

ICANN

**Moderator: Brenda Brewer
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8:45 am CT**

Mathieu Weill: And the clock is now toned so we can start this – reconvene this meeting. We took more time on the previous agenda item but it was definitely work it. And congratulations, again, for the room for this constructive discussion. We’ve made great progress and we’re going to try to keep this momentum going forward to our next agenda item which is the government inputs and the concerns expressed by some governments.

This is really following up on the Buenos Aires meeting where the GAC communiqué announced that governments would attempt to provide individual contributions from each government so not GAC positions but individual contribution from governments in time for the Paris meeting.

And you have a document about the collection of the GAC members’ input. Bernie circulated a first draft of an analysis of this, we’ll come back to this. And we’ve also provided an updated document on jurisdiction which is currently being worked on – I’ve collected already a number of feedbacks which are also related and in the agenda on the reading list you’ll find the relevant links to this document.

So the first thing that we have to do is acknowledge that we've had great contributions from governments. We've had 29 individual contributions from governments in basically two weeks time. And I think we need to recognize that this is – this is an achievement and a demonstration of the interest from governments into this process and how there's recognition very widely that these are important issues and that governments across the world are very engaged in the process. And that's a very, very good sign for us.

The summary analysis that was circulated earlier today and that's in the – on the mailing list is really a first draft. We've received a number of feedbacks already and thanks, all, participants and members for the feedbacks you've provided. We do not intend to discuss this document in detail here, however, considering the feedbacks we've received we think it's important to take them on board and refine the document.

So the suggestion will be that we hold maybe after this work session a small size session with volunteers and Bernie to see how we can improve this document so that it stands on its own; it's not the work product of the CCWG that's going to be in the public comment or anything but it's still an important output of this process where we need to recognize the contributions of the individual governments.

And so we would try and hold this session to discuss how to amend maybe the methods or the way the topics are framed so that it capture all of these feedbacks to – and provide the right level of recognition of these feedbacks. So we'll try and hold this after we close the meeting today, 15-20 minute exchange with Bernie and then later on we'll get back to this document in a version that hopefully captures everything at the right level.

That was the introduction. Reading this through the document from Bernie but obviously most of you have read the 24 pages I guess, I think we need to look – to really look at this very closely. And that’s what we’re intending to do in this part of the agenda today.

When I’m reading this I see very clearly that the individual governments contributing are very, very – hold the advisory role of the GAC to the board very close to their heart. It’s very important to the government contributors. And I think that’s really an over – a key message that our group needs to take into account.

There is also something that’s maybe less explicit but more of an interpretation that there is a – I feel a strong view that governments would not want – would be strongly opposed for many about diminishing the role that the GAC currently holds within ICANN.

I think that’s something that’s widespread across the various inputs that we are getting. And more than diminishing there’s also some form of – I’m hearing some formal concern about being marginalized because of some new structures that would be created and they would not be part of it like some of the powers would be without GAC participation and that would actually put the GAC in a box that would not have full participation across everything ICANN is doing. So that’s – Item Number 2 which I think is important to – for us to take into account.

And Number 3 is that there is a large diversity of views within the GAC individual contributions on topics that range from the participation to the community group, some of the core values, especially Core Value 11; on the proposals that stem out of some of the stress tests including Stress Test 18 and 11; on the question about headquarters in the US being a fundamental bylaw

or not, that's something that we got a rather strong input from governments that they're rather against it being fundamental bylaws; and on jurisdiction obviously, that's something that comes back a lot.

And I think that's it. That's – just to highlight that there's a number of issues where there are diverse views within the GAC individual members. And what that – what I'm taking from there, obviously I'm not in the GAC, we are the CCWG, we're not here to interfere with the GAC discussions.

But as external to the GAC and involved with the GAC because the GAC is a chartering organization of our working group, the conclusion I'm tempted to draw from that is that there is a certain distance between the current status of government positions within the GAC and a point where there would be a decision of the GAC on these issues that would enable the GAC to make a position upon our report and our proposals.

And this distance seems to be greater than the distance we have to Dublin. I have the feeling, and it's going to be open then for comment, that placing an expectation upon the GAC to make a decision about all this package of issues by Dublin would probably not be responsible on our side as a CCWG because that would be placing the GAC in front of something that is just an unrealistic expectation.

So I would be tempted to draw this as a conclusion that the distance to a decision point by the GAC is greater than Dublin and that as a consequence we need to assess how we deal with all of the issues in a manner that enables the GAC to proceed, still be part of the process but also obviously enables our group to proceed with the Work Stream 1 proposal. And that's really the kind of discussion that I think we need to have at this point.

So the first thing I would suggest that we do here and discuss is whether this sort of very high level summary with three or four bullet points of the conclusions we could probably draw as a CCWG about the inputs we've received is something that the room is comfortable with.

And then we'll go to a second step of the discussion which would be okay and what we do – what do we do with this now in terms of how it influences our work.

And that's it for my introductory remarks. Any comment on the conclusions drawn? And who else could introduce that better than Thomas Schneider? Thomas.

Thomas Schneider: Thank you, Mathieu. Well I'm not talking about the conclusions that you draw, I don't think that's up to me to comment on this one. I just wanted to actually give an introductory remark on this document that you have received.

Recalling, first that this is not the first input that the GAC as a whole is giving to the CCWG, we have given some input in March if I'm not mistaken, which were some – which was a consensus opinion of the GAC on a principle level. It's the same that we did already for the CWG work so these principles are still valid – the ones that we sent to the CCWG in March.

This time we did something that is not really something that we usually do. What we usually do we try and come up with a consensus position as the GAC – when we give advice to the board or other types of communication but that is quite a challenge given the working methods of this group because first you would need to have a consensus or consolidated position on national level as a GAC member.

And if you take your job seriously in mirroring the public interests of your population of your industry and so on and so forth, that means you need to have a black and white text that you can consult on national level with your colleagues in other parts of the administration with your stakeholders if you're serious about multistakeholder approach on national level, with the industry, with civil society, with your technical community and so on and so forth. That takes time of course.

And then once you have your national aggregated consolidated position then there's a process in the GAC to come to a GAC consensus. Obviously you don't do this in a week so what you have in front of you, and you already said but I just wanted to underline, is the GAC decided in Buenos Aires that given the situation where this group is it would not be possible to come up with a consensus GAC position but it may be useful for the CWG and everybody else caring about accountability in ICANN, that we get – invite GAC members, governments, to come up with their individual views, as many as possible, in a very tight timeframe, as you said, in 14 days.

We're very happy to see that around 30 GAC members actually responded. I think this is really something that is unusual and thanks to all my colleagues who did this, who supported this. I just recall this to keep in mind how governments work.

Also, as you said, for the future how governments will have to work because this is our role and responsibility with anything that the GAC is supposed to adopt or validate at a later stage. That will take some time. Otherwise we have no legitimacy to speak on behalf of our citizens and industries so that we urge you to keep this in mind.

And with regard to the document that has been sent around identifying trends and opinions have been – I’ve heard that not everybody – not all GAC members are too happy with the way this has been done, also with the use of the word “trends” because we are not like fashion group that is now more into red color than orange color compared to last year and so on and so forth.

But jokes aside, I will think invite my – actually my colleagues, the members from the GAC to complement my remarks whenever they want. I’ll stop here for the time being. And thank you very much.

Mathieu Weill: Thank you very much, Thomas. It’s good that you remind us of the process the way governments work within the GAC. Next in line is Olga.

Olga Cavalli: Thank you, Chair. This is Olga Cavalli from the government of Argentina. I have a question in my mind, if we would have had this concept of the sole membership model perhaps comments from governments would have been somehow different.

Because most of the concerns that the governments have is how legally binding or the legal structure that could allow them to participate in any community empowerment mechanism or whatever. So this is something that came to my mind right in this moment.

About the conclusions that you mention, I would like to stress the fact that 20% of the comments which are 30 in total, are – want another role of the GAC not only as an advisor – as a body or advisor committee. Some countries, Argentina, for example, believe that the governments don’t have equal footing in the present structure of ICANN. We don’t select leadership positions of the board, we don’t select other leadership positions in other

bodies like ccNSO or GNSO or ALAC and other things. And we don't participate in the board as well.

So we would – we foresee in the future, maybe in next stages of this evolution that we think it's positive, a more equal footing and an equal involvement of governments among this new structure.

So maybe the legal concerns are different now that we are foreseeing a different perhaps lighter or easier structure. So any summary I would suggest that should reflect all the views it is a very important document also for the GAC as you can see, we had 29 or 30 responses there plus 100 countries that may review that document as a basis for taking a decision. So I would ask that document to be more plural and including all the comments. Thank you very much.

Mathieu Weill: Thank you very much, Olga. I think the terms “equal footing” comes back in a certain number of the comments and needs to be, in the list of issues or discussions that I was mentioning I think this is an important one. Thank you for noting.

Pedro, you're next.

Pedro Ivo Ferraz da Silva: Yes. Thank you, Mathieu. And I think Olga said almost everything I wanted to say. But just wanted to conclude that actually your first summary item that you propose is not totally accurate because the role that governments today have with regards to the board is something that we regard – and I'm talking of course from the Brazilian government, something that we regard as important but not sufficient. So I think using the term that Olga used I think we would like to see more equal footing in that structure.

And especially we don't – we wouldn't like to see that structure replicated in the community empowerment mechanism. So our view is that governments should, yes, participate and have a very prominent role in, let's say, have an active role in that mechanism.

With regards to the document, the summary document that was shared, I would say that instead of trying to identify trends we should make an effort to identify let's say items that would be a common ground for all governments and to build up on these.

So because I think identifying trends you are leaving out many positions and since the GAC would like to reach consensus about it I think we need to identify all the items that all governments could agree on. So that's basically it. Thank you.

Mathieu Weill: Thank you, Pedro. Next is Tracy. Where's Tracy?

Tracy Hackshaw: Thank you. I would like to support – this is Tracy Trinidad Tobago – support the comments of my colleagues from other countries and point out something in regard to small countries. I know (Nui) is on the accountability team, however, the outreach of this exercise to smaller countries and countries who are not on the GAC and so on is quite low.

And when we do ask within our own countries, and these smaller agencies where – what this means to them it's very challenging because the whole process of what ICANN does, how the DNS works and so on, remains a challenge to smaller countries who are grappling with other concerns.

So I'd like to make further appeal, I think has been said before, for this sort of exercise to somehow stretch behind the traditional countries and thinkers and

players to at least if not involve them fully in regards in the decision making to at least indicate to them what's been happening.

Maybe use other channels. I don't want to sound controversial but perhaps even if in the ITU and other mechanisms where those countries to participate more fully and more aggressively in discussions to indicate what's happening. Because we don't want to leave them out and decisions being made in advance of their understanding. Thank you.

Mathieu Weill: Thank you very much. This is a good point as well. Yes, Thomas.

Thomas Schneider: Yes, thank you, Mathieu. Coming back to your – I think your summary is a good starting point. It isn't the same as Brazil but I think we should look at some common grounds which in this case because of the very fast way we had to compile this I think we – what happened is that we had single – as you said also, we had single reactions from governments which could – should be read as a single reaction on five questions. And basically putting them all – reshuffling makes it difficult afterwards, mathematically, to get some statistics as Brian tried to do.

So it's basically like making a soup out of ingredients and then afterwards getting out all the ingredients out of the soup so it's a little bit difficult. What I – this is the Dutch position. I think at least we think there is a kind of common ground in the sense that the GAC feels that they are responsible for public policy and they should have the ability to address their concerns and public interests.

And I think irrespective of – in which let's say in – if it's relevant to the board or whether to other parts of the community or ICANN which have a significant power or getting significant power. From the Dutch point of view

we think that the community powers have public interest implications. So we would say these have potentially also quite some far extending implications.

For example, if the organization of ICANN is failing or let's say the board is going to expel or there are certain things, this could potentially damage the multistakeholder model, it could also be used in international arena of governance. So there are quite some public interest implications. So I would say from the Dutch perspective we're not in favor of extending our role. We should stay advisory. But our role should also be reflected in new structures in being made in whatever environment. So I think I'll leave it with this. Thank you.

Mathieu Weill: Thank you, Thomas. Finn.

((Crosstalk))

Finn Petersen: Thank you, Mathieu. Finn Petersen from the Danish government. Of course we, from governments, think that we have an important role to give advice on what we think is the public interest issues. And we think that the summary you gave overall was a fair summary. When I read it I think there was a lot of attraction towards a model where GAC is still an advisory committee but will – an extended advisory capacity especially towards the new community mechanism.

There GAC could be – members of GAC could be nonvoting members, liaison or participants as we call it now, but also that the new structure should take utmost account of the advice from GAC in the same way as people do today. So actually to try to also duplicate the role of governments towards the ICANN board and the new community structure.

We think that will be important. Of course we have discussed today new models, whether the last model, which came up, will change our way I'm not sure I personally – Denmark thinks that we should anyway omit the advisory so that is the way that we are looking at it. Thank you.

Mathieu Weill: Thank you very much, Finn. And we're going to proceed with the queue. I think at this point might become useful if there are views about how to proceed within the CCWG taking the inputs into account, I think, yeah, the time is now also to look at how we can take that into account in our proposals either Work Stream 1 and Work Stream 2.

