

ICANN

**Moderator: Brenda Brewer
July 28, 2015
8:00 am CT**

Leon Sanchez: Good morning, good evening and good afternoon everyone. Welcome to CWG Accountability Meeting Number 45 on the 28th of July, 2015. And we'll do local. Go to the Adobe Connect Room. We have so far two people that are on phone bridge that are not in the Adobe Connect. And these are Cheryl Langdon-Orr and Greg Shatan. Is there anyone else besides Cheryl and Greg that is on the phone bridge but is not in the Adobe Connect Room? So we can add you to welcome. Okay. So we commence with no one else on the phone bridge. I'd like to remind you of your Statement of Interest, if you haven't filed one. It would be nice if you could do so at your earliest convenience. And please approach the staff if you need any help. And -- with no further delay -- we have a very interesting call today. And I would say a crucial call for our group. So we need to tackle a lot of agenda items today. So -- with no further delay -- I'll turn to Mathieu for our next agenda item.

Mathieu Weill: Thank you (Unintelligible). This is Mathieu Weill speaking. Hello everyone. So most of our call is going to be dedicated to a review of the various parts of the report. Just a reminder of the plans. We are supposed to freeze all documents by tonight. Obviously tonight's (UTC). And publish the second draft proposal -- at the end of the week on -- Friday. That could be

challenging. But the goal overall today is going to be (unintelligible) possible to the various sections of the report. So that we progress towards the deadline. And I want to acknowledge the meeting progress that was made during the calls from (unintelligible) yesterday. And which is going to be the basis upon which we will build our discussions today.

In terms of short-term planning, that will be all for me. And to answer the question raised by Holly on the chat. We are planning to send the remaining documents -- for lawyer review later today in order -- to have a quick review. We have received the first set of reviewed documents yesterday in time from the lawyers. And it's been shared on the list. And you will find all the documents -- we will discuss today -- on the Wiki page which will be reminded to all of you in the chats in a few minutes. Or seconds actually will be short and is now in the chat everyone. And with that -- I'd like to turn over to Thomas to introduce how we plan to proceed to proceed for the process for the second. Thomas.

Thomas Rickert: Thank you very much Mathieu and good morning, good afternoon, good evening everyone from my side as well. And you will remember that a couple of months back we -- after the first public comment series we -- discussed that we would take an approach whereby we would have an interim consensus of things. And now we are actually in a situation where we have reached broad control -- for big chunks of -- our proposal already. Can I please ask (Seth) to publish those slides that I circulated yesterday -- in my time zone -- into the Adobe Room?

Okay. Let's move to the second slide straight-away please. So -- as you know -- we are to release our second report this Friday, the 31st. So we need to check whether the group is in good shape for releasing the report. And if so, what level of support this report can be released? So we have at agreed that

we wanted to have a complete proposal for the (Work Team One) item. And that we want to have a clear list of what needs to be done in (Work Team Number Two). We also agreed to actually that we did not want to present any options to the community as we did for the first report. But that we would just publish one recommendation from our group. And that -- you know -- was selected open to be discussed should more or less the implementation details.

So we should seem as having an implementable recommendation. Or have another set of recommendations for the community. Next slide please.

I would also like to refresh your memory on a discussion that we had at the outset of the work of the CCWG. They were concerns by some that members would have more to say than participants. And the co-chairs mentioned -- to the whole group -- a couple of times. He said -- if we can and would like to avoid the former consensus calls all about -- only the members of the (chartering) organization would be eligible. However -- having said that -- we would need to know what the level of support -- for the whole package -- would be in order to make a determination whether we can go forward without any formal consensus call or vote.

Let's also remember that -- for the most important part as I would say of our proposals -- we have already reached an agreement. And so we have reached agreement on the (problem) blocks. We have reached agreement on the community mechanism. We have reached agreement on the (IRP). So basically we agreed -- with the most parts of bylaw changes -- when it comes to mission, core values and such. Therefore there are just a small number of questions open which we would like to walk through with you during this call. And if we have to -- on the call -- reschedule for this Thursday.

So -- on this call -- we're not going to talk about areas that we already reached -- what we would call -- broad support or consensus on. But we would discuss those that are remaining to be open. And -- also please note that -- we need to compromise. So it may be a painful process for all sides to compromise. But we need to hopefully reach a consensus position. Not only on the bigger areas of our report, but also on the whole package -- as we call it -- of recommendations.

So we are - having listened to all the conversations. We approach a sense that there is a lot of support -- by most inside the group -- with the overall package. We saw that some of you had issues with individual aspects. Or with specific questions in our report. And -- I think -- we are well advised to make sure that this level of support is adequately reflected in our report. So that the community also shares our impressions that the set of recommendations as such. That the overall changes to ICANN's accountability architecture are supported by the -- vast majority of members and -- participants in our group.

Can we move to the next slide please? Oh -- we think -- about that most of us only take issue with small details of the report. And -- you will also remember -- that we took great efforts analyzing public comments to explain to the community how we analyze the different views. And how our group has proceeded. And therefore -- in order to do justice to all those who have come to do this including yourself -- we would really like to present the various groups in our report.

So -- if you have an issue with the fact of the issues that are on our table -- then please make sure that you notify the author of the respective part of the report. Either rapporteur or the respective member of the section or co-chair. And say, "Okay, I want the community to know that I had a different view on this specific aspect in the report." And we will make sure this is made

referenced to in our report. So we would like to make your views an integral part of our report. That will also make it easier for the community to digest and understand what the level of consultation was. And what the different views in our group were.

So please do attend where you have diverging opinions to the respective (pen holder). We think that minority assessment -- in the technical terms -- should be used by those that don't like the whole package. Because usually minority statements are deployed by those who do not agree with recommendations as such.

So -- only if you think that the whole package that we're presenting is something that is to your disliking -- then follow me through these and prepare minority statements. If it is a similar aspect or one or two similar aspects -- that you are concerned with -- we offer to you that we will make that part of the report. We hope that this is acceptable to all of you. I see that there is some communication going on in the chat. And we do note that (Unintelligible) in particular as some others are joining the conversation. So we will analyze that.

We would like to reflect the consensus package in the report to come. So we would certainly listen to you. We'll make sure that all voices are heard. And that we -- would hopefully -- be able to reconcile the differences there are. But the plan is that if we have consent that the remaining questions could be answered through the (better) section of a broad majority in our group, i.e. that we only have a few dissenting opinions. And that, therefore, the (unintelligible) in the room can be deemed rough consensus. Then we would present this as a consensus position. And flag the report accordingly.

So we would like not to flag our report as a (unintelligible) or anything else which would indicate that the discussion is still wide open. Because -- we do think that -- the discussion in fact is not quite open anymore. We are just refining -- some of the remaining bits and pieces to complete -- the puzzle.

So I would like to applaud the group up to this stage for the hard work. You have done with us, you have actually supported us in the middle of the consensus building. We think that what we have today would be the consensus already if you look at it from the GNSO consensus definition point of view. But we like to iron out the remaining wrinkles. And make sure that everybody's view gets consideration.

Now, let's move to the last slide which is - hopefully, were not conceived as a clash. But just to complete the procedural aspect of our discussions. If we actually reaching a point where we see that major issue and that -- just to be clear -- something that we not foresee. Then there's a - if we don't reach a consensus on key issues, then we might be forced to move back to formal consensus calls or even a vote by the members. But, again, we do trust that the third insightful group is such that we will be able to do a determination of the level of consensus without any formal steps taken.

And -- with that -- I would like to end this part of the presentation. We can certainly hear some concerns to the approach outlines. I have to confess that -- while I was presenting -- I could not read all the messages that have been mentioned in the chat. So should you have material concerns with this approach, please do make yourself heard. But -- in the absence of such strong views -- I would suggest that we delve into the substance of our deliberation.

Okay. So there don't seem to be any hands raised which is why -- I think -- we can now move to the next part of the public of the the report. So this was

verification on the process of second public comments. And let's now move to the review of the (drop) proposal. We will go through it (unintelligible) if you would. And the first topic to be discussed is going to be chaired by Leon.

