is equalized among the ACs and SOs. So they're identical except for Avri's view that it ought to be hard coated as to how many could be on a call like this, on how many could participate.

And that's the part where they're different. So Jordan, you might be able to boil this down to quickly determining whether we ought to have a hard limit on the participants were because I think that's the only difference.

Avri Doria: Yes agreed. (Unintelligible) identical except for hard coating number of people that are there because there's not hard coating of number of people that are there. There's hard coating of numbers. This is an in between participants and members. They're more different than just (unintelligible). Thank you.

Man: Could we use the speaker queue please?

Jordan Carter: Yes, let's come back to the queue. Can we run through that? I mean I think that's now different totally. So thanks. Greg you're next.

Greg Shatan: Sorry, I fell asleep there. One second. The - a couple of different. First, I have an overall concern with putting the diversity requirement essentially into the bylaws because we're not defining diversity.

So - and if we make diversity, and I know that they mentioned skillset, kind of the only thing that we kind of bring into this, it starts to elevate diversity. And I'm all in favor of diversity, but I don't know what we mean by it.

Are we talking about geographic diversity, gender diversity, diversity of viewpoints, diversity of who - background, ethnicity, religion, culture, political affiliation? You know, some of those may be more germane or at least more elevated in the ICANN context.

But it seems to me that if we start trying to enforce or even strongly encourage to a point where it, you know, really needs to be kind of in the mix to an exceptional amount, we may end up with odd results.

And especially when we're talking about cutting across different SOs, NACs. Some may lend themselves to some kinds of diversity better than others. So I think we have to be cautious about how we express this.

It's one thing to strive for diversity, but if it keeps candidates that are involved from being more involved, then there may be issues in that. So I just want to be careful, especially when we're talking about something that's going into bylaws and isn't just kind of a list of factors to be consider that's kind of sitting elsewhere. It's kind of official in the bylaws.

As between these two alternatives, at least the Number 3 is interesting only because it doesn't help anybody have a balanced group from within their group as far as I can tell, or at least it's not a natural number. Maybe that's almost why it was chosen.

But I take the conversations we had earlier that these groups aren't really representative. They're about, you know, running a review. But it still feels

like if we are choosing or we're talking about diversity and we're talking about groups, we're at least indicating that where people come from is important in putting together the group.

And if you didn't take it into account, it would be bad. So we can't completely ignore that. And so for that reason, the Number 3 I think is almost unhelpful on purpose. And I would consider something else. And would almost rather go back to 5, although again with Avri's suggestion, it really depends.

If the participants participate all the time and the members are just - the issue with it the different three members and participants is moot 99% of the time. Maybe this issue is essentially moot. But it really depends on how that issue is dealt with as well.

If membership is really an important factor, then I have, you know, greater problems with this than if it is something that is less important in terms of how work gets done and who is acting in a representative capacity if that's the thing.

Jordan Carter: And thanks. Sorry, I'm managing the queue. Thank you. Alan go ahead.

Alan Greenberg: Thank you very much. A number of things. First of all in the count of groups we forgot the board. The board has participated in these reviews and has been valuable contributors to it. So I don't think we can ignore the board.

Between these two options, I come out exceedingly strongly on the side of Avri's proposal for a number of reasons. Although as seen in the CWG and CCWG, on occasion we have members who are (duds) or something close to it. And participants who have a huge amount of work into it.

I think the concept of forcing the ACs and SOs to forward people who are really good people for the job as opposed to filling political something or others I think is really, really important. And I don't think we've done a good job of this to date.

I believe the number of 3 for the reasons Greg identified is a good number. The natural number for the GNSO is 4 or 7 depending on your perspective these days. For many of the other groups that have a semi geographic balance, it is 5.

I think setting a number of 3, which does not allow every group to be represented is it really important. I'll point out that Avri and I are the only ones I think in this group will have sat on an AOC review.

As is the case in any group, not everyone sitting in that room is an active worker. That's always the case regardless of how you populate the group. But I think it's really important to keep the group to a modest number - modestly small number.

These reviews are limited to a certain amount of time they have to get their work done. And they have to get off the mark running. Large groups tend to have an inordinate amount of rambling and talking were the first month.