James.

James Gannon: Hi, so unfortunately I'm not the Irish GAC rep so I'm breaking the chain of GAC reps. And so I think everybody has appreciated the GAC input. And I think we know that it's not normal procedure for the GAC to operate in this way. And I think we need to appreciate them stepping out of the box in order to be able to give input at this stage.

I would caution against trying to prejudge the opinion of the GAC as a whole from the opinion of the states that have given input into the input document. I think we should be encouraging the GAC to participate in this manner when they can and even if it's going to be slightly difficult for us because there is opposing opinions within the input document, I think we should take it at face value and try and glean what we can from it without trying to roll it up into a GAC position.

The GAC is undoubtedly in a hard position due to the fact that they do work in so many levels and it's going to be very difficult for them. But I think we need to also accept that it's going to be difficult for a lot of us for our

chartering organizations to come to an agreement on it. The GNSO has a huge amount of opposing opinions within it itself.

And I don't – I would caution against us taking the approach of the GAC has come to us and said we're still diverging on issues that are at hand. And I don't think that we should necessarily be entirely deferential to the GAC in that manner. Every chartering organization is going to have issues.

And, yes, while we accept that there is an additional complexity for the GAC, we have to have an equality in our approach at some stage to all of the chartering organization issues with approving the final proposal.

And to Mathieu's comment on how we're going to start addressing some of the issues, I'll speak particularly to the issues of the (unintelligible) in Work Stream 1. I feel very strongly that if we cripple Work Stream 1 then we're running the risk of crippling the transition as a whole. We need to exercise a lot of caution in what we take out or what we even assess to take out of Work Stream 1.

In Istanbul we have already trimmed some of the fat from Work Stream 1. If we start trimming anymore fat we may risk trimming some of the meat of Work Stream 1 that we actually need. That would be a very poor road for us to go down and I think we need to be very, very cautious when we start assessing what's in Work Stream 1. We need a lot of what is in it now. We have already trimmed it. And if we start trimming it anymore we run the risk of not actually getting this through.

Mathieu Weill: Thank you, James. Paul.

Paul Rosenzweig: Hi, thank you. Paul Rosenzweig. A question for the members of the GAC who want to enhance the nature of their participation in this model on an equal footing. Kind of two pieces to that because I would like to understand more of what it is you think you're seeking.

Would that be in addition to maintaining the GAC's separate advisory role to the board? Or would that be instead of the current GAC position in your view? And would being on equal footing with everybody else in whichever model we pick, let's say the single member model for now, but whichever model we pick, would being on equal footing with all the other SOs and ACs come with it – bring with it an agreement to accept all the obligations that kind of come with that membership?

We've been talking, for example, about SO and AC accountability, SO and AC being subject perhaps to IRP. And frankly I can't imagine that governments would accept that. But to my mind, you know, equal footing in making policy of that nature would bring with it logically at least to me, equal footing on the reciprocal obligations which is why I guess I don't understand exactly what it is you're asking for. And I really would like to know.

Mathieu Weill: Thanks, Paul. And I know there are some GAC members in the queue so probably you'll get an answer to that question. Damien.

Damien Coudeville: Thanks, Mathieu. So I just wanted to chime in with my European colleagues and Brazilian colleagues and Argentina, pretty much all of my colleagues – all of my colleagues who want to keep the GAC in an advisory role with the possibility or the new possibility to opt in that we've – we're discovering and we've been discovering in the morning.

But I would like to come back under two contentious issues and two contentious issues on one specifically because we will have an opportunity to discuss the IRP in the morning tomorrow so I won't comment on that. We'll have the opportunity to talk about it tomorrow.

But I wanted to come back in Core Value 11 and Stress Test 18 and the (unintelligible) bylaws that are suggested or were suggested in the CCWG report. I wanted to make sure that everyone understood that those amended bylaws corresponding to Core Value 11 and Stress Test 18, in our view, would give ICANN nongovernmental stakeholders undue authority to ignore or even take over government's responsibilities for international Internet related public policy issues.

In our view the proposed enhanced accountability framework would actually knock off the balance or the current framework – knock off balance the current framework of ICANN which is pretty much in line with international text that we have committed to such as the Tunis agenda or the NETmundial statements which recognize that governments are – only are responsible for public policy.

Just a small remark on the technical one on the CCWG report because I have seen no rationale for the amendment corresponding to the Core Value 11 so in your final proposal if it – if this amendment were to be some kind of minimum requirement that we would need to have and I tried to get some sort of rationale on the CCWG list – mailing list that I couldn't get.

Anyway we – Mathieu pointed out that GAC works on the basis of strict consensus at the moment and that it is a chartering organization of this cross community working group. So let's be clear and pragmatic, I hope that everyone is aware that there will be no GAC consensus in Dublin on any

CCWG final proposal that would include amendments on Core Value 11 or Stress Test 18.

So what do we do in order to avoid that awkward, to say the least, situation? I think that there are two ways out of this situation. The first one, I might need help, but I think this is not the first time that there is an attempt to limit the role of the GAC by recommending that GAC advice be consensus in order to trigger board response.

ATRT 1 apparently did it too back in 2010. And I took from their report that back then many concerns were raised and that the response to those concerns were that, and I quote here, “This would be automatically taken care of as soon as GAC and the board agree on what constitutes GAC advice. Which then ATRT 1 thus recommended that the board should clarify what constitutes GAC public advice under the bylaws and ATRT 2 concluded that this issue was satisfactorily addressed and completed in 2013.”

Interestingly, there is agreement on that the communiqué, a letter, an email, whatever, is GAC advice. In other words, it was naturally considered inappropriate to get involved into how GAC advice is negotiated or on its conformity with ICANN fundamental bylaws – fundamental (unintelligible) or core value at the time. So I would recommend the CCWG to acknowledge that and follow suit. That would be a first option.

Second option is that the CCWG report actually say that Stress Test 18 was not directly related to the IANA transition. It is then in our opinion that it doesn't need to be dealt with in Work Stream 1. So I think that Cheryl pointed this out, I would say just postpone it, postpone it to Work Stream 2 and then we might save Dublin. Thank you.

Mathieu Weill: Thank you, Damien. Chris, you're next.

Chris Disspain: Thank you. Okay. Just to pick up on what James said, I think that we need to have a balance between trimming and winning. If we are clear that a particular issue is not going to be signed off on – or it looks like a particular issue is not going to be signed off on by one of the chartering organizations and if that issue is in Work Stream 1 we can find a way of parsing back that issue to its bare bones in Work Stream 1 and hiving the rest of it off into Work Stream 2. I think we should consider that very carefully.

I want to remind everybody I thought this was a given but I had couple of conversations today that make me think it maybe isn't – I want to remind everybody that we talked – and I forget where now – about having a bylaw – an interim bylaw that was put into the bylaws to ensure that the output of Work Stream 2 would be appropriately treated.

So in other words, that there would be a bylaw that said we understand some of the accountability work has been pushed into Work Stream 2 and under the bylaws the output from Work Stream 2 will be treated as, you know, recommendations that will be acted upon, etcetera.

Don't know what the exact words are off the top of my head but we did discuss that. And I think that provides a level of protection to overcome some of the points that have been made about the need to leverage the IANA transition and so on.

It's also important to note that provided that fundamental or at least the majority of the fundamental rights are in place the ability to block a bylaw change, etcetera, then the output of Work Stream 2 will be being dealt with within ICANN under the new accountability mechanisms. And so therefore

they will in fact be mechanisms to ensure that the output of Work Stream 2 does make it into the bylaws.

So I thought that everyone understood that but I discovered that perhaps they didn't so that was certainly the premise that I was working upon. And I just want to express a personal opinion that I think I'm concerned – I would be very concerned if we were sitting in this room knowing that the ALAC or the ccNSO or the GNSO, for that matter, were in the process of renegotiating amongst themselves about the way that they deal with the rest of ICANN and the way that they do their business.

And so it concerns me that the GAC is in a – seems to be in a position of possibly – if not being prepared to accept that they operate on a consensus basis and that they can, in their own way, move away from that to something else and that that is not something that we have any influence on. I think that's a concern, speaking entirely personally, that's a concern.

So it's a little bit – I worry about an unwillingness to accept that the GAC operates on a consensus basis voting in government terms is in my view quite dangerous. Thank you.

Mathieu Weill: Thank you. I'm closing the queue after Jorge because we will need to wrap up this first discussion on this matter. So next in queue is Kavouss. Are you prepared to speak? Yes?

Kavouss Arasteh: Yes. I wish to speak. If you ask a question of an engineer or lawyer it may answer you if the question has a binary answer, yes or no. If you ask the same question from a politician never say yes or no. If it's the French they said (unintelligible), if it is English it is, well; if it is Spanish, (unintelligible); if it is Arabic it says (unintelligible); if it is Persian it says (unintelligible) in

Persian. So you are dealing very complex structure, which is governments. So don't expect a very clear answer. Impossible.

Now let's see the issue. The equal footing has two meaning. The meaning in (WSI)'s 2003 when all governments says that why one government has all right and other government does not have the same right. So equal footing for them was comparing themselves with that single government has the authority over everything.

Later on equal footing in the ICANN terms fits in all SOs and ACs. That is something that is difficult to address. What I could say from – as a representative of GAC of country (unintelligible) we would not like that whatever we have today be diminished or decreased.

This is the minimum that we want to retain, advisory capacity as it is, without any Stress Test 18, without somebody from outside GAC dictate us whether or not we have to change the consensus to the majority and so on so forth it is entirely up to GAC in future, if a certain earlier point that the consensus advice might not work they make up for certain issues some other but that is GAC issue and I don't think that is – we don't think that there is any need from the outside, we say that even if as an option so even if is an option.

Now coming to the issue in some governments, as I understood, the mix of the issue of Internet governance with ICANN accountability, there are two different issues, entirely two different issues. We are not dealing with governance, Internet governance, accountability and so on so forth.

As for the matter that we are discussing this morning in our view I don't think that there will be difficulty if the minimum right that we have is maintained, that we have any difficulty with this community mechanism at one single

membership provided that we are not excluded from any rights that other SO and AC could exercise. It will be difficult – says, okay you retain advisory capacity but you do not have the right to participate in any of those participations for change of bylaw and so on so forth.

It (unintelligible) that GAC should accept that everyone else change the bylaw which applies to him but GAC itself does not have any right to talk about that. So that is something that is difficult to agree. So this is a situation that is quite difficult. And (unintelligible) Internet or dealt with with different ministries and different entities and will be difficult to have a coordination or quick coordination among these things.

I was representative and still representative of Asia Pacific for the ICG for the first round I send more than 10 circular and more than 100 documents. No single response any government in Asia Pacific given to any question that I raised. (Unintelligible) that it is difficult to get answers from a government. So take that answer from government is not as easy as answers from others. Thank you.

Mathieu Weill: Thank you, Kavouss. I have Pedro, I suspect it's an answer to Paul somehow.

Pedro Ivo Ferraz da Silva: Yes. But first of all I'd like to support the intervention of my colleague from the French government with regard to Stress Test 18. We have expressed that in our contribution to the public consultation and we think this is an issue to be worked out, analyzed and probably to come to a conclusion during subsequent phase of the work of this group. Not at this moment of time where we need to prioritize issues.

The regards to the question posed by Paul, I think definitely it's a very important and essential question. There are definitely full – there are definitely

implications to this equal footing that we still need to analyze and evaluate. We – and actually it depends also on the legal vehicle that we are discussing right now. And we have also made this clear in our position document that we favor the participation of governments but on the condition that the appropriate legal vehicle is available that make governments – makes it able for governments to participate in it.

So I think this is still ongoing process that needs to be discussed. But let's say in – regardless of that I think we are not satisfied with the say position that we have or that governments have today with regards to the board or advisory role. I think we – since ICANN declares itself on a multistakeholder organization we understand multistakeholder including the participation of governments, including in the decision making process.

And we think that governments are out of this decision making process right now. So we don't want that to be replicated in this new structure that we are and that we are discussing here. So – but I'm fully aware, I mean, we need to assess this equal footing from a practical point of view as well and see what are the implications including the responsibilities that we, I think, governments - if we decide to participate I think we need to fully be aware of the responsibilities that we'll have in participating in that body. Thank you.

Mathieu Weill: Thanks, Pedro. Just a quick follow up question that comes to my mind is if the GAC was able to play the same role in the decision making processes like in the board and the community group do you think the governments – the GAC advisory role could be – there could be a tradeoff between this GAC advisory role being replaced by this new role or would that come into an addition? In your personal view, obviously, at this point, it's just pure speculation at this point.

Pedro Ivo Ferraz da Silva: Yeah, I'm not allowed to express personal views here as I am – I represent my government here...

Man: We'll go off the record.

Pedro Ivo Ferraz da Silva: I see it's being recorded so I cannot. But, yeah, I think especially with respect with the community empowerment mechanism I think maybe it's easier to think about a tradeoff here between advisory. But it's, like I say, initial reflection about, yeah.

Mathieu Weill: Olga.

Olga Cavalli: Thank you, Chair. Olga Cavalli from Argentina. Responding to our colleague asking about the equal footing concept, it is not invented by government, it was – it is decided by all the participants in the World Summit of Information Society in Tunis and in many other meetings regional and global meetings including NETmundial.