Leon Sanchez: Thank you very much Thomas. This is Leon (thanks again) again. And we will begin at (unintelligible). We have a couple of outstanding issues that need to be final discussion in this call. And I think - I will turn to Becky in a moment. But I would like to begin by saying that I think there have been a couple of suggestions to address the questions on human rights. And we have passed the lawyers -- to answer a question with advice -- as to how the change in relations between ICANN and (U.S. government) would or might change anything -- if at all -- ICANN's obligations to comply with human rights.

And there has also been another suggestion by (Unintelligible) that suggests that many would be okay with adding some kind of reference to human rights and interact all of so long as it doesn't (unintelligible) mission of ICANN and -- of course -- imply that (contractor) parties would need to fulfill work by working obligations. And (unintelligible). So with that in mind, I would now like to turn to Becky for further discussion. Becky, could you please take the floor?

Becky Burr: Thank you very much Leon. I think that we've made very good progress on this mission revision in core values. As Leon said, we haven't reached a consensus on the question of reference to fundamental human rights. But the issue -- on the table -- is not of course whether ICANN should comply with fundamental human rights. But whether or not we have enough information to address this issue in this stage. Or whether we should actually be creating a special Work Stream Two group to address the -- you know how -- fundamental human rights issue. And our obligation to respect them and consider the impact of ICANN's work on it. So that the issue -- that's on the

table -- is whether this is a Work Stream One item or a Work Stream Two item. And so that's one issue.

The second issue -- and I want to be very clear about this -- relates to core value 11 in the current ICANN bylaws regarding respect for the government and public authority responsibility for public policy. Could we have the chart with the -- revised mission commitments and -- core values language? That would be helpful. Let me just explain carefully what we've done.

We have taken out the reference that says "that there doesn't have to be engagement if the advice of the advisory committee would cause ICANN to violate its bylaws or if there is no rational (unintelligible) from the proposed language." Instead what we are doing is proposing to amend the language regarding (IRP) to essentially say that the (IRP's) are available for - the (IRP's) are available to look at all violations of ICANN's bylaws. Including violations that result from ICANN's following (SO) or (AC) advice or input that causes them to violate the bylaws.

So it just says what we (take in care in that case) and that ICANN cannot violate its bylaws. It has no impact whatsoever on the GAC. Like under the bylaws to have ICANN whenever it provides advice - to have ICANN engage in discussion for the goal of finding a mutually acceptable solution.

The other change -- that we propose -- would simple say that "Advisory Committee's - in essence that Advisory Committee's should provide a rationale that applies to all advisory committees. And it should. Again, that has absolutely no impact on ICANN's obligation to engage -- in good faith -- with the GAC to find a mutually acceptable solution when they provide their advice.

So those are the other - the two important issues. Otherwise we've reached - Work Party Two has a high degree of consensus. And -- I do believe that -- we have done what the GAC members have got which is have nothing that in any way diminishes their current power. And nothing that -- in any way -- changes ICANN's obligations to engage with them in good faith to find an acceptable solution. So that's what I have to say about the...

Leon Sanchez: Thank you very much Becky. So I see some discussion going on in the chat. I see that Jorge (Unintelligible) to have raised a concern with regards to the conclusion within their jurisdiction. And I'd like to (go to Jorge) to explain a little bit more on the why he thinks the direction of the core values seven would be enough to address what you are stating in the chat. I think Kavouss's hand is up. But I would definitely like to turn then to Jorge if you are free Jorge. So we can discuss this point. So Kavouss, you have the floor.

Kavouss Arasteh: ((Foreign Language Spoken 0:24:10)).

((Crosstalk))

Kavouss Arasteh: We have been working together one year. It is not acceptable that Thomas -- at the last moment -- speaks with a long - such a strong word. Saying that we don't mind the minority. We ignore the minority. We don't mind about the participants. We are talking about the members. It is not democratic, nor inclusive, nor transparent. We should listen together. We should listen to each other. We should not use what is said in French ((Foreign Language Spoken 0:24:55)). We have to be very, very friendly with each other. This is the last moment. I have the call this morning. I have the call now. I have the call tomorrow morning. They are now (unintelligible) and for what? To express and to contribute. Please kindly be friendlier. Use friendly language. Thank you.

Leon Sanchez: Thank you very much Kavouss. I would like now to turn to Jorge to address the issue (unintelligible). So Jorge can you please take the floor.

Jorge Canio: Hello. Can you hear me?

Man: We can listen to you Jorge.

Jorge Cancio: Hello. Okay. This is on (unintelligible) six on the core values. And the wording is to be something like recognizing that governments and public authorities are responsible for public policy. And you can take into account the public policy advice. And -- at some moment of time and during the last week -- the wording within their respective jurisdictions was inserted. And I haven't seen really -- at least on the CCWG level -- any detailed explanation why this has been inserted.

And we have a (unintelligible) on the emailing list. Because of there was some feeling that this gives the impression that the advice by the governments and public authorities would be restricted to domestic or national policy advice. When we should be cognizant and acknowledge that in the GAC environment and in ICANN -- in general -- whenever governments and public authorities come together and give advice. It's not on national policies or it's not on national laws. But its (good) advice as it stands now on the international dimensions of public policy.

So the insertion of "within the respective jurisdiction," first goes against what is being done in - by the government and public authorities within the ICANN environment. And second has not been supported by a detailed rationale which really (unintelligible) these considerations. Thank you.

Leon Sanchez: Thank you very much Jorge. And I think that there is a red-line version in the (queue) now. And I believe that there are some changes that have been agreed by every working party. I'm seen that (Unintelligible) raises that there are many points that have been agreed by the working party. And that might not be already reflected in the version of the document that was displayed. And I see Becky replying that she is (unintelligible) the document. So we might have seen a document that is not the latest version of the work of the working party. So I'd like of course address Jorge's concern. And for that I would like to turn to Becky since she has been the author of the paper. And -- I think that she can of course tell us how this concern has been addressed Jorge. Becky.

Becky Burr: Okay. My apologies. I've had - I had a lot to do yesterday. So I was not able to update it. And -- for some reason -- I'm having a lot of trouble posting in the chat. So I apologize for that. We did yesterday resolves all of the open issues except for the human rights issue. I thought. But the language for a - let me see if we can down here -- so the this isn't -- so what we said "while remaining rooted in the private sector" and then we expanded the definition of private sectors to ensure that we were talking about the entire private sector. Including business, stakeholders, civil societies, the technical community and academia.

Recognizing that governments and public authorities are - boy, something keeps going - happening very oddly on this Adobe room. Recognizing that governments -- and public authorities -- are responsible for public policy within their jurisdiction. And that was an issue that had come up a few weeks ago in the discussion on - of Work Party Two. I confess that I'm a little surprised. The language that I took was from the GAC compilation, I think. From the contribution by Argentina to the GAC compilation of language that had that reference in it.

But -- in any case -- the two changes that we propose -- to this language -- are to expand on the meaning of private sector. And then addition of “within their respective governments” by getting rid of all of the (unintelligible). I see some hands. I think we had the concern with the language about responsible government and public authority responsible for public policy will stop, was a concern about the role of the multi-stakeholder process. When you're talking about international global policy development. But -- I think -- there are others in the work party who can speak to this better. I see Sebastian's hand and Olga's hand and Tijani's hand. So why don't we start with (Sebastian)?

Sebastien Bachollet: Thank you Becky. Maybe we need to split the discussion. I would like to discuss about the definition of the private sector here. But maybe it's better to finish the discussion about any involvement of the government and come back to that. It's up to you.

Becky Burr: Okay (unintelligible)

Man: (Unintelligible) maybe...

Becky Burr: Let's do that. Let's stick to the conversation. Olga?

Olga Cavalli: Yes can you hear me?

Becky Burr: I can.

Olga Cavalli: Okay than you. Thank you Becky. This is Olga Cavalli for the record from the government of Argentina. I would just like to clarify that the interpretation of our comment in the compilation of the GAC document is not correct.