And I think keeping groups small and focused is really, really important. So I strongly support what Avri is saying. I would say up to 3, not 3. The process for the first round of AOC reviews is we published ahead of time the number of people from each AC and SO that would be allowed, that would be considered.

For the last one, certainly last AOC, ATRT, they didn't publish it, but presumably the chairs, the GAC and board chair had some concept of what they were looking at.

I only know of one case in the history of all the reviews where there was representation. And that was 4 people on the Whois report for Whois review from the GNSO.

I really think forcing not representation is important because we're looking for people who can help form the - help keep the organization, ICANN on track and putting forward your own personal positions is not necessarily helpful.

In terms of diversity, I can live with it. I prefer it not be in the bylaws. And anywhere it shows up, I would like to see it taking second place to skill set and picking the right people. Thank you.

Jordan Carter: Thanks. And Alan, Avri.

Avri Doria: (Unintelligible) to include both a fixed number of members and an open number of participants. So that was the answer to his particular question there. The Number 3 was basically, it was the smallest number you could get where you could have a wide spread of opinion that was put through.

So even in any of our ACs or SOs, you know, you could tell that that's a very strong on one side and very strong on the other. And there's more facility type. So if you want to do that you can do that with 3. It's the smallest number you can do that with the notion of keeping it 3.

While I think having diversity is more important than skill set because I believe skill set is dependent on diversity, that's a very difficult, perhaps philosophical question for us to get into some day over a beer.

I have no real problem with switching them. And I actually don't have a problem with sort of saying, you know, gender and geographical diversity if we want to nail it down. Those are the two that I believe are most critical to mention.

You know, yes I might like to have some (tears) on it too, but that's beside the point. So, you know, and we all have our favorite diversity that we want to see it reported. But I think in terms of ICANN, the gender and geographical or perhaps geographical and gender if one is more important than the other.

You know, I really see (transitivity) in terms of, which we mention. And I could really care. So I really just wanted to get to this point then. Thanks.

Jordan Carter: Thanks Avri. Look, we've got 12 (guests) on this call here. There are a hundred and something people in the CCWG participating. My instinct is that we shouldn't make a call between these two models, but I'm not clear about it whether either model does something that's quite important, which Alan mentioned.

Which is that if you have a rambling group of 100 people because all the participants want to have a say. I think it's just realistic that you do compromise the effectiveness of the group in terms of coherent discussion and the (average progress the work).

So if we don't have a number on the table that actually limits the number of people participating. And that's - I don't know whether that's an omission or

not. And - but the two texts there don't do that. They sort of encourage open participation so far as I can tell from what's written on the screen.

So my feeling is that we should put this up to the CCWG as two options for discussion in Paris. I also have to say that in the scheme of the issue that we're dealing with, this isn't the highest on my list kindly.

And so if people are happy, well if anyone violently objects to that please say so. And I'm not questioning your sanity, but I think we should just leave those two standing as they are, possibly without people's names on them.

And people can say in the discussion who originated them. But I think in the text we propose, let's ditch the labels if you like and just say Option 1, Option 2.

And let's move on to the OECD. That's the last change in this Steve.

Steve DelBianco Exactly Jordan. Right at the bottom, well no, no, at the bottom of this page under the Chapeau, we took the public comment from Spain. Take a look where it says public comment requested transparency as to the degree of consensus achieved.

And on Monday's call, we agreed to bring that over into here. We didn't pick up the second element that Spain had asked for, but only the first one that suggests that the draft output of the review will be published for public comment, including the description of the degree of consensus reached by the review team. There was no distinction on that.

Okay, let's jump to bottom of Page 4. We said that we were going to remove from the ATRT team, remove this requirement that they had to look at other review teams and whether their recommendations were implemented.

So we struck out that red text. And the blue text says the review team shall test the extent to which prior accountability and transparency review recommendations have been implemented as opposed to all the other. Okay.

If we go to the second review - I'm sorry, keep going on that and we'll get to the timing. Got it? We kept Avri's text in there about one-year time limit, but it's one year from convening as opposed to initiation because initiation was in first sight.