So it's not something that we decided, it's something that the whole community have requested coming from a multilateral model the has evolved towards a multistakeholder model. So this is what we are seeking for.

How that challenging, this is why we are discussing this today, which model, how could that be implemented we still have to decide, we still have to see the different views of the government as our colleague from Iran said, governments are complex structures, we are not monolithic in the inside, we have different structures dealing with that.

But I would say that there is a general desire of all the governments having a multistakeholder structure at the national level. So why not have that at the

global level with all equal footing participation for all stakeholders. Thank you very much.

Mathieu Weill: Thank you. Tijani. And let me remind you that the queue is closed. Tijani.

Tijani Ben Jemaa: Thank you, Mathieu. Tijani speaking. Multistakeholder means all the stakeholders have to participate in it. So governments have to participate in this multistakeholder model. So I have a concern about the – how to say – the desire of most of the governments that express their views about their advisory role.

The last panel, the last IRP, challenged that their consensus advice and accused it not to be transparent. So now this role, in my point of view, is not warranted anymore or guaranteed anymore. That's why I ask them to – perhaps to consider other ways to be more effective and have a real say in the decision making at ICANN. Thank you.

Mathieu Weill: I see Thomas wants to respond and I would encourage us to stay focused on the CCWG proposals in the discussions. No concern. Thomas, you wanted to respond? Please, if it's a direct response?

Thomas Schneider: If I may, thank you. And I'll try to be short. With regard to multistakeholder processes, if you look at the Tunis that is the result of a few years of negotiation with governments with the inclusion to some extent at least of other stakeholders. It says all stakeholders should be involved in their respective role so everybody agrees on a multistakeholder corporation, whatever you call it.

The question is the disagreement is – and that may also involve – evolve over time and may depend on the issue what is the respective role. And you may have even differences in a country – within a country.

So this is just to remind you the acceptance of the multistakeholder model needs to be basically validated in every particular case where you need ideally to have an agreement what is the role of technical community, what is the role of – which part of the governments if you talk about law enforcement and others and so on and so forth, so it's more complex than just saying yes and no to the or a multistakeholder model. It's about a shared understanding of the respective roles and this is the tricky thing.

And just with regard to the last thing, one sentence. We will discuss this in the GAC. We will react to the board decision. From what I heard so far is that GAC members don't have the feeling that they haven't been transparent. They don't have the feeling that they haven't given a rationale. It's maybe not in that particular communiqué that the panel has looked at. But if you look at the a little bit broader communication of the two years or five or seven years preceding there is lots of elements of rationale that you may find if you look for it. And it's not that much hidden. But the answer will follow. Thank you.

Mathieu Weill: Thank you. Jorge and then Rafael and then I'll propose a way forward. Jorge.

Jorge Cancio: Thank you. Jorge Cancio, Switzerland, for the record. I would like to return a little bit to first comments which were made about the common ground. And I think this is also an issue of trans-stakeholder, cultural interpretation. And perhaps it's not as usual in other constituencies as in the GAC that the – we always need to strive to look for the common ground in the GAC and that takes time.

And we – and in that respect I think that reading the 24 pages, if it's a bit long, is better than looking at presentations made by surely well intended people who have not that perspective of looking for the common ground and not the major trends.

And a bit trying to see that that common ground we – and to also to prepare or to share with the colleagues and the CCWG about the thoughts of – the GAC member. I think there's a large plurality of contributions who talk about this extended or adapted advisory role. So perhaps that should be a thought that should be kept by other members and to consider what they think about it whether they would accept it or not or to what extent and so on.

And there's another possible common ground and it's the thought of possibly opting in in the future perhaps when other issues are clearer. For instance, the model we were discussing just today perhaps all its implications will become clearer only under Work Stream 2 when we are already at that point of time.

But perhaps at that point of time more GAC members will make – will be able to make up their minds whether they want full participation and be it on an equal foot or be it at some other way.

So perhaps we also have to put into this discussion a gradual approach a time dependant approach where perhaps we have to go step by step and considering the efforts we've seen by GAC members to really participate in two weeks' time to give their contribution to allow the GAC to be able to come in into this process and to perhaps make some common position in Dublin or before Dublin and further common positions after. But this had to be understood also by the other parts of the community. Thank you.

Mathieu Weill: Thank you, Jorge. Very constructive. Rafael.

Rafael Perez Galindo: Thank you, Mathieu. This is Rafael Perez from Spanish government. I wanted to make a couple of points in addition to what my colleagues have already said. I want to underscore that we should never forget that the governments are entitled and have the legitimacy to bring the public policy perspective into ICANN. That is what we do through the GAC and that is why we believe that the GAC advice should continue to have the same level of difference in the global policy making of ICANN.

So we – what we are looking for is the maintenance of the keeping of our current role in this system. So we – let me be blunt here – we – from our perspective we do not want more power, not at all, but we don't want neither that we can – someone wants to take care to grasp this opportunity to diminish the role of the governments here in this environment.

So let us keep our role as it is. And we should translate the current mechanisms into the new structures or whatever it's made up in this working group. And how can we do that? We could think about liaisons, we can think about any other mechanisms but just like that.

And when I talk about some grasping opportunity I'm talking about, for example, what my colleague from France has already said about, for example, talking about Stress Test 18, some six months ago, I don't know how many times, I said personally on the list, on conference calls, that this would bring a huge problem for some governments to agree upon and to endorse this kind of solutions that try to kind of trim what we do, what we do not do.

So I'm talking as well about Core Value 11, talking about to what extent the GAC advice should be followed by the board or whatever community empowerment body. So just to come to my conclusion and following along

the lines of my colleague from Switzerland, let us – I think we should focus – we need to come up with the solution for this IANA transition and let the other things that go beyond that and can be more troublesome to Work Stream 2. Thank you.

Mathieu Weill: Thank you. I had closed the queue after Rafael but, Kavouss, was that an old hand? Kavouss? Because the queue was closed and I'd like to suggest a way forward and we have another session on that topic tomorrow.

Kavouss Arasteh: I let you to – I think this is important discussion. What I would like to add to what I said that the understanding, attitudes, and views of different government with respect to the process is quite different from each other.

Mathieu Weill: Definitely.

Kavouss Arasteh: Quite different.

Mathieu Weill: That's something I need to put in the...

((Crosstalk))

Kavouss Arasteh: That is why we should take whatever is possible in order to have more, let us say, positive point attitudes in this process. If you look in the position of one government last year was entirely different this year was 180 degree change. So that could happen also so that is very important element. So we have to establish not only enhance accountability but enhance trust between various elements and component and constituency of the system. This trust does not fully exist today. Thank you.

Mathieu Weill: Thank you. And, Chris wanted a direct follow up.

Chris Disspain: Sorry, Mathieu. Only just to raise a flag because I think it's important that we keep track of possible difficulties. I notice that Steve DelBianco posted into the chat room that he thought that Stress Test 18 and Core Value 11 were requirements for the USG as part of the criteria of the transition.

And I just wanted to say that actually that's my understanding as well. I think that the US – the full version of the US is input to the GAC on the questions that Thomas asked them to answer includes a statement to the effect that the Stress Test 18 is necessary to meet the IANA transition – sorry, the requirement of the transition should not yield a government-led or intergovernmental replacement to the NTIA's role.

So I'm not suggesting that there's anything we can do about it but I am suggesting we need to flag it because it seems to me that if the GAC heads off in a particular direction of saying we will not provide consensus in Dublin if this is on the table and the NTIA is saying it should be on the table we need to get it sorted out as quickly as possible. Thank you.

Mathieu Weill: Thank you, Chris. And I think you're highlighting exactly what my conclusion would be that we are walking a very thin line here. We're actually walking between two NTIA criteria. One, is obviously the criteria that the proposals that – have put forward cannot lead to, you know, ICANN – or the system being government-led or intergovernment-led. Okay, that's one.

And the other is that the proposal must support and enhance and promote the multistakeholder model. And of course if we go too far into a direction where the governments would have – and I'm quoting – too much power we would hit one of the flags. But if we don't get support from a significant number of

governments what are we doing to the multistakeholder model? Are we enhancing trust in a multistakeholder model as Kavouss was saying? No.

So we are in a position to balance two NTIA criteria. And I'm stressing this – these are two NTIA criteria we're talking about. And so it's a thin line. There's no perfect solution to address perfectly all of them. And obviously in this meeting we won't be able to find something where everyone comes out and say yeah, that's fine. It's going to be perfect, and that's exactly what I was asking for.

So exactly as we've been doing earlier we need to step out of our comfort zones, all of us, and look at how we can address this. We need to acknowledge that the GAC itself, if we're putting certain topics in front of them before Dublin, might not be in a position to make a decision. And we need to find ways to address these issues, not put them under the carpet, no way. That would be too dangerous and not making it.

But find a way that is creative enough that it shows that we're taking this on board, it does not prevent a transition. And everyone could live with the outcome. That's what we need – we need to go from I want this to I can live with that. Okay?

And the one thing I'll do now is just put forward the kind of things I've been hearing about ways forward that we could take as a starting point for our discussion tomorrow. So hoping that you can sleep on it, which is always good. And I hope you can sleep tonight. You'd be lucky. And so we can take that as a starting point for tomorrow.

And I think there's common ground in what I'm hearing from a number of governments as well as others in maintaining the advisory role. And if a new

structure is set up devising a way that this advisory role is extended to this new structure and that's common ground. That's, at a minimum, for certain in the room it's minimum and they want more. Others are content with this. But at least it's common ground.

Then we would have to go beyond on the number of topics that we have listed including this stress test, including the Core Value 11 and that have been mentioned. And that's going to be harder to find a decision by Work Stream 1.

So the starting point of discussion tomorrow could be how could we devise a Work Stream 2 stream – a Work Stream 2 stream is not good – a Work Stream 2 package or list of topics where we could discuss about tradeoffs, about assessing how we balance things so we maintain the two criteria together, around this list of topics and ensure that this Work Stream 2 item – and Chris was right in reminding us that what we are considering to ensure that Work Stream 2 items are given the right level of consideration and effort – that this is really perceived as something that is going to be seriously undertaken and will address the various concerns and still remain within the boundaries of the NTIA criteria that I was mentioning earlier.

So the food for thought right now is think about this option and scope and how it could work and whether the group could live with this as being our proposals in the public comment Number 2.

And if we can elaborate on this tomorrow and maybe also expand about how we could explain this to the outside world but also to the ICANN community on the one side but also to the governments and the ministries which are all very much involved into this and sometimes concerned, sometimes very motivated for that, I think we will have a very satisfactory outcome. So

suggestion is think about this overnight and we start from this point when we discuss tomorrow on this item.

And with that I will now move to Leon to go back to the community mechanism under a different angle. Leon.

Leon Sanchez: Thank you.

((Crosstalk))

Man: Could you advise us about the schedule for the rest of the day since we're obviously at almost 5 o'clock and you're about to start on something that we should have started at 3:45 so just want to plan the rest of my evening.

((Crosstalk))

Mathieu Weill: We can either extend to 7:00, 7:15 or come back after dinner.

((Crosstalk))

Mathieu Weill: Eberhard.

Eberhard Lisse: As you may expect I would object against an extension.

Man: Eberhard, are you actually objecting to dinner? Is it dinner you're objecting to?

Eberhard Lisse: No, to the extension. I'm quite perfectly willing to come back after dinner.

Thomas Rickert: Eberhard, we have your (unintelligible) objection on file anyway.

Man: We are in Paris, after all.

Leon Sanchez: Kavouss.

Kavouss Arasteh: Sorry, I cannot come back after dinner. I was in the airplane 12 hours, Air France, changed airplane four times to bring me from Bucharest to Paris. I have not slept the whole night. I'm very sorry I cannot. We came here and we have to (go) at least up to 6:30 at least. So continue please up to 6:30, if not beyond, but not coming after dinner. I'm very sorry, I apologize for that but is difficult. Thank you.

Leon Sanchez: Thank you very much, Kavouss.

((Crosstalk))

Leon Sanchez: Okay so well let's do this and let's keep it short. And we'll go back into schedule. So next we have the review under community mechanism. We have some practicalities to review. I believe Alan and Jordan have done a lot of work into this. They have reviewed some of the practicalities and we have them on stage to tell us about that so it's all yours.

Jordan Carter: Thanks, Leon. Of course the way to get back on time is for everyone to just agree with we've proposed so that might be the easy option. Some slides are being loaded which are just a brief summary of this. And as you'll notice every time I come up here I've got someone else with me, that's because the way we did our work in WP 1 was, yeah, I know I'm not allowed up by myself, Chris, actually since I won't let them talk by themselves.

But the way we did our work was to have lead authors for each of these papers and Alan was the lead author here working with others. So I'm actually going to let him to talk through the slides because it'll help my cold feel better. Once they are loaded. And we're talking about the two aspects of the community mechanism really are going to be covered here as they were in the text.

One is about the voting weights and the other is what is the community mechanism. So, Alan, over to you.

Alan Greenberg: Soon as the slides – oh they've shown up up here. Unfortunately with these glasses I can't see that. All right, thank you. I think, by the way, although I've proven to be wrong on this many times, that we had an hour allocated to this and I don't think it's going to take an hour. It's up to you fellows.