What we meant there is that each stakeholder should have their own role in a multi-stakeholder model. So in any way it is intended to restrain the role of the government just only through the national jurisdiction. But I do share the (unintelligible)'s concerns because we also have - we have responsibilities at the regional and international level.

And I would like to stress the fact that we all who are representing government, we are not speaking from our own ideas. We are speaking following the instructions that we receive from our governments and we need some time. I'm a little bit worried from the first part of this call if it is not to be expected that we - we'll agree in a moment. We will - may need more time to consult.

So it's a little bit complicated for us to decide in such a short time text that we have to agree. But I do share the concerns that (unintelligible) about the jurisdiction. And please the comment - one wording made by Argentina should not be taken as of course a GAC consensus comment because there are many other governments that may not agree on that. And it is a misinterpretation of it. Thank you.

Becky Burr: Thank you. Tijani?

Tijani Ben Jemaa: Thank you Becky. I will speak about IRP. And I have a very bad Adobe Connect room. So if you want me to continue now I continue. If you want to defer to others and come back to me, it's up to you.

Becky Burr: Okay let's do that. I really would like to round up this discussion. So what I'm understanding is that a number of government participants are saying that the addition of "within their respective jurisdictions" is objectionable, that governments and public authorities of course do have some - they do have a

responsibility, not exclusive responsibility, but do have responsibility for public policy within their respective jurisdictions.

But I think that the issue is the sort of comprehensive suggestion that public policy in the global policy context is the exclusive responsibility of governments. And that is what people in WP2 were concerned about that led them to ask to add this. Does anybody who felt strongly about this addition of “within their respective jurisdictions” want to address this issue?

Leon Sanchez: I'm sorry Becky, I lost that last part?

Becky Burr: Well there were some members of Work Party 2 who felt very strongly about this. I'm afraid Avri isn't on the call this morning and she was definitely somebody who felt very strongly about this addition. But if there's anybody else who felt strongly about this issue on the call, I'd like to recognize them so we have a full discussion on this.

Leon Sanchez: I think we need to look for words - we have a lot of issues still on the agenda to discuss and (agreed) of course. And I would suggest that we draft some rationale for the word that's been suggested so far and share it with our GAC colleagues. And we could also let's say in the government style fashion which is also brackets that (unintelligible) so it's shown that it's been bracketed. And we can...

Becky Burr: Okay that...

Leon Sanchez: ...continue with the discussion.

Becky Burr: That makes perfect sense to me.

Leon Sanchez: Okay.

Becky Burr: So we would bracket that and provide an explanation for why the suggestion to include it. But I just want to make sure that the GAC participants on this call understand that we have removed all of the language that was of concern previously in terms of consistent with the bylaws. So I just want to make sure everybody understands that. I guess I'll hand it back over to you Leon.

Leon Sanchez: Thank you very much Becky. So that will be the action item for - with regards to mission and core values so far with regards to the (freighting) of within the jurisdiction. Becky would provide a rationale and if this rationale is not useful for our GAC members, our GAC friends, then we will bracket those words to show that they are of course contentious.

And I see some hands up. I see Tijani's hand's up. I don't know if that's an old hand or a new hand.

Tijani Ben Jemaa: No a new hand.

Leon Sanchez: It's a new hand so okay, could you please take the floor Tijani?

Tijani Ben Jemaa: Okay thank you. So now I can speak about the IFP. Thank you very much...

Leon Sanchez: Tijani we will be speaking - I'm sorry again to interrupt you. We will be speaking about IRP later in the agenda and I wouldn't like to mix up (unintelligible).

Tijani Ben Jemaa: Okay (unintelligible).

Leon Sanchez: So if you could kindly wait till we get to that point it would be greatly appreciated.

Tijani Ben Jemaa: Okay.

Leon Sanchez: Thank you Tijani. So next on the queue I have Kavouss.

Kavouss Arasteh: I think the language is in the WSIS. It's mentioned within their respective role but not jurisdiction. Whether role is responsibility I don't recall but this will look into the paragraph of the WSIS. The role of the government in relation with the public policy issue has clearly mentioned three times.

I am in favor of proposal of Olga to delete everything but if you want to retain we should not refer to the jurisdiction. Jurisdiction of the government or country has nothing to do with CCWG. But role, respective role, yes. So we can take the language from the WSIS which has been worked out for two terms. Thank you.

Leon Sanchez: Thank you very much Kavouss. That's a very useful suggestion and I think that Becky will also look into that language. Next on the queue I have Christopher Wilkinson. Christopher?

Christopher Wilkinson: Hi, thank you. Very briefly because I didn't really ask for the floor. I thought that Becky was simply asking me to take the floor. Perhaps I was wrong.

First point, I am not speaking on behalf of any government or the GAC. I'm speaking entirely as a private individual. Secondly Argentina has made the points that governments in their international roles also have to respect their

engagements in international agreements so that it is not - this matter is not limited to the national jurisdiction.

And secondly as I mentioned in the chat, from my recollection - though I have been retired for ten years - from my recollection of EU member states about under the treaties and the (unintelligible) to respect the EU jurisdiction and the EU itself is bound to respect its jurisdiction insofar as it refers to European law so that frankly in terms of the language this phrase opens - pardon the expression - a can of worms in terms of interpretation.

And I'm quite interested in the option to link this either to totally delete it or to link it to the WSIS in which case you refer to their respective roles. But as I said I think Mr. Chairman you nearly solved the problem already so I end the call. Thank you.

Becky Burr: So...

Leon Sanchez: Thank you very much Christopher. So Becky would you like to react to that?

Becky Burr: So I think that with this "within the respective role" language it is a very useful bridge here. Does anybody object to modifying the language to reflect the - with this language? I don't see any (unintelligible).

Leon Sanchez: (Unintelligible). What we have here is a formal call for agreement. And if we don't have any objections then we would be changing the wording to include the WSIS language. And I see Sebastien also has his hand up. Sebastien would you like to comment something or is that an old chat hand?

Sebastien Bachollet: Both, Mr. Chairman. I guess I need to come back to what I wanted to say prior to the discussion. I know that now we are referring back to the WSIS and

this text is quite adequate. But I strongly opposed to the fact that we want to reorganize ICANN taking into account the speed of the automation within the WSIS or within the (ITIA).

ICANN is not organized the same way and I don't like that we use the same wording for the different combination composite of ICANN. And I can come back with proposed text but since long time I think it's not a good idea to take the wording of the WSIS or the IGF.

And if we have to change within those respective jurisdictions to the respective roles it needs to reorganize all the (unintelligible). And that's why I want first we fix also the composition what is private sector. And from my point of view private sector is the providers, the business users, individual users, and the technical community. It's not the wording here. And I will not be able to approve it. Thank you very much.

Leon Sanchez: Thank you very much Sebastien. This is noted and of course will be taken into account. Next I have Kavouss. Kavouss could you please take the floor?

Kavouss Arasteh: Look Sebastien we are not putting ICANN under the WSIS. We just try to find some solution. If there is any book no matter what book is there is something which serves to solve the problem we could take it. Are you looking for single Sebastien or for (sign)?

I'm looking for (sign). And the (sign) is within their respective roles and responsibility, no matter whether it comes from this book or that book. Don't be so tough saying that ICANN does not vote in the government. It is quite clear ICANN does not vote in the government. We are not saying that.

We just find something - we found something somewhere and that is WSIS. Forget about WSIS. Within the respective role and responsibility. I don't understand (unintelligible) of the people with respect to the government. It doesn't work. Don't expect any collaboration. This is hostile provisions you are taking Sebastien. Be careful.

Leon Sanchez: Thank you very much Kavouss. I see (unintelligible) hand is up but I'd like to (unintelligible) one fact that we have referred to WSIS but this doesn't mean that we are reorganizing anything into WSIS or anything like that. It's just that this seems to be a good work that will help us breach the gap between what we've been discussing and the occupations of the different stakeholders within the group.

So I think we should move forward and we do have one objection but that objection will be noted and I think that the major traction here is that we would be amending this (freighting) to include the (freights) we just spoke about within their respective roles. And this should be just something that could let us move on.