And then the frequency of no less frequently than five years is measured not from end to beginning, but from beginning to beginning. And the way to do that was use the word convened in both places.

The reviews had to be convened no less frequently than every five years measured from the date the previous review was convened. If I don't see any objections in the text, then we're okay.

And I did that times 5. I made that same change to all five review teams in the section where we talk about frequency. I didn't put the frequency in the Chapeau because each of the four reviews plus the IANA functions review, they all had their own (periodicity). So that's the appropriate place to show how we are differing from the way it's reflected in the affirmation of commitment.



And now we can fire away all the way down to the Whois review, which is Number 4. It shows up on Page 7. On Page 7. And if you scroll to the center, this is what Jordan was just asking about, the OECD point.

The public comment reveals that the OECD were merely guidelines and not the force of law. And so what we presented in our draft is right in the middle of Page 7 where we said that such existing policy include the requirements, the legal constraints as defined by OECD for prevalence.

And I am presenting an alternative that says this review will consider OECD guidelines regarding privacy as defined by OECD. So it puts it on the review team to look at the privacy guidelines, but it doesn't suggest that it has to be baked into the policy we already had. And it doesn't give it the force of legal constraint.

Avri I think you indicated you were okay with that alternative, right?

Avri Doria: Yes.

Steve DelBianco: Okay. So there's really no further discussion on this necessary. Jordan, back to you.

Jordan Carter: Thanks Steve. And Alan, your hand is up.

Alan Greenberg: Yes, just one small comment although I'm the one who suggested the work convene, we may well want to put a footnote in saying it's when the group meets.

Convene is also sometimes used as to assess - not assemble, but identify the people will be, you know, participating. So we may want to make it crystal clear as to what we mean by convene.

Jordan Carter: And rather than put a footnote that explain it, I think (unintelligible) would be the better way to...

((Crosstalk))

Jordan Carter: You don't think so Steve. How come?

Steve DelBianco Because the word convene shows up both in the first half of the sentence and the second half of the sentence. The periodic review shall be convened no less frequently...

Jordan Carter: I see. Thank you.

Steve DelBianco So let's just pass it through with note and to see whether the lawyers who draft the bylaws think it's necessary to put it in.

Jordan Carter: Yes. Okay.

Steve DelBianco Footnotes don't work in bylaws.

Jordan Carter: Hopefully not. I think that the way that your alternative Steve is framed in the OACD matter is an (unintelligible) is I don't think that the existing party did encourage the OACD event.

I think the way we presented in (unintelligible) was actually was poor wording. And I just know it makes good grammatical preferences to consider

OACD guidelines regarding privacy. That's fine by the OACD and (unintelligible) and the members of 2013.

And just read to (unintelligible). Any issues with the OACD change? Can we sort of leave that - can we (have that sort of major asked) strike out and alternative proposal is the strike in for (represent back). Are people happy with that?

Yes in this occasion I'm going to take silence as consent given the comments we have had. So thank you Steve for that. And a couple more minor tweaks maybe in terms of removing names and time.

And that is a good piece of work. So by my reckoning, that takes us to the last item on the agenda, which is our 10 and 13 July meeting. And we had talked about doing the recall of the whole ICANN Board on Friday the 10th.

And we're going to have the community powers and strategic plan on Friday the 10th. And it's possible that - no, I think that's going to be it. I think it will those two items.

And then on the Monday the 13th call, we've got the bylaws list if they can be drafted before the weekend. We will have Alan's paper on removal of individual direction.

So unless I'm mistaken, that sums up the work that we've got left to do. Does anyone have a different - and of course we've got to actually look at the text markups from the discussion on the community mechanism. So that will be on the Monday item as well.

So let me just make sure I've got the right text on mechanisms. And remove all of induced director. So are people clear on that? Alan I'll take that other email with suggest and agenda items for the next two calls later today in about three hours.

Other than that are there any other business items to raise? If the answer to that is no, then I think we can draw this working party to a close. And thank you everyone for the discussion and debate.

I will talk with many of you on our next call at 7 am on Saturday my time, 7 pm on Friday ETC. Thanks everyone. See you later.

Woman:           Bye.

END