There were relatively few comments on many of the questions we asked. So we did evaluate them carefully and try to assess what the net outcome was. And then the working group had to do a fair amount of work because in addition to not having answers on some of the questions, at least not very directive answers, there were also a couple of questions we didn't even ask yet it was mentioned that we were going to have to come to closure. So what you're seeing is a combination of those.

In the public comments there were a number of issues raised and one of them was the model that was listed as the reference mechanism was five votes for the three SOs, five votes each for the GAC and the ALAC, should they choose to exercise them in all cases, and two votes each for the SSAC and RSAC.

We got comments from the SSAC saying they didn't want to exercise votes but didn't say how many votes they didn't want to exercise. The RSAC said we want to find out more about what this means before we talk about it. The

ALAC said unless the SSAC and RSAC agree to two votes we didn't think it was appropriate. The board said all ACs are created equal in the bylaws therefore they should have equal votes.

There were a lot of comments on the GNSO side saying – effectively saying they wanted more votes. But they came in two different flavors. One said because of the import of the GNSO to ICANN they should clearly have a larger weight.

The other was the belief that because the GNSO is made up of a number of diverse groups and the number of votes we allocated was not enough. That is there are seven distinct recognizable groups within GNSO and therefore they should have obviously at least seven votes. And therefore the number was too small.

The other question which we didn't really ask but some people did make some mention to it, was was this really a community council? Was this a group? Or was this just a vague mechanism that people would send in their votes on email and never talk to each other?

We discussed it a fair amount. The decision at this point was to leave the five times five plus two times two to come into this meeting and discuss it here. We would very much like not to have to get another question in this proposal so it would be good if we could come to closure out of this meeting on the vote breakdown.

We did – if you go back into the various rights on removing the whole board it made it very – the statements made it very clear that the decision had to be the decision of the ACs and SOs not someone who had their vote. It was less clear on the other rights.

There was a very strong feeling in the workgroup that looked at this that we need transparency all around. There were a significant number of comments on things like removing board members, individuals or the whole board, that we needed clarity. If the community was going to exercise this it couldn't be shrouded in a dark room without rationales and without people being able to watch. So the recommendation is being made that essentially votes cast by whoever these people are have to be traceable back.

One of the issues is clearly there are some ACs, possibly SOs, that will decide not to participate in the votes. There are other times where we may experience a given organization participates in theory but is deciding to abstain in a given place. And the question is how do we handle those abstentions?

Most parts of ICANN treat abstentions as nos. That would effectively say none of these rights could ever be exercised which would give a fair amount of comfort to some people in the room. But was not the aim of the overall intent.

So our recommendation is that abstentions or opting out does not count. That reduces – essentially reduces the denominator in calculating the fraction. That brings up another problem, however, if enough groups opt out or abstain you have a very small number of people left and decisions that are critical to ICANN might be made by less than a handful of people.

You know, for instance if all the ACs opt out except for one all you need is three votes for or four votes for from one SO to kill the board, to do whatever you want. So we're recommending that there be a minimum number of yes votes or you could phrase it another way, that there be a minimum quorum of

people participating in the yes/no. And those minimums will have to be set along with the percent threshold for each right.

The next thing is, you know, is there a council or is there a group? The group started off very divided with some very strong feelings. We came to closure moderately quickly but there had to be a council. There had to be a group because voting, which can be carried out remotely is not the main issue, it's the socializing of the discussion of what's going on if a single AC or SO or two or three of them brings the issue to the rest of them, there needs to be a place to have that discussion.

There needs to be a place to coordinate the bringing the rest of the community into it, down into the roots, so that people understand why it is we're doing these kind of things. So there was a general feeling that there must be a council. It might never meet if we never had to exercise these things.

The concept of scope creep is always on people's minds but in this case the bylaws would be pretty clear as to what it could do and couldn't do. They could meet in the bar and drink, but, you know, we don't normally stop that. But other than that it's quite limited. And there was a feeling that if something came up at an awkward time there might even be the need for a face to face meeting. So we're recommending provision for funding for that, although again, not really expecting it ever to be used.

Should we go on to the second part and then take questions? Go ahead. Next page. Open issues, clearly the voting rights – voting weights should be determined and it would be nice if we could do that coming out. Whether there is a council or not it would be, again, nice to have agreement. As I said, within the small group and within WP 1 we came to closure pretty quickly

that there had to be because anything else is simply having a council but not giving it a name. And there didn't seem to be any point in that.

And the last decision is the one we just spent an hour on and I'm not going to go over it again, but, you know, should the GAC – if the GAC were to take on its rights within this community does it have to lose any other rights? And, again, we have discussed that to death for the moment and we'll be coming back to it tomorrow.

It's worth noting that this community council we're talking about effectively is the same group as the sole member. Like the description that we heard this morning – this morning? This afternoon? Sometime – of the sole member, we were very careful to say the community council was all of the ACs and SOs. Any given AC may be there and just give advice. It may be there and give opinions that it doesn't even consider formal advice.

A group that decides this isn't its problem and is going to abstain could still participate in the discussions. So we're talking – we invented a model virtually identical to the sole model to be used in whatever the other mechanism would be used. So we have a lot of commonality there.

And certainly in my personal opinion it's the only way to proceed because if we're going to make decisions on behalf of ICANN the whole ICANN community must participate even if they choose not to cast a ballot to make it happen.

And the last minor issue is the concept of fractional votes didn't seem to have any negative reaction except what if a group decides to divide all of its votes into 20 and it has 100 people on the community council? That clearly didn't seem to be acceptable.

Well if you can exercise fractional votes and everyone has a say you have a potential multiplicative problem. So I think we somewhat arbitrarily took the GNSO number of seven and said you can't have more than eight people. So you can't divide your votes into more than eight. That's a somewhat arbitrary number but it seemed to make the – to make sure that we don't have one group dominating the conversation or something like that just because we allowed fractional votes for the convenience of that organization. I think that's it.

Leon Sanchez: Thank you very much, Alan. Jordan, would you like to add anything or should we go to questions?

Jordan Carter: There's nothing to add. The key points I could summarize if you like but I think we'll just discuss.

Leon Sanchez: Please do.

Jordan Carter: So I think the key points there are the voting weights basically are proposed to remain the same. And that there is actually going to be a group of people discussing these powers. And the – those were the two key points really aren't they? Yeah.

((Crosstalk))

Jordan Carter: The rest is detail.

Leon Sanchez: Thank you very much, Jordan. So we'll go to questions and comments. We have a queue already and the first in queue is Sebastien Bachollet. So we need

a roving mic for him to speak. If we do have a roving mic? I know we have a roving speaker so...

Sebastien Bachollet: Yes, it's another way. Thank you. Can I have the previews slide please? And I want to thank you for this very interesting job and presentation and I would like to answer your question. The first one it's about the number of votes. My preference would be to the alternative and allow the SSAC, RSAC or anybody else group to decide not to have but to have two if they wish. But if we say that everybody equal and then if they decide they think that they just have two they get two. That will be from my point of view easier and give more flexibility to each one to decide where to go.

My second point it's about the question of abstention. It was – it's a very interesting discussion because we don't have the same habits of voting in each country. Then my suggestion is that we (unintelligible) yes, no, non participation, abstention and (wide) ballots.

And that's the way we can decide to participate in an election in this country. I don't go to vote, I decide to go and to put a wrong ballot, it's like an abstention, I would say, a way to say I am not – I am not for or not against. And the (wide) ballot it's really to say I want to participate but I don't have opinion on the issue.

And my point of view is that the people or the organization who decide not to participate are not count but the one who decide to participate even if they decide to put a (wide) ballot not say yes or no, I count as votes. That's my suggestion.

And for the rest I agree with your proposal. Thank you.

Leon Sanchez: Thank you very much, Sebastien. Next in the queue I have Kavouss.

Kavouss Arasteh: I think it is some sort of misunderstanding. First of all, I misunderstood and I don't understand to have what we mean by abstention. You have a vote, you put positive, you put negative, you put nothing. This a right always there. You don't need to address it here.

The problem is that who could declare that forever? Not only this community but it's community of tomorrow and the day tomorrow and the day after tomorrow shall be totally excluded. I think the issue is that you provide the right to vote but the right to exercise that vote is optional. So I don't think that we should agree that or we should understand correctly that SSAC saying that I don't want to be vote at all.

The vote will be provided for them in the (unintelligible) but if they want to exercise it, they exercise it, forever. If they don't want to (unintelligible). But I don't think that they could permanently say that we don't want. It seems that I go to the government saying that I don't want to vote forever and I don't want that my son vote and I don't want that my grandson vote. This is not right that they give it to an individual or the group.

So we have to provide right to vote but the right to exercise that vote it is optional. With respect to the GNSO it's really justified to add one more or two more for GNSO. We discussed that. But apart from that I don't understand the issue of abstention and I don't understand somebody permanently from now saying that for the next 100 years I don't want to participate in any voting. It doesn't seem to be logical. Thank you.

Leon Sanchez: Thank you very much, Kavouss. Yes, Alan, would you like to?

Alan Greenberg: If I can address that? We agree with you 100%. And our words may not have said that. An abstention is exactly that, that you decide to not exercise your vote by saying neither. And although we left the reference model of five times five plus two times two because the public comments did not indicate we should change, we are leaving it on the books right now of seven times five because it was the feeling of a significant number of people that we should give people the potential to, in the future, exercise their – those full votes.

And I would like to hear from SSAC at one point since they're now a chartering member on what their perspective is. But I think we're agreeing completely with what I said, although I may not have expressed it in a clear way.

Leon Sanchez: Thank you very much, Alan. Next in the queue we have Chris, Mathieu and George. So Chris.

Chris Disspain: Thank you. Jordan, Alan, just to get clear for me at least, would you accept that having a voting situation where you have some SOs and ACs that have two votes implies that the overall voting, when you come to figuring out how you're going to vote, veto a budget or how you're going to veto a bylaw or how you're going to spill the board, implies that it's going to be done purely on the number of votes rather than participation from SOs and ACs?

Because by putting only two votes in those ACs then when you count the – you're counting their participation in a different way. So I'm not against it, I'm just concerned that we're careful because we haven't dealt with the thresholds yet that we don't affect those thresholds by this. That's...

Jordan Carter: Yes is the answer to your question, Chris. So imagine a scenario where the GNSO appoints seven individuals to carry its five votes and a scenario where

the ccNSO appoints one individual to carry its five votes. The votes will still be cast and we'll have the same weight between the decision of that one person from the ccNSO and the seven people from the GNSO. It just requires a slightly complicated counting mechanism. That point behind it was the ability for the relevant points of view to be represented.

Leon Sanchez: Do you want to add something, Alan?

Alan Greenberg: Yeah. In the – and what are the current thresholds but those all have to be reviewed once we have the model and the weighting figured out. We have thresholds of the number of ACs and SOs who can raise the issue and there may be a minimum number of those like I think we said two SOs and one AC, before it could even be considered.

The actual voting, we've always talked about, purely the count of votes regardless of where they came from, but that – yeah...

((Crosstalk))

Chris Disspain: So my point – yes and I agree. So but my point was more that if you cast it in terms of – that in order for an SO or AC or – sorry – in order for an SO or AC to vote in favor of a thing – just say – 75% of that SO or AC has to vote in favor of that, right? So we're not contemplating that further down the line as a – we are talking solely about individual votes.

Alan Greenberg: What we've discussed to date and in the prior meetings, because we didn't discuss it on the working group is that you would add up the total of the votes regardless of where they came from to see whether the threshold has passed. That clearly could be changed but that's what we...

Chris Disspain: With an overarching possibility in some cases you would have to have – you would have to have voting from a set number of SOs and ACs.

Alan Greenberg: That's something we could add.

Chris Disspain: Yeah.

Jordan Carter: And what that heads off is if only one SO participates they can't exercise any of the powers.

Leon Sanchez: Good. So next is Mathieu.

Mathieu Weill: Yes, I would like to go back to the point that was raised by Kavouss and the position of SSAC and RSAC to give just a little perspective about the engagement we've had during Buenos Aires meeting with them. And the feedback we got was – and especially from SSAC – that they did not want votes, not because they were preventing their sons and grandsons but because they were fearing that the possibility of votes would attract people into their group that would not be attracted by the expertise on security and stability, which is what they are looking for, but by the possibility to be exerting some powers in the future.

And I think if we're getting back to them, and RSAC was really on the same page, if we go back to them and say, but we're giving votes anyway and you can still abstain, I think we're just not addressing their feedback. And so we really need – the burden of proof is upon us to say it is absolutely necessary that you get this vote. And I don't see that right now in the proposal. So I'm a bit concerned about this.

Second concern, more broadly, I mean, the fractional votes and the discussion we've had is extremely complex. I can see myself explaining this to a crowd that hasn't been following this very closely and that's a very, very strong alarm bell that I'm ringing here.

I mean, a council with votes can we do it simple like one person gets votes or something like this? I know there are – it's not going to be perfect but if we could do simple that would be great. Really.

Leon Sanchez: Okay, Alan.