I will go back to Sebastien just to let him react since he's been personally alluded. So Sebastien could you please take the floor?

Sebastien Bachollet: Thank you very much. I don't think that it's a good idea to take people point of view and changing it. I was referring to one part of the sentence and that was the other part of the sentence. And I have no problem with adding "in their respective role."

I am just not agreeing at all with the way the private sector is described. We need to describe it as it is within ICANN, not it is within other organizations. And if it's not clear it may be because of my English but I don't think I have

attacked any government in my private speech. And I would like to be respected as well as the other in my point of view. Thank you very much.

Leon Sanchez: Thank you very much Sebastien. So moving forward with regards to the discussion on human rights, I spoke earlier about a proposal that was made by (unintelligible) on the very sensible discussion that was happening on the list.

And we also have of course translated into one question that Ed Morris raised. And we have tapped our lawyers to answer this question. And we should have an answer in a very short time. So we will be getting back to the rest of the group with the answer to the question that was proposed.

And the question is that how the change in the relationship within the U.S. government and ICANN could affect any - if anything the way that ICANN needs to comply to human rights. And the suggestion made by Steve was that we could of course refer human rights in the bylaws so far as it didn't impact the contracted parties' obligation and it wouldn't lead us to push ICANN into mission creep.

So I would now like to open the floor for the lawyers to tell us whether the questions that have been certified is clear enough or if you need any further clarification on our side. So I guess Holly is on the call and I would like to check with Holly the question that we certified is clear enough or if you need any clarification. Holly.

Holly Gregory: Thank you Leon. The question is very clear and we're working on it. We're hoping to get you an answer within 24 hours from when you gave us the question. That's our goal.

Leon Sanchez: I see Cameron Kerry's hand is up. Cameron? Cameron you might be on mute.
Okay I see Cameron's (unintelligible).

Cameron Kerry: Can you hear me now? (Unintelligible)

Leon Sanchez: Yes I think we're losing...

Becky Burr: I think Cameron is in a car and it may be that we're having difficulty hearing him. I had asked him to take a look at this issue.

Cameron Kerry: Can you hear me now?

Becky Burr: Yes we can.

Leon Sanchez: We can listen to you Cameron.

Cameron Kerry: Okay. Yes so I think the basic answer which we'll be able to detail a little bit further with (persistence) with like...

Leon Sanchez: I'm sorry Cameron. Could you please speak up? We listen to you but very far away so...

Cameron Kerry: Let me try it without the headset. The basic answer is there are a few limited obligations that apply to ICANN under the federal acquisition regulations that are incorporated by reference into the current functions contract.

But beyond that there are not the broad human rights obligations that will incorporate the variety of international treaties and otherwise that is - specific obligations that we'll enumerate for employment discrimination, anti-trafficking and a few others. But these are quite narrow in (unintelligible).

Leon Sanchez: Thanks Cameron. I don't know if you finished or if it just cut out. Okay so the suggestion would be to of course try to compromise. And I think that we could discuss each suggestion which seems to be reasonable.

I see Avri's hand is up. Avri could you please take the floor? Avri you might be on mute. Avri we are not listening to you. Could you please change your mic?

No we're having trouble listening to you. We definitely don't listen to you so it might be some kind of technical problem. No we're definitely not listening to you Avri.

Grace Abuhamad: Avri this is Grace. Would you like a dial-out? We can dial out to you if you send us a number.

Leon Sanchez: So while we're waiting for Avri to maybe get dial-out or we're able to fix the technical problem that she's facing I would like to - I see that the discussion on the text continues. So I think we could just close the discussion by testing if we want to remove additional text and just focus on roles and responsibilities. I think that should also be a way out and a bridge to find a common solution here.

And would there be any objections to use this kind of language and of course may need remove any additional texts from this (unintelligible)? Okay so I see no objections to going with this language and removing any additional text. So that is in agreement. Okay I see Greg Shatan's hand is up. Greg?

Greg Shatan: Hi, what was the language that we are agreeing on? I see there's other people not clear on this as well so can you repeat the text before we agree that we agree?

Leon Sanchez: Yes we are going back to the discussion with regards to governments and the phrase that was commented earlier with regards to "within their respective jurisdictions." We had at one point a debate on whether we should go with changing that phrase to "within their respective roles" or "within their respective roles and responsibilities" and just taking into account the public policy, etcetera.

So there are suggestions that we could just finish the sentence by saying "responsible for public policy within their respective roles" and then strike the rest of the text that's besides that language. So what I was - I'm sorry, I'm a little bit confused here. So Thomas would you like to clarify this?

Thomas Rickert: Sure. We had a proposition against the additional text within the respective jurisdiction. There was a compromise offered by Kavouss to use the term "roles." We then discussed roles and responsibilities. Both of these suggestions also got some opposition and now the proposal is that the sentence would read, "Responsible for public policy and duly taking into account the public policy advice of governments and public authorities."

So we would not have any inserted text between public policy and unduly taken into account. And this position was suggested by Sabine and supported by Megan and maybe there were others that also liked it. We would not add any additional text.

Leon Sanchez: Thank you Thomas. So that is what will become an agreement. I see Kavouss's hand is up. Kavouss please take the floor.

Kavouss Arasteh: That is the old hand, sorry. I'm sorry, that's the old hand.

Leon Sanchez: Thank you Kavouss. And next on the queue is Robin.

Robin Gross: Hi this is Robin. Can you hear me okay?

Leon Sanchez: We can.

Robin Gross: Okay so I have a concern about leaving the text as "recognizing the governments and public authorities are responsible for public policy." That doesn't really seem to fit with the multi-stakeholder model where we share those responsibilities, where in particular for example when it comes to gTLD policy, the GNSO is who makes that - makes those policy recommendations. It isn't government.

So this seems to be somewhat the opposite of what multi-stakeholderism actually is. And so I'm concerned that when we take out the restrictions - like within their respective jurisdictions - that we just - we are forgetting that these other stakeholders in multi-stakeholderism also have a role to play in making public policy.

So I'm concerned about just leaving it with - at the end of responsible for public policy and...

Leon Sanchez: Thank you Robin. Next in the queue I have Greg Shatan.

Greg Shatan: Hi, Greg Shatan for the record. I guess part of the issue is the confusion or blending, complaining of the terms policy and public policy. And perhaps the concerns by some that the GAC may sometimes speak or have a voice on

policy beyond public policy concerns in terms of Internet policy or ICANN policy or DNS policy to be more specific.

And there is a balancing concern here. On the one hand I am sympathetic to the concerns that the governments have raised and the understanding that governments as a whole have a public policy role as, you know, collectively on international public policy.

On the other hand there are times that I have been concerned about what I call the - and I apologize for this to my esteemed GAC colleagues - the GACification of ICANN where it seems that getting around GAC advice even when it is - seems like something that should be disagreed with or where it's in direct conflict with policy recommendations of the GNSO but doesn't seem to be a public policy concern, that nonetheless these issues don't seem to be resolved in any way other than the GAC way.

So there is an underlying concern here, an underlying balancing issue that needs to be dealt with, but I'm not - I don't think this language that's added here is the right instrument. I think we have some discussions that need to be had about the respective roles if you will within ICANN of the different body and stakeholders. It's a delicate discussion and...

But I think that just saying that governments in essence have no public policy role outside of their respective jurisdiction, which is the opposite of, you know, it's a corollary to what's being stated, is not correct. And that's why this language doesn't work even though it's coming from a place where I share the concerns that caused these to put in in the first place.

So I think we need to recognize that there's an issue but also recognize that this language doesn't solve that issue, creates other issues and that the

respective roles and responsibilities language causes even bigger issues. And so we need to find another solution for this problem, but I don't think this language in the bylaws does it. And the other language certainly does not. Thanks.

León Sanchez: Thank you very much, Greg. Next on the queue I have Mathieu.

Mathieu Weill: Thank you, León. I would like to draw our attention that it's been almost an hour we've been discussing this topic and we have a list of about 20 others. And I'd like to also commend Work Party 2 for actually accommodating a number of, a strong number, of other input that we received through the public comments in this section, and we're down to a forward edition, which obviously is - I'm hearing a lot of traction for removing those four words.

And I think that's already a very good way forward and I suggest we close the discussion very soon, maybe even -- and I'm supporting Jordan's comment in the chat -- by looking - assessing how many - whether he have objections to removing those four words and moving forward, because we have many other topics to discuss in this call, and they're important as well. Thank you.

León Sanchez: Thank you very much, Mathieu. And I will definitely call for some consensus at this point whether we agree or not to remove those four words from the texts. So could you please signal with a green tick or red cross whether you agree on removing these four words. Tick to delete these four words, and of course put a cross if you don't agree with removing the words.

Malcolm Hutty: By that you mean remove the four words and do nothing else?

León Sanchez: Okay so I see a majority of green ticks and only two red crosses. Three, three crosses. And the rest are green ticks. So I guess the consensus is to move forward by removing those four words.

Okay I don't know if Avri if you - do you have a mic now. Malcolm, are you - do you want to react?

Avri Doria: I don't know. Do I have mic?

León Sanchez: Yes you do.

Malcolm Hutty: Well I don't know, Mathieu came in and really closed the discussion before I chance ahead of me. So I guess my intervention on that topic is not moot, is it?

León Sanchez: Well if you keep it short, we would definitely like to listen to it. But we've already decided on the issue to removing the four words.

Malcolm Hutty: What this argument was about was a much broader issue. So it's not really about another ICANN issue, which is what is the role - what role of governments and public authorities in this space. I was going to suggest that we can simply avoid this by not speaking to what the role of it is, by not defining that within this text, but instead by simply saying we recognize the role and responsibility of governments and public authority. Because the text might say...

León Sanchez: I'm sorry to interrupt you. I think we've jumped that bridge already and I'm sorry...

Malcolm Hutty: Yes thanks, Mathieu, for cutting me off.

León Sanchez: I am really sorry about that. We have to discuss the human rights issue too. And, Avri, could you please take the floor at this point?

Avri Doria: Yes, this is Avri speaking. So sorry for the mess before and for having been late. When we were getting (unintelligible), the responsibility list, what I wanted to ask was a clarification question was that discussion on what a corporate responsibility was or what on the U.S. government and hence NTIA's responsibilities were vis-a-vis its duties, its responsibilities as a duty bearer for human rights. And I was just trying to clarify at that time when you said there were no additional responsibilities to international law whether it was in relation to corporations or the government itself. Thanks.

León Sanchez: Thanks, Avri. I think that Holly Gregory has her hand up. So, Holly, could you please reply to that?

Holly Gregory: Yes I will. And I also replied in the chat when Avri posted her question. I believe Cam was addressing the first question that you all posed about once the NTAG contract is transitioned what - do ICANN's obligations regarding human rights change in any way. So that was really about sort of the position of the government contractor. We will provide within 24 hours a fuller answer that also addresses the corporate obligations.

Of course corporate obligations are largely driven by their obligations to comply with the laws and regulations of the jurisdictions in which they operate, which laws and regulations reflect in many respects the jurisdictions opposed to human rights. But we will flesh that out for you, Avri.

León Sanchez: Thank you very much, Holly. And I see Avri's hand is up again. Avri?

Avri Doria: Yes. Okay. So - and perhaps this question makes it slightly more complicated, but so as a contractor none of the government's responsibilities, human rights, fell to the (unintelligible) and I guess I accept that, although I thought it was more. But I accept that.

Holly Gregory: Avri, we're not saying that there's nothing, we're saying there's (unintelligible) when you look at the other kinds of obligations. So for example, obligations not to discriminate. You also have those in other federal laws and things. So net net we don't see any significant change, but we'll have to describe that in a little bit more detail for you.

Avri Doria: What I was trying to ask though is NTIA as oversight for ICANN maintained responsibilities for human rights. And so I guess this is in between those responsibilities traverse by contract, and you're saying no. But did NTIA as overseer - as oversight of ICANN maintain a human rights responsibility for our actions?

Holly Gregory: We will have Cam answer that question in detail within the 24 hours, but as I understand it, and I was asking for a bottom line question, he was saying that there is not a significant change in the obligations of ICANN when the NTIA contract is no longer with the U.S. government.

León Sanchez: Thanks, Holly. Thanks, Avri. As Holly said, we should have more light into this within the next 24 hours. I would like to continue to review Keith Drasek's proposal, and I think that that would be also a way to bridge the gap between the different positions that have been under discussion.

And we could add some language that would refer to human rights and international law, but we would need to be keep it narrow enough so that we wouldn't push ICANN to quit its mission and of course go into a role that

would not be in compliance with their bylaws. So I think that could be a way out and we'll wait for the lawyers to come back it up with the answer to the question.

And now I'd like to open the floor if there are any other comments with regards to human rights. And if there aren't, then we would move to our next agenda item. I see Avri's hand's up again. Avri?

Avri Doria: Apologies again. Greg wrote, "Please recap Keith's proposal," and I'd appreciate that as well. Thanks.

León Sanchez: Thanks, Avri. So we would definitely look into the legal advice, and depending on what the legal advice comes back to us with, we would then might see (unintelligible) issue. So I would like now to turn to Mathieu for the next agenda item on fundamental bylaws.

Mathieu Weill: Thank you, León. This is Mathieu Weill speaking. And we are reaching item number two on this list, and so I will try to keep the introduction very brief. Item - this item is the fundamental bylaws section of our work. It's been drafted by Work Party 1, and I'd like to draw everyone's attention straightaway to the one topic that remains a bit open, which is a question for the legal advisors actually about a sentence that is currently on Page 3.

It's underlined in yellow. And it's about what would be required to change the articles of incorporation to move ICANN's headquarters out of California. What's currently written is that the change to the articles would require a two-thirds vote on the board and a two-third vote of the community mechanism as sole member. And we wanted to get confirmation from legal on that. And I see Holly's hand is up. I don't know if it's an old hand, but I'm glad to turn to Holly for an initial response about this.

Holly Gregory: Well it was an old hand. I don't have your articles of incorporation in front of me so, but I believe it's a two-thirds vote of the board. Whether it's also a two-third vote of the community mechanism, you know, the articles currently don't specify a vote threshold and what you're going to provide in the bylaws and in the articles. So a bit of an open issue.

I believe Rosemary's on the phone and she may have more recently looked at your articles of incorporation, so I open it to her in case she wants to reply. And by the way, we will certainly seek out that document and take a look and give you an answer.

Mathieu Weill: Thank you, Holly. Rosemary?

Rosemary Fei: Yes thank you, Mathieu. I understand that what this is saying - is this sentence regarding the current law of the current bylaws and articles and governance, or is this about what you want? Because I thought this was about what you want in the future that a change to the articles would require in the future a two-thirds vote of the board and a two-thirds vote of the community mechanism as sole member.

If that is what this is about, then you can - it is legal to set a supermajority requirement, voting requirement, for the board to approve an amendment of the articles and you are able to set whatever level vote you want within the community mechanism as sole member for a change to the article.

So if I've understood what this is, then - or if you're asking what it currently requires, I think Holly's right, although I also don't have your articles in front of me, but the reason I (unintelligible) mechanism now for sure, because...

Holly Gregory: Rosemary, I see that somebody has posted - staff has very helpfully quoted the articles. It says that that the articles may be amended -- this is the current articles -- by the affirmative vote of at least two-thirds of the directors of the corporation. When the corporation has members, any such amendment must be ratified by a two-thirds majority of the members voting on any proposed amendment. So I believe that that's in the current language of the articles of incorporation as posted to the discussion by our very helpful staff. Thank you.

Mathieu Weill: Thank you. That was Steve DelBianco. Jordan, would you like to follow up on this?

Jordan Carter: Yes. Thanks. That's Steve who's a participant who posted that in. And really the text is in yellow is because the articles as quoted, it says two-thirds majority of the members. There's only going to be one member. It's either the member votes for or against it, and that it - that's not even two-thirds, it's the full member of the members.