Alan Greenberg: We were responding to the public comments, which raised the issue of the various different parts of the GNSO and we're trying to respond to them. The end statement, however, is an SO gets five votes. The SO can choose to subdivide the votes as they see fit. Period.

Mathieu Weill: So it's five people in the council and maybe they can fractionalize their votes. But at least we have a certain number of seats. Yeah?

Alan Greenberg: You've just complexified it from the point of view of the GNSO who cannot – who might not be able to identify five people. If you keep it simple it becomes easier to explain.

Chris Disspain: Mathieu, can I just say one thing following on from what you said because I think it's really important. We need to be very careful that we don't restructure the – the way that the policy operates or the way that the SOs and ACs operate simply to shoehorn one of our SOs into this. It's not going to work like that.

The truth of the matter is in actual fact, maybe what we should be doing is saying the SO or AC must first reach consensus. Is this – I'm just flagging this as a possibility.

Is the community council actually ever going to do anything other than pass the votes that it's told to pass by its – that worries me is that we're going forwards with what appears to be a sort of well you can pretty much do anything you want, some of you can do it by consensus, some of you can vote whatever way you like and then there's going to be this council and some of them will be instructed to vote a specific way by their SO or AC and some SOs or ACs might say to them, no, no you vote whatever way you like, we trust you.

That then means there's got to be a huge level of discussion in this Council before these people can make up their minds about which way they're going to vote. I think we've got to be very careful that we don't over-complicate the matter.

Leon Sanchez: Thank you. So next is George who's – I believe he's not in the Adobe Connect. And at this stage I think I will be closing the queue with Steve DelBianco. And so George, could you please?

George Sadowsky: Okay thank you. George Sadowsky for the record. Mathieu, notwithstanding your valid points regarding concern about stacking votes in the SSAC and the RSAC, there is a somewhat theoretical argument to be made for Plan B where they get five votes each. I just want to point out that the Internet can run perfectly well without the GNSO and without names; it may be inconvenient but it can be done. If the Internet isn't secure or stable or doesn't have root servers, nothing works. Thank you.

Leon Sanchez: Thank you very much, George. Next in the queue, Jordan.

Jordan Carter: Thanks, Leon. Just a couple of points on this. There are lots of ways to slice and dice this council, right? And in one way it's simplified if the – if we honor the feedback we've had from the root servers and the SSAC and say that we won't allocate votes for you. And it simplifies it because it means that each of the five or four or five participating SOs and ACs have the same number of votes.

So then your story, when you're trying to explain it is real easily, you just – you say it's equalized across the five participants and however many people they have along doesn't make any difference.

The – in terms of the voting weights I don't want us to go, if we can help it, with options this time. I'd like us to have a single consensus. And to me the most obvious consensus is five for the five and not imposing the two. It's honoring the feedback that's come.

And then we ask the question, we say we took these out because they asked us to. Is the community violently opposed? Do you wish to force votes down the throats of these advisory committees? But the other thing is that I think that if we do that we should specifically state that in the group of people – the participation of those people is encouraged to add their advice, to add their perspective.

So – and that would happen with any other – if the GAC ended up in a position where it didn't want to exercise votes they should be there participating and offering advice on the public policy aspects. So that's just my contribution.

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

Thomas Rickert: Yeah, thank you, Leon. And I'd just like to add a little bit of history to the discussions we had with the SSAC and RSAC. Mathieu mentioned one point. Another point was that they don't want to have their expertise or trust in their expertise diminished by people seeing them having an interest in other decisions that are being made in ICANN.

So how can an organization fully be trusted that is not fully independent of ICANN's operations? You know, if they start taking an interest in budget or strategic plans or bylaw changes that are not associated to their core remit then that might diminish the value of their advice. And they don't want their advice or trust in their advice to be marginalized.

So I think we should, you know, I hope that everybody will agree that we just remove their votes and move on.

((Crosstalk))

Thomas Rickert: And certainly they can join the table for being advisory. And that keeps their advice being in full strength. However, should there be any changes needed to their stages in 10 years down the line, we will have a clause in the bylaws that allows for flexibility. So the door is not shut but we should just honor their requests to be removed from this and we will surely provide a rationale for that in our report. Thank you.

Leon Sanchez: Thank you very much, Thomas. Next in the queue I have James Gannon.

James Gannon: Just to Mathieu's point on – I suppose it's more of an overall point on seeking the simplest solution. I disagree, we're not here to seek the simplest solution.

We're here to seek the best solution. It may be simple is what we want to get to eventually but we're here to make sure that the solution is the best solution and I think if we hold ourselves to some form of maximum that we need to reduce everything down to its most simplistic base then, you know, the conclusion of that is leave everything as it is, which is not really an option.

And as for the point which I do understand of how are we supposed to communicate things which are slightly more complex, which have, you know, fractional voting or, you know, representational voting and things like that, the last time I checked we have an entire ICANN coms team, we have XPLAIN at the back of the room which are collecting a nice daily rate; I'm sure within the community we have some mathematicians, we have people that – masters in political science, you know, the communications shouldn't be an issue.

You know, once we have decided on what we are going ahead with then the communications there's a lot of people around the table to help us with communicating it to various stakeholders who are maybe not mathematicians at the end of the day.

Leon Sanchez: Thank you very much, James. Next is Malcolm Hutty.

Malcolm Hutty: Thank you. Thank you. It strikes me as quite ridiculous to try and force SSAC and RSAC to have votes that they don't want to have. We could just simply drop them and then we have bodies that have equal weights between them. GNSO has said that it has a particular reason why it wants seven so they can divide it up equally. So then everybody else could be left with seven votes. And everybody could be happy. Who'd have guessed it? Yeah?

But if you insist on forcing these votes on SSAC and RSAC that they don't want I still – vaguest belief that we can fall out over something as fungible as

numbers. Just give everybody else 35 votes and SSAC and RSAC 14 votes. And then again, GNSO can divide it up equally and the voting weight that was being suggested is still in the – exactly the same balance.

Leon Sanchez: Thanks, Malcolm. Next we have Alan – no, Edward Morris, I'm sorry.

Edward Morris: Thanks. For the record, there are portions of the GNSO, namely the non commercial community, that's not a big fan of the Number 7. Besides that point, I want to commend Alan and Jordan for the work they've done. From my perspective five is a hard number for the GNSO. Fractional voting works. The idea we can have up to eight people active, that works for us too. So thank you for responding to our concerns. Good job.

Leon Sanchez: Thank you, Ed. So next in the queue it's Alan Greenberg.

Alan Greenberg: Thank you. A couple of things. It's interesting to watch these things go full circle. When we first started talking about votes we said they all must, for an AC or SO, all had to be cast as a lot together. Then we said you could divide them, and then we said fractional (unintelligible) and we cast them all together.

I don't know what the right answer is and I don't much care to be honest, I can live with almost any of those versions. With respect to the magic number of seven for the GNSO, I don't think you'd get a lot of agreement saying you have seven votes, they're all equal. I think the Registries and Registrars, for instance, would take a position that we're a quarter of the council and we want a quarter of the votes. So there is no number that's going to work magically like that except a large number.

And lastly, I may be naïve, I don't see a lot of difference in the SSAC and RSAC about whether we allocate them votes now and they choose not to use them and that's a decision of the RSAC or SSAC, or we give them the ability later on to choose, except there's more paperwork in the second one.

Leon Sanchez: Thank you, Alan. So the magic number seems to be five. So next in the queue we have Steve DelBianco. And I had closed the queue with Steve but then we have, again, John and Lyman and I'm closing the queue with Lyman for the second time.

Steve DelBianco: Thank you. Steve DelBianco. Also in the GNSO. And keep in mind the GNSO provides the vast majority of ICANN's funding. Most of the registrants and most of the traffic, all that to say that for it to just have parity with everyone else is probably a real token of GNSO's embrace of the multiequal stakeholder.

In other words, there was no bargaining position to say GNSO really ought to have votes in proportion to the funding, the registrations or the traffic, you didn't see that.

That having been said, remember the GNSO is kind of cobbled together much differently than the rest of the ACs and SOs. GNSO has a split house, it has the contract parties and the non contract parties. So whether you do it with four, five, seven votes or one vote that can be fractionally divided, it doesn't matter as long as it can be fractionally divided. You cannot require GNSO to come to consensus or not vote at all. Agreed, Alan? Agreed, yeah.

Alan Greenberg: No I don't agree. You could give the GNSO whatever votes, they subdivide them internally and make a yes/no decision.

Steve DelBianco: In other words, that...

Alan Greenberg: You could force that.

Steve DelBianco: And I will go on record for the CSG as suggesting that that would not be acceptable to the CSG. Keep in mind that there are times when we come up with these thresholds, these super majority thresholds where if the GNSO comes in with three votes for and two votes against that that could make a difference in achieving super majority. And, Alan, that is a very different kettle of fish than GNSO being either a zero or five. So CSG certainly wants to see fractional or multiple votes. Thank you.

Leon Sanchez: Thank you very much, Steve. Next in the queue we have Jan Scholte.

Jan Aart Scholte: Yeah, Jan Scholte. I might be misunderstanding the RSAC and SSAC. And Lyman is speaking after me so maybe he can address this. But if the concern on the part of RSAC and SSAC is that they fear that their votes or participation would become politicized surely they have their own internal procedures and their own internal cultures and so on which would mitigate against that happening.

And wouldn't the greater danger from their perspective be that they're non-involvement and non-voting in this instrument would politicize that instrument because the votes coming from their perspective emphasizing stability, security, resilience, etcetera, would not be cast. I don't quite understand the argument that's coming from those quarters for non-participation. I would have thought they've got a better argument to participate.

Leon Sanchez: Thanks, Jan. Any follow up to that? No? Okay so Lyman.

Lyman Chapin: Thank you. The reason for SSAC – and I'll speak primarily for SSAC because that's where I come from. I happen to know that the RSAC viewpoint is very similar but I should be careful to say that I'm not representing their thinking in the remarks I'm about to make.

In the case of SSAC, we don't have a constituency with an interest either financial or otherwise in what ICANN does. We are a group of technical experts. And when we formulate advice we give that advice to the board and the community according to our charter. And we genuinely accept, in a personal sense, institutionally we genuinely don't care if anyone follows it or not.

It's our best technical advice. It's the best technical reading of the situation that we're able to give as experts. Obviously, as individuals, we care whether ICANN does the right thing or the wrong thing with that advice. But we certainly don't feel that having a voting kind of influence in the operation of the organization is the right way to accomplish that.

And when we say that we don't want any votes it's not that we are unwilling to participate, we are unwilling or we feel that it is not appropriate for us to be participating in that part of the process. There is a small optical issue that I encourage all of you to pay a little bit attention to in the way in which you word whatever proposal comes out that has votes for some of the organizations and no votes for SSAC and RSAC.

As George pointed out a moment ago, there are a lot of people who would say that of all the things that ICANN is intersected in, security, stability and the operation of the root system should be at the top of the list. So when you come out with a proposal that gives everyone except the experts in those fields

voting powers, I encourage you to be very careful to explain, much as I've just tried to do, why it is that you're doing that.

It's not because you have a lack of respect or appreciation for security, stability or the people who worry about it, it's that from a organizational standpoint it's simply not the right way to set up the structure. Thanks.

Leon Sanchez: Thank you very much, Lyman. So it's been a fruitful discussion. We've listened to many things. One thing that I'm sure is that even in the GNSO they don't have it clear whether they should go with seven or five. My understanding (unintelligible) I feel that there are more people within the GNSO inclining for five rather than seven but that's just my personal take on this.

And we of course need to continue to detail how the community mechanism will cast their votes and how we're going to weigh those. And I don't know, Jordan, would you like to add something to this recap on what we just discussed so far?

Jordan Carter: I'd invite Alan to start that process. He took some notes. I listened.

Alan Greenberg: I stopped taking the notes after the third comment so I'll wing it. I have a question for Lyman first though. If push came to shove and we said everyone – every AC gets five votes, and we understand you will not be exercising them, would you put a very negative comment to the next proposal because of it?

Lyman Chapin: With the obvious caveat the I haven't had a chance...

Alan Greenberg: Of course.

Lyman Chapin: ...to consult with other members of SSAC. It would probably make it difficult for us to even – I'm hesitating to say to even abstain. Our membership is composed of people who would have to rethink their willingness to participate in our processes if it were a part of SSAC's remit to have voting influence on the outcome of decisions in the organization. So we would probably have to put up some kind a shield that, you know, kept those even votes at bay, so to speak.

Thomas Rickert: This is Thomas. Quick point of order. Before we release our first report, we said, well it's so difficult for us to define voting thresholds and all that before we know what the various groups affected say. Now we know what they're saying, they say we don't want to be in it. Why are we keeping – discussing how we can vest them with those rights? They don't want them. We know that now. Let's accept it for a fact and move on.

Leon Sanchez: Thank you very much, Thomas. Okay...

((Crosstalk))

Alan Greenberg: Forgive me for asking the question then. But I did want clarity.

((Crosstalk))

Alan Greenberg: All right. In terms of the voting weights I think we have a clear message that SSAC and likely RSAC is not interested in having any, barring a major change, which would require a bylaw change to invoke. The other groups I think were already five in the draft proposal and the reference mechanism and would stay as five. If people feel that the fractional voting is a real complexity that we even have to talk about we could fix it by giving everyone 35 votes

and then everyone can divide them – well no, we'd have to give it 70 or something or other so the ALAC can divide by – well no, five, that would work. Yeah.