So really the question, what we legal need to confirm is whether two-thirds of the board and two-thirds vote of the community mechanisms as sole member is lawful. My belief is that it is lawful, because it's just saying what the threshold will be for action by the single member. So that's what we need to have confirmed, and I think you can say yes. But you're the lawyers.

Holly Gregory: We will say yes. The sole member, because there's only one member, you have a unanimous vote of a member at the member level, so that easily ratifies this current two-thirds majority of the member. And we can write the bylaw to have whatever threshold the community wants to cause that member to cast that sole vote, that unanimous vote. So my answer, Jordan, is yes.

Jordan Carter: Yes, so I think it's - yes thank you. And I think it's two-thirds.

Mathieu Weill: I think the question for us now, once we have this question clarified, is to make sure we have no objection to what's written in this section so that we can move to the next section. And, Jordan, please correct me, but I think that was the only outstanding item we had on this.

Jordan Carter: The only other thing to mention is that in our previous list of fundamental bylaws, we didn't mention the community mechanism as a sole member. So that's now up there further up the same page, item number five. Everything else you've seen before.

Mathieu Weill: Thank you. In a short and concise way, but if you have anything to significantly object to on this document, now is the time. I see Greg's hand is up.

Greg Shatan: That's an old hand.

Mathieu Weill: Okay. And, Rosemary, is that an old hand?

Rosemary Fei: No that's a current hand.

Mathieu Weill: Do you have an objection? Please.

Rosemary Fei: I do think the language is misleading. I think what it says now is that under your existing documents a two-thirds vote of the community mechanism as sole member is required. And what is accurate is once you have a member, which will be one member, it will take - to change the articles of incorporation it would require a two-third vote of the board and the vote of the community member, the sole community mechanism.

Mathieu Weill: Thank you. I think that's an important point you clarify. Indeed. Alan?

Alan Greenberg: Thank you. No objection, but a clarification of what Rosemary just said, number one. It's the vote of the community of the sole member triggered by a two-thirds vote of the community mechanism or something, whatever the right words are, to do that.

And I just wanted to add a caution that two-thirds of the community mechanism vote is subject to the overall voting rules that (Bernie) and I are working on. We're in WP1. Because there may be some other conditions to handle abstentions and things like that. So just noting that the two-thirds is subject to some other conditions, which we'll be talking about later.

Mathieu Weill: Thank you. Kavouss, and then we'll move to the next item. Kavouss?

Kavouss Arasteh: ...member of the board, sole board member. You should have triggered by two-thirds of majority of those authorized, so that will be accepted by. Yes. So Alan's wording is correct. The only thing you put in the proper context. Thank you.

Mathieu Weill: Thank you, Kavouss. The beginning of your sentence was - I could not hear. But from the last part of your intervention, I understand you're requesting the clarification of the language so that we have the proper context.

Kavouss Arasteh: Yes.

Mathieu Weill: And in that - with that, I think we can consider that - we can task Work Party 1 to clarify the language, as discussed during this call and consider that we have agreement on this section. And with that, thank you all, I will move to Thomas for the section regarding the IRP. Thomas?

Thomas Rickert: Thanks very much, Mathieu. And in this part of the call, we're going to discuss the remaining questions on the IRP. And for that I'm going to hand over to Becky.

Man: I don't hear...

Becky Burr: I am here. I'm sorry I was muted. Unfortunately I have not been able to upload the corrected documents, but I do believe that we actually resolved all of the issues with respect to the IRP yesterday. So the - and I think that we're not going to use the sample bylaws language for this one. But the - I'll just walk you through this issues that we talked about and the resolution.

We talked about the selection process, and I believe that the current view is that we would work with a provider to identify qualified candidates, provide candidates to the board, the board would nominate them, and the community would confirm them. We - on size, we have agreed to a minimum of seven members of the standing panel with a follow-on process to determine the proper size as we go along because we think that there are - that there may be some changes that are needed.

We've agreed on review panels of three members each, and on further consideration, we felt that there was no value to having single-member panels that wouldn't be binding. We agreed that there would be an appeal mechanism. We have a tentative standard, a clear error of judgment or application of an incorrect legal standard, but that is subject to revision. We propose a fixed term of five years that is nonrenewable.

With respect to settlement offers, we've - settlement efforts, we would propose to have either the constructive engagement process or a one-party selection

mediation. And we note that Work Stream 2 will involve a clear examination of the CET process. And then there would be a CCWG subgroup assisted by counsel and with appropriate experts to continue working on implementation details as part of Work Stream 2.

Thomas Rickert: Thanks very much, Becky. That's very helpful. Just everybody please note that this is the state of the art of what the subgroup has come up with, so I hope that we can pretty much trust their assessment and not reopen the discussion on the individual items.

I see Tijani's hand is up. Please, Tijani?

Tijani Ben Jemaa: Thank you very much, Thomas. Thank you, Becky, for the work you are doing, and I see that you already addressed the issue of the community. That's very good. I am abroad and I am in area where there is not a good Internet so I have missed I'm sure a lot of things. Did you address the issue of your period of consideration and did you address also the one - the level of binding - of binding? We say the things are binding for the board, but at which level, at which expense is it binding? So that's the two questions I wanted to ask you. Thank you.

Thomas Rickert: Thanks, Tijani. Becky, do you have an answer for that?

Becky Burr: I'm sorry, I was having trouble understanding Tijani.

Tijani Ben Jemaa: Do you want me to repeat? Or perhaps, Thomas, you could repeat if you understood me? Hello?

Thomas Rickert: It's on the length of term and to what extent it is binding to the board?

Becky Burr: So the length of the term, the agreement was five years with no possibility of renewal from - in order to preserve the independence of the panelist members. And although the decisions are binding to the extent permitted by law, that the decisions would come down as a yes this violates the bylaws, no this doesn't violate the bylaws. If there was a decision that it did violate the bylaws, then it would still be up to - the multi-stakeholder process would still have an avenue for talking about the way in which the decision was implemented. So GAC could provide advice, and the community could as well.

Thomas Rickert: Tijani I hope...

((Crosstalk))

Tijani Ben Jemaa: I believe it was a good, the response (unintelligible) of the period. She said one year?

Becky Burr: Five years.

Tijani Ben Jemaa: Five years. No, no, the period of continuation of one issue. If you have an issue that you bring to the IRP, how long the IRP would seek to decide on this issue? This is my fear.

Becky Burr: Six months, and if the panel cannot issue a decision within six months, it would issue a report that includes an estimated schedule for completion. So in the ordinary course, it would be six months maximum, but we understand that in some cases the, you know, the panel may not be able to make a decision but it can't just keep us in the dark, it has to issue a status update and tell us where it would be - where it is and when it expects to complete its work.

Thomas Rickert: Thanks very much, Becky. And I'm sorry to have added to the confusion because I had misheard Tijani on that aspect. Kavouss is next.

Kavouss Arasteh: I think there are some things in the chat which is totally disturbing. (Mark) says that GAC should approve the GCSM. What is the role of GAC to do that? That means everything is binding to the GAC approval? I don't understand what (Mark) is saying. It's very difficult to understand that language.

Thomas Rickert: Kavouss, I do agree, but Greg has asked Mark for clarification in the chat. And I would really urge us to stick to the topic that we're just discussing. It seems like the chat is dealing with different topics in parallel. So I would like this discussion to remain focused on the IRP.

Kavouss Arasteh: Okay. I have one question. I will take it later once you finish this item. Okay.

Thomas Rickert: Thank you very much for your understanding, Kavouss. Let me now ask whether there are any concerns or objections to the recommendations of the sub team?

Kavouss Arasteh: Are you talking about IRP or other things?

Thomas Rickert: We're only talking about the IRP at the moment. So I'm double checking with the group whether there are remaining concerns with the IRP. And, Tijani, I understand that's a new hand. Please fire away.

Tijani Ben Jemaa: Yes thank you very much. Yes I have a concern about the period of consideration, because six months in the normal status is too long. Because in case of a problem (unintelligible) as it was the case for the last time, it could be years. And if you have a long time, as you would the find the parties to try

to - to find a way to win by any means, and this is, for me, room for gaming the system. So if it was three months expandable to six, now it is six months and it could be two years. Thank you.