It's a complex issue. We could come up with that. My personal preference at this point would to go with fractional votes into this proposal and if there's a really negative comment we can, you know, we can finesse it. But I think there's a message that people want to be able to divide their votes in a way that makes sense and to be able to cast a divided set of votes. So I think that's moderately clear.

I've heard no comments against the community council as was described. And I heard no comments about the concept of opting out on a given vote or abstentions so I think we know how to go forward. We have a lot of work to do when we get to individual powers of setting what the thresholds are but I think we have a way going forward on this overall process.

Leon Sanchez: Thank you very much, Alan. So now we'll move to our next agenda item with Thomas.

Kavouss Arasteh: What is the conclusions? Do we decide that SSAC and RSAC would not have any votes forever? Or we provide them the right to vote?

Alan Greenberg: Yes.

Kavouss Arasteh: But they don't want to exercise that. I don't think it is appropriate that we say that because they say today they don't want to vote we exclude them totally that they do not have the vote at all forever. I don't think is correct.

Jordan Carter: There is no such thing as forever. You know, this is an evolving organization, the bylaws are not fixed in stone, they're not wholly writs, they can change over time. So what I took from the discussion, which I think is the same as Alan just said, is that the text that we will work on for this part of the proposals does not allocate any votes to SSAC and to the RSAC. Just to be very clear.

Leon Sanchez: I noted Eberhard's hand was up.

Eberhard Lisse: For something completely different, I wonder if we could take another head count like we did this morning to see how much are still alive.

Chris Disspain: May I object to that comment, please?

Jordan Carter: Only if you're alive, Chris.

Leon Sanchez: Okay, okay so someone else have – okay, Thomas.

Thomas de Haan: Yes, I have a question to – Thomas de Haan from the Dutch rep for the GAC. Just a question concerning this to the RSAC and SSAC people. If they would not be there participating or voting, would they consider an advice just for example, as the GAC. Thank you.

Leon Sanchez: Yes.

Mathieu Weill: That was part of their feedback, yes.

Leon Sanchez: Exactly. Okay. So we can go ahead and move on with our next agenda item. Thank you very much, Jordan; thank you very much, Alan. And I'll turn back to Thomas.

Thomas Rickert: Thank you very much, Leon. And we will keep Jordan with us as rapporteur for Work Party Number 1. And we're going to discuss now refinements to the community powers. So, Jordan, you please take the floor without any further ado and show us through your – the findings and the resolutions that you are suggesting coming from the first public comment period.

Jordan Carter: So unless I'm very much mistaken, we're talking about the budget and strategic plan power, is that what's on the agenda now?

Thomas Rickert: Excuse me, we have three powers to discuss, the budget and strategic plan first, then the change of standard bylaws and the fundamental bylaw section.

Jordan Carter: Okay, just so you're aware, though, we hadn't prepped to discuss those this afternoon because they weren't on the agenda – the last two. We've got the budget one.

Thomas Rickert: Let's go for the budget then.

Jordan Carter: Jonathan. Jonathan Zuck was the lead author here. I'm going to present the slides and then invite him to add any points. So this is the community power to veto budget strategic and operating plan items. The feedback – the concerns that came in during the public comments are in front of you that there needs to be improvements to the community involvement and budget and strategic plan development. And that there were concerns over the risk of operational paralysis of ICANN by this power's existence, how the board would deal with the – dealing with last year's budget being perpetuated to provide some covering spending authority.

And in today's discussions already there's been a discussion of the issue of horse trading between SOs and ACs to organize majority to budget veto and how can we prevent undue delays in budget development. And so most of these issues have been tackled in the draft text that was circulated in the reading list.

There's clarification that the continuing approach of saying last year's budget will keep applying to let you keep going prevents operational paralysis. That's pretty clear. And Work Stream 2 has got an item already to improve these processes, these planning processes and the community input in them.

There is a proposal in the text to cap the number of times a budget can be returned so there isn't yet solidity around that. So it might be a point to discuss. And there's clarification over the fact we need high voting thresholds for this power as we do for the rest.

So the open questions, if you flick over the next slide, and, you know, we need to work out best – the best way to avoid the board just saying okay, well we can keep running on last year's budget so we'll just do that. There's a question I guess whether budgets and strategic plans should be treated differently because of the longer timeframes for strategic plan development and the longer timeframe for them to have an operational impact.

There is the – while the proposal has already said that the community, if it's going to be veto a budget has to say why, and it has to give all the reasons why it wants to in its first rejection, in other words it can't reject a budget, the board come back and then raise a new set of issues.

There's a proposal or an issue that suggests that actually the issue should have had to be previously raised in the public consultation process that led to the

budget being finalized. In other words, that it really is on issues that have had extensive community discussion.

There's the question of whether there ought to be an objective standard for the veto. You'll remember that we've got a common pattern across all of these community powers of not setting standard thresholds. So none of them are limited to things like we don't think you're acting consistent with the bylaws or their mission or the core values. They're all open powers so there's a question whether that should change.

And we need to decide the questions to ask for our public comment. So, Jonathan, do you want to add anything to that summary before we go to the speaking list?

Jonathan Zuck: I guess not really much. Jonathan Zuck for the transcript. I mean, the – there was overwhelming support for this as a community power so it was really more a question of digging into the details. And I think the two categories of concerns that was raised, one was a kind of lament that wouldn't it be better if we could have better community involvement in the creation of the budget in the first place.

And so it's easy to be sympathetic to that view but it's also one that we're not going to get fixed in the near term. And so it's clearly specified and hopefully in the new draft even more clearly specified that it's on the list and a priority for the – for Work Stream 2 to, you know, fix the process on the way in.

In film making, you know, there's this joke about don't fix in post, you know, fix it in camera. So, I mean, you know, I'm sympathetic to that view but it's probably one that we just need to reassure the community that it's something that's taken seriously.

And the other concern that was raised in – again sort of in general terms, is the devil being in the details and how will things work. And so there was some concern over some sort of operational paralysis. And I think I tried in the draft to deal with that by simply clarifying that a continuing resolution would prevent real operational paralysis, right. It's not like the – if the budget was rejected that suddenly things would grind to a halt, it was just that the organization would operate on the previous year's budget.

That said, in the meeting that we had the Work Stream 1 – the Work Party 1 meeting that we had on this topic there was a discussion that we wanted to bring to this meeting about how to prevent a scenario of passivity in which the community said, we reject this and until you fix it you're stuck with last year's budget. And the board saying, fine, we'll take last year's budget. Right?

Because it could be that last year's budget had a huge dollar item that the community actually didn't want to see in this year's budget. And so one of the conversations that came up was what are ways to address that? And Avri, for example, I think was the one who recommended potentially saying well you get last year's budget, you get 75% of last year's budget. And so that there's – so somehow that that continuing resolution isn't – is a little bit painful to the organization therefore forcing – and there were those in the group that were concerned about that approach.

So that's one of the things that we thought we'd try to talk about today. And then those last concerns about sort of this horse trading and this notion of, you know, raising the threshold high enough to prevent, you know, hey I'll give you this if you give me that and will it become too much of a negotiation about getting my favorite whims into the budget or something like that was something that Chris raised today.

So that's a fresh concern that has not yet at this point been contemplated by the work party. So I don't know the best way to manage the discussion on it but that's sort of what we looked at in terms of these open issues. The first being the best path to prevent board passivity on a continuing resolution so maybe it's best to give Avri an opportunity to make the case for her suggestion of a constricted budget. And I know that Steve spoke up on our group against that idea so maybe the two of you could open that conversation with the pros and cons of that and then we can open it up to the group. Would that make sense?

Thomas Rickert: Thanks, Jonathan. I think it would be good to set the scene for discussion. And if you or Jordan have suggestions as to what potential ways forward answering the questions that we have on the slide would be I think that would be appreciated. You know, so give us some – give the group some guidance in terms of how we could proceed. And also maybe you could indicate which of the questions you think we inevitably need to answer in Work Stream 1 versus those that you recommend we rather leave for Work Stream Number 2.

Jonathan Zuck: Okay. As far as the Work Stream 1 versus Work Stream 2 distinction, I think the fundamental issue that we really need to push for Work Stream 2 is this notion of improving the budget development process or the strategic plan development process, you know, on the front end. I think that that's outside of our scope to go and look at that entire process for public review and comment and how the community might be involved earlier in making suggestions for the budget, etcetera.

That was a lament and it was voiced by many within the public comments but I think probably outside the scope of our group and needs to be a part of Work Stream 2.

I think the things that we have as open issues probably all fall under, to some degree at least, fall under Work Stream 1 and we probably need to come up with some answer to those questions. One of the questions that was raised is, you know, how to keep the process from just being – going through too many rotations.

The BC brought this up and someone else did too that I don't remember. And so one of the recommendations that was made was that we place some kind of a cap on the number of round trips that could happen. Here's your new budget. Oh we reject that. Well here's a new budget. We reject that. And shall we place some termination on that and potentially after that point escalate to the other accountability measures that we have, the more severe ones that are involved in our powers in order to help break that deadlock.

So the draft that you have in front of you that I'm sure you all read, you know, because there were only a few pages to read before the meeting, does include provisionally this notion of a cap and an escalation – the sort of mandatory escalation there. So as far as a suggestion that's what I put in there at least as a point for discussion.

To deal – one of the issues that Chris brought up was to require that the rationale for the veto should be made explicit and that's not written into the current draft but I see no reason that it wouldn't be. It's implied but it's – so we would do that.

And then the other recommendation that Chris made is that that rationale actually has to be a byproduct of the public comment process that took place as a normal part of the board's budget development. And I think that's perfectly rationale as well. So I think we'll make both of those changes unless

anyone has an objection to them. But I think we do need to probably a conversation on this notion of passivity.

We need to probably figure out if there's consensus on this idea of escalating after a certain number of round trips between the board and the community. And we – and we probably need a discussion on this standard for veto that Chris has brought up as well because it simply hasn't been addressed. And I – I'm not sure that's a very easy to solve issue. And so, I mean, my recommendation may be to push that to Work Stream 2 I guess as we're discussing it. Did that help as a scene-setter?

Thomas Rickert: I think it does. And I understand that Avri and – who else was that?

Jonathan Zuck: Avri and Steve. I think very quickly just...

Thomas Rickert: Avri and Steve do you want to talk...

Jonathan Zuck: ...give their two ideas.

Thomas Rickert: ...on the passivity issue which I think is a good starting point then. And I suggest we hear Avri first and then you, Steve.

Avri Doria: Okay, thank you. Yeah, so – and I'm not even sure I agree with myself anymore on this. Let me start by saying that because I've been thinking about it since then. So but the idea though was that, you know, that normally the problem you have with budgets is that they're constantly going up. People are using wanting more, very few budgets has there been a problem because it's constantly going down, but it could happen.

So the idea was that if you ended up with the solution that you lived with last year's budget, you lived with last year's budget with a penalty. And we started out at 15% down and then went to 25% down. The thing that's made me think about this is the CWG's requirement for budget influence on IANA not getting sufficient funding.

There's never, you know, so that since the need for this is IANA funding all of a sudden I started to wonder about what I was talking about. So that's the whole story of...

Jonathan Zuck: Well welcome to the club, Avri.

((Crosstalk))

Avri Doria: ...me disagreeing with myself.

Thomas Rickert: Thanks, Avri. Steve. And then we'll move to the queue which I already close after Kavouss.

Steve DelBianco: Thank you. On the question of whether there should be a penalty for successive rounds of the same budget coming back, I indicated that could there just as well be situations where the community wanted ICANN to spend more money on compliance and it wasn't spending on compliance. So in fact a budget cut allows them to do an across the board cut or allocate the cut to some other element that ends up going in the exact opposite direction of the community.

And we don't have to stretch too far to find examples where automatic cuts wouldn't get there. So think about it, this cuts to the budget and the op plan. It doesn't work as well for the operating plan because that's not dollars. You

can't use this penalty 10% there, and you can't even use it for the IRP. Think about it, IRP does not change decisions; either confirms or sets aside. So if we set aside a decision in IRP and the board comes back six weeks later with the same decision would we shave 10% off of that? So I don't think that's an appropriate scenario.

Instead, I'll conclude by saying the right way to do it is to escalate our other powers over the board and the most logical next step, if they've come back to us four times in a row with the same budget, is to spill the board.

Thomas Rickert: Okay. Jonathan wants to respond briefly and then we'll move to the queue.

Jonathan Zuck: Yeah, I just want to expand on Steve's comment. This could then be linked to the caps issue. In other words, if we have set a cap on the number of round trips what we might also do is set timeframes for those round trips so that there couldn't be passivity. In other words, the board would have to say, yes, this is our new budget. It's last year's budget. And that that passivity would essentially become a new budget that we'd have the ability to veto. So there's a way to kind of force that issue to happen, I think, and combine these two things.

Thomas Rickert: Thank you. And, just before more people add themselves to the queue the queue is closed after Kavouss please. And the first we now hear is Lise.

Lise Fuhr: Thank you. Lise Fuhr for the record. I have a question because you put in that require veto rationale to be matters that it's been raised in public comment. And like Avri, I have some concerns regarding the distinction between the IANA budget and the ICANN budget.

And for me I think it's important that we really think about do we need to distinguish between the two? And I'm (unintelligible) budget, that's veto rationale. Thank you.

Thomas Rickert: Thanks, Lise. Alan.

Alan Greenberg: Thank you very much. When we were talking about the designator model, which wouldn't give a budget veto, the lawyers and some of the other people from ICANN said there's a way – there are ways to wall off the IANA budget without the veto capability. We may want to consider doing that.

The ICANN – the IANA budget is a small percentage of ICANN. And to say it simply cannot be reduced without approval of something in any given year may be a way to address that. So we may want to look at the walling off of the IANA budget separate from this so that we don't have the kind of discussions we've been having here. So that's Number 1.

Do you want...

Jonathan Zuck: Maybe I'll just answer both questions quickly. I think given the – if we don't do something where there's a penalty, which I think we may be moving away from anyway, then there wouldn't be the notion of the budget being decreased anyway. And so IANA is a perfect reason why Steve is right about the problems of that proposal. And so I think we'd already have that sort of built in that it would be last year's budget by default. And it wouldn't be a decreased budget.

And then the other thing I think, Alan, I guess I would mention is that – is what Steve mentioned earlier on is that we've got to make sure we always maintain this distinction between a community right and some right to

enforce. And so these other models don't eliminate the veto for the budget and strat plan, they simply made it harder for us to enforce them, that's all. So, I mean, that power is still in place.

Alan Greenberg: The other benefit of walling off the budget is that we don't have to go through a veto process just because they're playing petty games with the IANA budget. So it's something to think about I think.

In terms of rationale I think there has to be a rationale of why you are objecting and ultimately why you're vetoing. I agree that you should not be able to veto on something that was not complained about in the early comment period if it was there. Of course if they add something major at the last moment everything is fair game.

But if it was substantially there – or there and substantially the same form I think it's a reasonable requirement. And lastly, the thresholds are going to be critical. We want to make sure we don't set up structures such that, you know, some of the ACs or SOs, you know, gang up on the other one and say we don't like what you're spending on them. We're going to veto the budget. So the thresholds are going to be critical on this one.

Jonathan Zuck: So I'll just say quickly. I think barring objection I'm going to edit the draft to include the language similar to what we've described which is you have to provide an explicit rationale for the veto, that that rationale has to have been based on public comments unless it's something that wasn't available to comment on at the time of the public comments.

I think that's something that everyone can kind of get behind. Already built into the document is the notion that you can't add things through subsequent round trips of vetoes. That's already in there, right, you can't just keep coming

up with new reasons to veto. So we'll make these changes as well which I think were very well considered. So, I mean, we'll add that.

And then the thing about thresholds is, again, I think going to be a (unintelligible) of a discussion because I think we are going to be in a situation where a majority might be inclined to vote – if it's a majority – vote against the whims of a particular SO, right. I mean, we want to make that not too easy to happen but I think it's also got to be possible to happen.

Thomas Rickert: Thanks. Let's now move to Alan, I think it is. George, sorry, George.

George Sadowsky: Thank you. I'm here. First I'd like to comment just to be clear that I'm representing my own views here and not those of the board. I worry about the budget issues that you're talking about. It's clear that vetoes could be used to impose fiscal restraint, that's fine. It's also clear that they could be used to impose programmatic constraints and that's fine too.

But in the small I think you get to the point where you're doing line item vetoes and you could be well bleeding into the way in which management runs the organization.

If the purpose of the first phase of accountability is to satisfy the requirements for the IANA transition then I suggest that – and I suppose you've already considered this but I would suggest that it may be more reasonable to first look only at the IANA budget and impose whatever constraints Lise has said that she needs to make sure that the transition works. And then postpone any discussion of the use of the budget as a control measure for the second phase of accountability.

It doesn't – it seems to me like there are a variety of views and if we don't reach consensus then doing it well rather than doing it quickly might be a good idea. Thank you.

Thomas Rickert: Thanks, George. Sebastien.

Sebastien Bachollet: Yes, thank you. I have two questions. Do we have the budget for the return trips? You are talking about return trips about budget. And I am asking you if you have the budget for that?

Now you can laugh. You can – please, you talk – Jordan talk about return trip, about the budget going from the board to the – and I ask him if you have the budget. Okay. You don't like my humor, my French humor, that's okay with you.

My point is that I disagree with this veto power because I think because we are not able to fix the process to build the budget in tiers we are going to radical solution and that's wrong. We need to fix the process to build the budget within – with the board, with the staff and with the community and it will be better than to try to have this veto power because anyhow we need to fix this process. Thank you.

Thomas Rickert: Thanks, Sebastien. Sam.

Samantha Eisner: Thank you, this is Sam Eisner. In terms of the continuing resolution, I think first the point needs to be stated that it would be not – it's not desirable for anyone for the staff, for the board or for the community, to operate under a continuing resolution so I think that the idea of passivity during the continuing resolution time – I understand it's a potential. It's a risk, it could happen. But it's in no one's interest to do that.

And I wonder how – and I don't know if it's something that's losing momentum but if you were to try to constrain that continuing budget would that in some way actually give rise to imposing some sort of fiduciary duty or look like the community is taking on some sort of fiduciary duty in the budget process that we've been avoiding in how it's been done before because you'd effectively be telling the board to adopt a different budget than it had already.

I also have concerns about how that could impact the security and stability issues that maybe we need budget to continue and any decrease to that would be important. We've heard from a couple people here, and I think that there is some growing consensus in the room about the need for and the ability to separate out the IANA budget from this process.

I raise the question if there are other areas of the ICANN budget that are extremely operational in nature but also goes directly to our security and stability mandate that might also be walled off from that and leave more kind of a project based budget type thing for this process to go to. So I would just raise that question.

And then also when we get to the rationale and the requiring of the rationale it would seem that different portions of the community might have different rationales for not liking the budget. So I don't know if there has to be agreement on a single rationale or what would happen if the rationale indicates that one group is supporting a veto of the budget for one issue and another group is supporting a veto of a budget for a different issue but those actually create competing priorities for the board to try to balance.

How does – how – is there any guidance that we can give on how that competition should be solved by the board because it might get us into a situation where it's very difficult to actually solve that within a timeframe.

Thomas Rickert: You would like to respond to that?

Jonathan Zuck: Sure, if I take things in order – again, I think that we're very quickly reaching a point where the penalty associated with the continuing resolution is not – we're seeing the problems with that and they're multiplying quickly. And so I think that helps to deal with the notion of security and stability. I think it helps to deal with the notion of needing to separate off the IANA budget.

And, as you say, it would be in no one's interest to continue on with the continuing resolution and so I think it would be unlikely that would go on for any length of time. And so I think that that's a point that we're just hearing over and over again. So I think we're probably not going to get to the penalty thing.

Again, I'll say back to Sebastien's point that I agree that we need to reform the budget development process. And that's stated very explicitly in the document. And I think this is really just meant to be a kind of a stop gap that the community needs this power in the interim and that we will take the redevelopment process seriously.

Samantha, your other point about conflict, is I think we were operating under the assumption, and that's always a mistake, but that there would be consensus on the rationale that it would be that whatever the one or two things were that the reason the budget was being rejected would be agreed on by the consensus community and that it wouldn't just be hey, I want to reject the

budget; do you want to reject it too? I think that wouldn't be the nature of the conversation. But I can look for ways to memorialize that concept in the text.

Thomas Rickert: Kavouss.

Kavouss Arasteh: Yes, some of answer to these questions is difficult to find. Determine best path to prevent board so on, so forth. Okay, do we have any reply for that? Good to raise the question and what is the answer. What is the best path? What is best? Determine if budget and the strategic plan should be treated differently is very difficult to say that they should be treated differently because there is no criteria to say that why should we (unintelligible). If there is it depends from person to person and it is subjective.

Require veto rationale, yes, if you can, provide the rationale for that. Any veto should have a rationale. Develop a standard for veto, yes. Determine new question or no new questions, no time.

Thomas Rickert: Okay, thank you, Kavouss. Now it's time for us to take stock of our discussion which I think is not an easy task.

Jordan Carter: Not quite.

Thomas Rickert: I think some points obviously need further discussion by the group. Nonetheless I think that we have some areas that seem to get some traction. And let me try to tease that out together with you. First idea is regardless of what happens the IANA budget gets some special protection from veto. And I would even go further and say IANA budget plus security and stability-related costs, I guess that is what I heard that you have stability concerns.

Is that something that you are okay with or the other way around, to put some – to put this idea into our findings, is that something that people object to in this room? And I note Eberhard's wildcard objection against this item as well.

I note your wildcard objection, Eberhard.

Eberhard Lisse: In this case I would probably not object.

Thomas Rickert: So let's put on record inconsistent behavior by Eberhard Lisse.

Jonathan Zuck: Want to take Eberhard's temperature.

Thomas Rickert: So obviously if those that have raised their hands have raised it because they do object please just give me a signal if you object to giving special protection to the IANA budget plus security and stability-related costs. Do you object to that? Okay.

Chris Disspain: Can I just make the point that the IANA budget is going to be separate? It's going to be in a separate company. So of course it's going to be separate.

Eberhard Lisse: Which is why I didn't object.

Thomas Rickert: There has been the wish by some that a veto must not affect the IANA budget. There has been – the point made by some that any budget discussion must not effect security and stability of the DNS. And therefore my proposal was to take stock of that notion that whatever we discuss in the budget veto question the IANA budget plus security and stability related costs shall be exempted from that.

((Crosstalk))

Thomas Rickert: Sorry, James is first in the queue and then Avri and then Becky.

James Gannon: Hi, this is James. So I'll very clearly explain my rationale. Okay, the IANA budget is a known entity. We know, okay, the IANA is going to be hopefully PTI and PTI will have a budget requirement. Security and stability we have no commonly defined and commonly agreed scope for what security and stability is.

Security and stability could be the operation of the root servers. It could be ICANN compliance. It could be ICANN meetings in order to get everybody together. We have no agreement over what security and stability is. So if we add that on we don't know what we're actually adding on whereas the protection of the IANA is clearly defined issue. We are saying the costs of PTI must be paid every year.

And it's also why I would request that it's separate to the budget veto because even if we go on the continuing budget where we go on last year's or the various options, the requirements of PTI may change year on year and that will require a change in the budget. So we need to be able to be flexible enough with the IANA budget to respect that. But we have no commonly agreed term for what security and stability is that we can't...

((Crosstalk))

Thomas Rickert: Okay. I'm a little bit hesitant to hear everyone in the queue. So let's try to take a different approach and just limit it to the IANA budget. Say that if a budget veto is exercised the IANA budget must not be touched, right? Is there any opposition to that approach? I'm not seeing Alan. I'm not seeing Alan. There you go.

Alan Greenberg: If you say we can't veto the IANA budget period, I will object. What if they're trying to cut the budget?

Thomas Rickert: The suggestion was that a veto does not affect the IANA budget. So there can certainly be changes to it. But the fear was that if there are discussions around the budget that IANA can't proceed as they did. So they will not be affected by whatever cut – so unless the community agrees with the board on a budget.

Jordan Carter: I'm going to make a process proposal. I'm looking – I can see all of you which is more than you can necessarily do. And people are tired and confused by this. There's not going to be any consensus emerge on this today. So what we need to do is just take this discussion into account in a redraft, a more fulsome redraft of this, and we need to have it as an agenda item on a call in the next week or two. So that's what I'm going to propose that we do next and that we move on basically.

Thomas Rickert: Well, as you wish. However, a word of caution. This community power is the one that cause concern. So I think it's important for us and our discussions and we can stop the discussion now, no problem. But I think we need to take stock of some of the suggestions that have been made by you. Let's try another point, are we – do we agree that the budget process needs to be further refined in Work Stream Number 2?

((Crosstalk))

Thomas Rickert: The process of defining the – a budget creation process is a Work Stream Number 2 item? So no one in the room wants to encumber us except of the standing objection of Eberhard, so we can take stock that we will keep that as

a Work Stream 2 item to work on the process until the budget is being adopted by the board, right? Then there was the question of sanctions...

((Crosstalk))

Thomas Rickert: So, Becky...

Avri Doria: The question I'd like to ask is what does that mean for the IANA budget for Work Stream 1?

Thomas Rickert: Okay let's try to...

((Crosstalk))

Avri Doria: We haven't tabled it until Work Stream 2.

Jonathan Zuck: No, no, no...

Thomas Rickert: Please use the microphone, Jonathan.

Jonathan Zuck: I rarely need a microphone. I think we were just trying to move past that discussion to see if there were points we could get agreement on. And we're going to take the IANA and how best to phrase that back into the work party. That was the decision on that particular topic. And so he's just moving on.

Thomas Rickert: Is that okay? Sebastien? Just checking. Oh you have the microphone conveniently on your table, which is good.

Sebastien Bachollet: I stole it. Yeah, my point is that in this group we'll try to solve all the problems that ICANN is facing. This question of budget is a long standing

issue and we can put it in the Work Stream 2, Work Stream 3, Work Stream 4. This is the goal of this group. It's a problem within ICANN? Yes. But is it our task as a group I am not sure.