Thomas Rickert: Thanks, Tijani. I think that the predicament is still that, you know, certainly the panel shall make a decision as expediently as practically possible. And if they reach the six months time period and if they are forced to publish a report on where they are, I think that is an encouragement for them to speed up. I will ask Becky to provide additional rationale, because I'm sure that the group has been discussing this. So your concern is well noted. I think we can't clarify this here, so let's please move to the next speaker in line, which is Kavouss. Please.

Kavouss Arasteh: Yes, Thomas. Could you please allow me to talk with Becky? We raised the question of GAC consensus advice, if it is objected by the board, come back and with the reasons. If the reason is not acceptable, they should find some solution. And the other way we agreed that a satisfactory solution to be found consistent with the bylaw. Is that language now included or not? Because I don't want the GAC advice to be on the air. It should be resolved no doubt in - yes, is it there?

Becky Burr: No, no. The GAC advice language stays exactly as it is in the bylaws right now.

Kavouss Arasteh: Okay.

Becky Burr: If it's not consistent with the bylaws, then somebody can bring an IRP to say that ICANN has violated its bylaws. But it has no effect on the GAC advice or the need for the board to work with the GAC to find a mutually acceptable solution.

Kavouss Arasteh: That means the GAC as well is not subject to the IRP and there is no binding on the GAC advice if it is not accepted by ICANN. That is the question once again.

Becky Burr: It's not - the GAC advice - ICANN has an obligation to work with the GAC to find a mutually acceptable solution if it disagrees. There's no - there is no IRP on GAC advice.

Kavouss Arasteh: Very good. Thank you.

Becky Burr: There is an IRP on ICANN's implementation.

Kavouss Arasteh: Perfect.

Thomas Rickert: Thanks very much, Kavouss and Becky for the clarification. Malcolm?

Malcolm Hutty: Thank you. You asked if there was support for this. I support this completely and the work of the working group and Becky's input. However, and this is bordering on a point of order, we don't actually have the text in front of us yet that reflects what Becky has reported or what the work has done, and neither has the working group party seen the text that writes up its last meeting. So I wanted to state that for the record. We will still need the opportunity to check, not the issues, which we can agree, but if the text properly implements the issues that are being reported.

Becky Burr: Yes I'm really sorry. For some reason, I am not able - this document is not uploading. I have implemented it and I'm trying to send it around as quickly as possible. So hopefully during this call.

Malcolm Huty: It wasn't a criticism, Becky. We are all working very hard up to the very last moment, but we will need to check it because it's crucially important to get this right. I just needed to put that on the record. Thank you.

Thomas Rickert: Thanks, Malcolm. I guess that's helpful. Certainly everybody should have the opportunity to read the full text, but I note that with the exception of Tijani's concern, which is well noted as a concern, Tijani I understand that your point was not meant to be an objection against what we're doing but that you're concerned what happens beyond the six months.

And Becky will come up with an answer to that and maybe we can tweak that by let's say asking for a report every months or, you know, in other intervals beyond the six-month period to increase pressure on the panel to come up with a decision quickly.

So with that I would like to close this agenda item. Kavouss, is that an old hand or a new hand?

Kavouss Arasteh: ...would like to know the participation of AC within the community mechanism sole members like others, and he said that he will cover the point. I would like to know what happened to that issue. Because the number of votes, not downgraded, decreased from 25 to 20 and GAC was excluded. I want to know whether GAC got back into the participation in the issue or GAC is excluded. So that is the question that I ask - that I would like to ask him kindly if possibly he's obliged to that.

Thomas Rickert: Kavouss, we will get to that point. Let me now close the agenda item on the IRP. And I would like to hand over for the next part of our agenda to León, and that is on reconsideration.

León Sanchez: Thank you very much, Thomas. This is León Sanchez again. And our next agenda is reconsideration. I think that Working Party 2 has reached agreement on this part of our document. There are really no key issues to discuss at this point, so I would just turn to Becky just to confirm that we have agreement on this part of our document. So, Becky, could you please?

Becky Burr: Yes, we went through the draft yesterday. We agreed on open issues. We looked carefully at all of the comments, and the big change will be that the ombudsmen rather than ICANN staff will get reconsideration requests initially. And I have confirmed with (Chris Lahat) that is a acceptable, indeed desirable, outcome.

León Sanchez: Thank you very much, Becky. Are there any comments or suggestions with regards to this section of the document? I see Tijani's hand is up, but I believe that's an old hand. I just want to confirm. Tijani, is that an old hand?

Tijani Ben Jemaa: It's an old hand.

León Sanchez: It's an old hand right?

Tijani Ben Jemaa: It's an old hand. Hello?

León Sanchez: We're listening to you, Tijani.

Tijani Ben Jemaa: An old hand. Okay perfect. So next in the queue I have Alan Greenberg.

Alan Greenberg: Thank you very much. With regard to Becky's last comment on the ombudsmen, which I support in principle there, but do we need to consider that at the moment the ombudsmen serves as the pleasure of the board? And

that perhaps puts the ombudsmen in a position where he or she is not really able to, you know, make decisions with impunity.

Becky Burr: That's a very good point, Alan. And the draft report will say that the ombudsmen role and independence is being evaluated as part of Work Stream 2 in order to ensure that the ombudsmen has the necessary independence to fulfill its role.

Alan Greenberg: Thank you very much.

León Sanchez: Thank you very much, Alan. Thank you very much, Becky. So having no further comments and thanking Becky for leading us through this, I would like to go back to Mathieu for our next agenda item.

Mathieu Weill: Thank you very much, León. And we're getting to the community mechanism discussions, which were dated by Work Party 1. And while the document is being uploaded, it's available on the wiki as well. I'd like to mention two key items out of these discussions.

Number one, we've had a number of e-mail discussions about the ICANN community assembly practical modality, and I think the proposal so far is to keep it at the very high level in our report in terms of principals, that there is a discussion taking place with the whole community before a decision is made by the community mechanism, but leave implementation for later. And that's been added to Work Stream 2 items.

And then there's a second question which is about the voting weight, and that's the question Kavouss raised slightly earlier. And to introduce this, I would say that, number one, this cannot be moved to Work Stream 2 because that's

obviously a very important aspect of the way we can build the new model. So we need to come up with something.

Number two is the request that the report mentions that the GAC or SSAC or RSAC might join at a later time the voting system, and that will - that has been added to the document. And I'll turn to Jordan to explain how. And number three is the question about the respective weight of all of the organizations within the system, with the current proposal being five each on the basis of the respective weight.

So with that introduction, Jordan, do you want to explain a little bit how you updated the document following last - yesterday's call?

Jordan Carter: Yes I can do that. So the one that you've got in front of you now is the kind of narrative description of the community mechanism as sole member, and this takes account of all the lawyer feedback on that paper and just has some modest redrafting things for clarity and layout and so on. So there are no substantive changes to this paper that's on the screen in front of you.

It's quite a heavy read but it gets through all the stuff that's appointed there, and none of it is a surprise. So I think that if we go to the next paper if we could, the 5A2 that talks about the voting weight. So I'll just present all these three first and then we'll come back to the discussion, if that's okay. So people can choose which they want to discuss.

And this is - this one took into account what was discussed on the call this morning. So the - there were - the bits about the implementation are highlighted in yellow. So it has the four SOs and ACs who said they're going to participate with five votes each, and it has the three other ACs that exist in ICANN with five perspective votes each. And most of the two paragraphs

under are the same except an explanation of what an SO and an AC is is deleted.

And then in the yellow text, it basically says that at the moment that the top four are going to participate but that the bylaws would include the list of seven with five votes each. And it says that if an AC was to decide to participate, it would resolve to do so by its usual processes and give notice publicly. And three months after that notice, it would then be able to start voting and participate as a voting member of the community mechanism as a single member.