Thomas Rickert: Well just briefly, we have defined community empowerment and they got an awful lot of traction in the community. So I think the burden is on us to work on a budget veto mechanism. I do acknowledge – and you've heard that from all the interventions that there are huge concerns with it. So I think we have to make sure that in Work Stream 2 we work on a mechanism, on an engagement mechanism as the budget is worked on and developed to lower the risk of the community exercising that power. And I think that's an integral part of our work.

We have the point of sanctions in case that the budget is not adopted. We heard Avri, we heard Steve, and since Avri was uncertain whether she still liked her original idea, can I suggest that we go without sanctions? The idea was that in case there is veto that the budget would be cut by a certain percentage to increase pressure on consensus finding on the budget.

This got some pushback which is why I'm trying to sound out whether there's anyone in this room who insists on sanctions, i.e. on budget cuts? No sanctions? No sanctions. So let's drop the idea of sanctions. Jonathan.

Jonathan Zuck: The one caveat I would make to that, and I don't know if I can say this succinctly enough for everybody to vote yes or no on it, is that another thing that was brought up was this notion of capping the round trips so that we'd say that there can only be two vetoes or three vetoes before there was an escalation to the other accountability mechanisms that we have in place.

If we take that coupled with some kind of a time limit on getting back to each other on these things that that will force an escalation which will amount to a kind of a sanction for not acting to move forward. So, I mean, there is this notion that we could get to the intention of a sanction without some of the downsides of it just through the normal processes of kind of limiting the back and forth.

So I don't know if that was clear enough for people to discuss or vote on but that's the one kind of alternative...

((Crosstalk))

Chris Disspain: I thought it meant that we'd only have a one way trip to a meeting and that would be capped – we wouldn't get to go home again. We wouldn't get to home again until we'd actually agreed to change the budget.

Jonathan Zuck: You do have a one way trip coming, Chris, but it's not for a little while. So Eberhard.

Eberhard Lisse: I'm wondering if this not all much too complicated. If we veto – we veto and if they don't listen to it it escalates. Don't start talking about (unintelligible). The thing is becoming so confusing that even the chairs have trouble understanding it.

Personally, being a professional in my day job, I think we should start looking at the health of the individuals and it's almost half past 6 and terminate right here.

Thomas Rickert: I would suggest that although there – I'm sure many more people would have something to say, I think we need to start this discussion now. We heard what

the group has said. We will work with the rapporteurs. Erika, you don't accept that? So then I also have to give Kavouss the opportunity...

Jonathan Zuck: Her German mind is not calm.

((Crosstalk))

Thomas Rickert: Kavouss.

Kavouss Arasteh: Yes, whatever discussions will be carried out we need to ensure that the criteria of accountability establish by CWG are met. Thank you.

Thomas Rickert: Thanks, Kavouss. And thanks, particularly for being brief. Erika.

Erika Mann: To (unintelligible) as well, listening to the whole debate about veto rights and interventions into the budget, I just want to say that I will ask the management to reach out to our auditors – I'm the chair of the Audit Committee. I just want them to check the audit – our audit firm quickly if there are indirect implications. I don't assume there are but I want to know. So I just want to declare here that I'm going to do this.

Thomas Rickert: Thanks, Erika. I think we need to end that discussion now. We heard a lot of concerns. We will work with Jordan...

Jonathan Zuck: This isn't the first time this has been done. I mean, I think it's worth – it's worth checking but this notion of approving or vetoing budgets is something that's pretty well trod territory. So I think we'll be okay.

Thomas Rickert: In the interest of time we will try to absorb the input that we got from you and if we have time tomorrow we will come up with a suggestion that hopefully

take us a little bit further. You know, we've been able to take some baby steps and – on this issue. But a lot of remaining points need to be further worked on. So let's leave it here. We have two more powers on the table for this session which haven't been prepared.

But, good news is that there have been very little changes coming from the public comments and therefore I would suggest we take that offline and deal with it on the list.

Jordan Carter: If you like. Yeah, absolutely. We can write two emails that are just start two threads, standard bylaws, fundamental bylaws.

Thomas Rickert: Exactly because that didn't seem to be very controversial. And we don't want to go into overtime too much. We have two minutes left. Magic Sanchez, can you do the next session in two minutes?

Leon Sanchez: Absolutely, 30 seconds.

Mathieu Weill: Want me to introduce?

Leon Sanchez: Please do, Mathieu.

Mathieu Weill: So this is going to be very quick. We discussed Work Party 3 earlier this morning. We said we will come back and say let's consider all the Work Party 3 items as Work Stream 2 and see if there are exceptions. Leon is going to give us a couple of suggested exceptions. Either we got instant approval in the room and that's fine. Or we see there's discussion and we'll have to go back to this tomorrow.

Leon Sanchez: Okay. So the proposed exceptions, keeping in mind that we already went through the different recommendations from Working Party 3. With regards to SO and AC accountability, the exception that would of course remain part of Work Stream 1 would be to include that in the structural reviews we have a look at SO and AC accountability as part of the structural reviews.

Then with regards to ICANN staff accountability we would be going with making sure that certain mechanisms that are already in our proposal would also be applicable to ICANN staff as well.

And finally, with regards to diversity, we would keep on Work Stream 1 to consider different criteria with regards to diversity when we create any new structures. So this would be the three exceptions that would remain as part of Work Stream 1. And all of the rest emerging issues would be taken care of in Work Stream 2.

Are there any objections? Chris.

Chris Disspain: Can I just ask, what – leaving them part so Work Stream 1 means they need to be resolved by the (situation) assuming that we're on the track by the (situation) and signed off in Dublin. And on that basis I think if that's right then I do have an issue because I think – I assume the diversity one is problematic. Alan, I think raised it earlier.

I'm not saying we can't get through it I'm just wondering why it's so important that it has to be done by Dublin. And I would – and on the staff accountability one, I simply raise the question that, Leon, you said some of the things. I can't give you an opinion as to whether it should stay in Work Stream 2 or go to 2 unless I know what the things are that you want to put in Work Stream 1.

Because the assessment seems to me, that we need to make, is a simple one which is is – do we have the time to do it via a deadline. Now you could argue we could leave it in Work Stream 1 and if we don't get there we can take it into Work Stream 2. But I'm not sure that's necessarily a good approach. So more detail on Number 2 and Number 3 worries me. Thanks.

Leon Sanchez: Yes, Mathieu.

Mathieu Weill: Yeah, I think you're raising an important point, Chris. And I want to make this for the record. Any item of Work Stream 1 must be free described so we get public comment on the fully scoped proposal end of July. So we don't have a few weeks. We have five days. So that's why the proposals that I heard Leon make were that we look at whether we can have some light diversity requirements set up into the setting of the mechanisms we'll introduce...

((Crosstalk))

Mathieu Weill: ...the IRP and the community council. And Number 2, whether it is – it could be feasible in the language of the structural reviews of the SO ACs to just introduce the words not only (unintelligible) these organization but also the accountability of these organizations.

Leon Sanchez: Exactly.

Mathieu Weill: And that is just very minimal changes which I think is – I would say the best we can achieve in this very limited timeframe. And of course just like we were saying earlier, Work Stream 2 is for real. Work Stream 2 is going to happen. We need to make sure we make that message clear and set the efforts right for this.

But even for the definition of staff (unintelligible) with regards to ICANN and to the community it's very important aspect. But let's –it's not realistic to think that we'll come up with something by next week that accurately describes what we're expecting from staff and what staff can deliver even though we are absolute experts in these matters.

So I think that's really what's on the table. And I'm perfectly okay to say we're not in a position to agree on this right now if that's the conclusion.

Leon Sanchez: Thank you very much, Mathieu. We have Eberhard.

Eberhard Lisse: The objection to this is not (unintelligible) but strenuous.

Leon Sanchez: Well can you say that again?

Eberhard Lisse: My objection to this approach is not (unintelligible) but strenuous. What belongs in Work Party 1 – Work Stream 1 will remain, as far as I'm concerned, in Work Stream 1 and we should not be dictated by a timeline.

Leon Sanchez: Thank you, Eberhard. Your objection has been noted. And next on the queue I have Samantha Eisner.

Samantha Eisner: Hi. This is Sam Eisner. Following on from Mathieu's comment, if it's something that we would like to see more about taking up I would recommend that we come back with information particularly on the staff accountability item to see exactly what we're agreeing to see put forward. I think that the conversation that happened earlier was a bit amorphous. If we could have some sort of write up for tomorrow about what it is that you're asking us to

agree to to consider within Work Stream 1 that might be helpful to get us to a place that we can actually take a decision on that.

Leon Sanchez: Thank you very much, Sam. I think we have to revisit that topic tomorrow. I think that we are not in a position to actually make a decision at this point. So I would ask you to sleep over it and let's come tomorrow and revisit the topic. And next I have on the queue, Alan Greenberg.

Alan Greenberg: Thank you. I'll try to be – I'll try to be polite. The community council which is probably going to be the people that we trust the most with the future of ICANN, and to require that it has to meet diversity requirements I think is not being practical.

((Crosstalk))

Mathieu Weill: I have a very different view and happy to expand offline. But I would definitely say that the people we trust most for the future of ICANN we should elect to the board because they're managing the affairs of the corporation. And...

Chris Disspain: Can we do both? Can we be on both?

Mathieu Weill: ...that's probably the one thing I would change. And that was for Chris.

Alan Greenberg: Can you say that again because I don't think you were addressing what I just said.

((Crosstalk))

Mathieu Weill: The people we trust most should be on the ICANN board. And the community members – there's a number of mechanisms to actually dictate how they are going to vote and everything. So I don't see how we could elect a board with diversity requirements and not elect the community group without diversity requirements.

And I'm not speaking about strict quotas that dictate everything. But I think we need to listen to what we've heard many times in the public comments, and even in this room, that there's a concern about the lack of diversity of the ICANN groups. We need to be showing we're doing something about it, at least something put on the continuous improvement level. And I know there's been a lot of arguments about skill sets but my personal perception is I don't know what skill set we're talking about. I think it's about engagement, motivation and commitment to the multistakeholder model. That's not a skill set.

Leon Sanchez: Thank you. Thank you, Mathieu.

Mathieu Weill: And so we will find people. We can find people. If it's well designed we will find people, and good people. I'm convinced of that. So let's take that offline after that.

Leon Sanchez: Okay, thank you Mathieu. We have only James and Jan to conclude this. James.

James Gannon: Mathieu, I fully agree, these are incredibly important continuous improvement items. Work Stream 1 is not continuous improvement. Work Stream 1 is for items that we require to be completed in order to transition the IANA functions. I object not quite as strenuously as Eberhard but to all three of these. These are not requirements that we have in order to transition the IANA

function. These are incredibly important issues for ICANN and they are – they should be at the top of our Work Stream 2 issues but they are not Work Stream 1 issues.

And I'm not alone in that thinking. There's a number of people in the room and also that I've spoken to remotely. These are incredibly important issues for us but they are most certainly not Work Stream 1 issues.

Leon Sanchez: Thank you very much, James. Next I have Jan.

Jan Aart Scholte: Yeah, I mean, they would be required for the transition if insufficient measures on them became a reason for objections at Congress and elsewhere then they would be, then they would get in the way. So I presume one has to make a political judgment about how much progress needs to be made on these issues in order to clear the hurdle of getting the proposal approved.

But just on the other part, Mathieu, when you said that these would be for real, I mean, when they are made for real it means that, A, they will be itemized specifically, explicitly each one in the report so that someone who reads the CCWG report will be able to see the Work Stream 2 on SO AC accountability will cover the following six issues, on staff accountability will cover – so it would be very itemized and so in future people can come back and look at this list and say ah, did you address it or not?

So that will all be explicit. And is there a timeline on which that will actually be done? So is there going to be an assessment I think in Work Group 3, it was talked about at various times that at the time of the first IANA functions review that would be a moment where within that there would actually be an assessment of progress on the different itemized issues that had been in the

report. Is that still there? Otherwise when we say Work Stream 2, Work Stream 2 could go for 35 years.

Mathieu Weill: There's a timeline provided in the – one of the documents in the package about how we are seeing Work Stream 2 which is basically extending for one extra year after Dublin which enables us to have two full ICANN meetings, two full public comment periods of 40 days and so on and so forth but with a deadline.

Leon Sanchez: Okay so we have no one else on the queue. And just to recap I would say that diversity is something that we would be looking at in Work Stream 2 because we definitely don't have the tools to conclude any assessment of diversity in Work Stream 1. We will sleep over staff accountability and revisit tomorrow. And we do have agreement to add the wording on the Work Stream 1 with regards to SO and AC accountability reviews.

Okay? So I'll turn back to Mathieu.

Mathieu Weill: And my job here is to actually look at the agenda, see that we have exhausted this agenda, look at the room and see that the room is exhausted as well. And so let me raise my glass and say it's been a very fruitful Day 1. And you've been extremely patient and constructive. And I look forward to Day 2 where we'll keep making great strides towards public comment Number 2. Thank you, everyone. Enjoy Paris tonight. And we are starting tomorrow at 8:30 sharp.

END