Now it seemed also reasonable to me, and bear in mind that these changes haven't been discussed in WP1 yet, they're going to be discussed in about five hours in WP1, which is going to be great, that if there is the right to enter, there should be the right to exit. So the last yellow paragraph on Page 1 does provide for that. But there'd be a longer notice period proposed, 180 days.

And then finally, to avoid people darting in and out of this system at whim, I've suggested that there should be a holding period of a year. So once an SO and AC join or leave, it can't reverse itself within one year from the end of the notice period.

So that just gives us a bit of stability and consistency in the votes being cast and not being cast. It ensures that the voting allocations are in the bylaws upfront in the bylaws changes required for any of the three other ACs to start participating. But it does also note that if a new AC or a new SO is created, incorporating that, A, in the first place will require bylaws changes; and, B, it should require bylaws changes as well to include them in this.

So that's the voting side of it. And the last part of this that we're just working on now is about how those thresholds work in terms of quorum counts and so on, and the thresholds whether they're absolute numbers of votes and so on. I'm sorry it's so late, but there will be brief text that deals with that in the simplest possible way at the WP1 meeting, and we'll - that'll be what goes in the comment report. And if we get pushback or new ideas, we'll do it then. We've just run out of time.

And that's the voting one. So if we could just put up as well, before we start the discussion on this, the paper that's the community mechanisms, the form, sorry, 53A I think is the title. And so the instructions for this were to take it away from being a concept - from a specific concept to being a general impression.

So this was almost entirely new text. It just makes the point that that the discussion would happen before power was exercised and among other things, it would give the chance for advisory committees that aren't voting to give their advice and insight and recommendations to the members before they vote. It doesn't specify any requirements, and an importance difference from what Mathieu said, development of this is proposed to be part of Work Stream 1 in implementation, now the work of Work Stream 2.

So concretizing it would be a piece of work that would come to a bylaws proposal for the community to review as part of work stream implementation. It wouldn't be delayed for 9 or 12 months. And that implies that we can do some work on it during the period of the public comment period and maybe get some bylaws drafts for the parties to look at in November or December.

So that's my summary.

Mathieu Weill: Thank you, Jordan. Thank you for correcting me on the implementation, which is actually distinct from Work Stream 2. So we have a speaking list, and I think we should probably start by tackling the most contentious discussion, which is probably on the voting weights and accommodating for new organizations. So I'm turning to - Tijani, I assume that's still your old hand so I'm turning to Malcolm.

Tijani Ben Jemaa: Yes it is an old hand and I couldn't lower it.

Mathieu Weill: Thank you, Tijani. Malcolm?

Malcolm Hutty: Thank you, Mathieu. There is a part missing from the SA1 section in describing the functions of the sole member. One of the important functions of the sole member and one of the major reasons why it was selected, was because it would be, as a member, would have the authority to require ICANN to enter into the IRP in a dispute where the IRP ought to be made available according to the bylaws and this could, as a last resort, be backed up as necessary by proceedings.

That's not reflected in the SA1 section at the moment. It only speaks about that in relation to the dispute over the use of the - the powers of the sole member, whereas it should actually be in relation to all disputes. So I would ask that that be corrected.

Mathieu Weill: Jordan, can you confirm that's your understanding as well?

Jordan Carter: I don't understand whether that's just a natural power of the member because it's a member of whether it's something that needs to be specified. So, Malcolm, if you could do me a huge favor, if you could write me a short e-mail on that and if you could copy Leon into that e-mail, or just to the

Working Party 1 list. And, Leon, I'd ask you in turn to pass it onto the lawyers to just check.

Malcolm Hutty: Okay I have sent an e-mail about well probably an hour and a half ago now I should think, but I believe that this is a natural power of it as a member but I still think that it needs to be draw out as an important aspect of what we are proposing in the public comment document because it is one of the major reasons why many of us support the sole member model.

Mathieu Weill: Thank you. We'll take that on for Work Party 1 anyway.

Jordan Carter: Thank you.

Mathieu Weill: Alan, you're next.

Alan Greenberg: Thank you very much. Just one brief comment, and I know this is going to be debated in WP1 later in the day. I question the 180-day delay before someone can back out of voting. That essentially vetoes any community action during that half year period. So I'm not at all convinced that that's something we should do. If the group doesn't want to vote, they perhaps should be able to get out immediately and stop anyone else from taking action. Just a thought, and it will be...

Jordan Carter: Sorry, Alan. There's no - I don't understand how it possibly has that outcome.

Alan Greenberg: If they choose not to vote in any action that happens over that next six months, there's a good chance that action will not pass because of the lack of their voting. And that's a concern.

Jordan Carter: I see. So would you propose a symmetrical threshold or...

Alan Greenberg: Because of the threshold. They will be taking so many of the votes out of circulation that it may be almost impossible to take any action. Just a thought, and we'll talk about it later. Thank you.

Mathieu Weill: Thank you, Alan. Kavouss? Kavouss, we can't hear you.

Kavouss Arasteh: Yes my question is on the voting weight. There is three asterisks against GAC, SSAC and RSAC, what this asterisk is and where is this asterisk (unintelligible)? Could you go to that page? I see the three asterisks, but I don't see any explanation about the asterisks, what does it mean. Is there any text related to these asterisks?

Jordan Carter: You're quite right, Kavouss. When I wrote the asterisks, I meant to add it directly under the table and then explain what it meant, but I forgot. What it means is these SOs and - these ACs have not yet confirmed whether they wish to participate in the community mechanism as a single member at the time of this public comment report. So that's all that it means.

Kavouss Arasteh: Do we need to say that this is a public comment issue or should that remain internal for the time being? So would that create some doubt about this three (unintelligible). Do we need to put it in the public comment?

Jordan Carter: We certainly have to respect the fact that the information we've had so far from the SSAC and RSAC is that they aren't intending to participate, and we have to draw people's attention to thinking about the voting mechanism with the possible scenario of 20 votes. So I think it is reasonable to distinguish between them. If people think that it isn't reasonable, then we can remove them. But, you know, the text does mention the same thing. So it was just to be consistent with the text.

Kavouss Arasteh: Sorry, Jordan. You're right, but you have to differentiate between the two that have at least more or less saying they don't want and the GAC, who has not yet decided. So they should not be treated the same, similarly. They're two different asterisks. One, the two, that has I noted they don't want -- I don't know to whom they have told that, to ICANN -- but the other one, the GAC who has not decided yet, so they are not the same asterisks. Thank you.

Mathieu Weill: I suggest that we do just the following. We do maybe different asterisks for each and provide a specific explanation for each and where they stand with this question at this point, based on the input we've received in the public comment or for the GAC during the Paris meeting. And I think that will provide more clarity for everyone. Is that okay, Jordan?

Jordan Carter: Yes.

Mathieu Weill: The next speaker is Robin.

Robin Gross: Hi this is Robin. Can you hear me?

Mathieu Weill: Yes.

Robin Gross: Okay. So I just wanted to speak to this issue of giving five votes to all of the ACs and SOs the same. I think that I'm concerned that it doesn't currently take into account the differing roles and the different responsibilities as the different stakeholder group and advisory committees and SOs actually have. I think we're just sort of mixing a lot of apples and oranges in ways that were never intended.

And as a result, really sort of reformulating ICANN's internal structure in ways that I don't think we have really fully explored. So I think what we need on this issue, I don't think we really have consensus on this particular issue and we need to put it out for public comment about how we should apportion these votes a little bit more precisely. The ACs aren't even sure if they want to - the extent to which they want to participate.

I think we need to give a little bit more time to have these conversations and to try to reach a real consensus around this issue that we can live with going forward. So I think is something that we have to put out for public comment and have more input from the community and from the different organizing ACs and SOs. Thanks.

Mathieu Weill: Thank you, Robin, and that's definitely something we will go out for public comment on. Olga?

Olga Cavalli: Thank you, Mathieu. This is Olga Cavalli for the record, from Argentina. I just wanted to stress a comment made by my colleague from Iran, Kavouss. I don't understand the meaning of the asterisks by the GAC name. I think it brings confusion. We are not in the same position as the SSAC and the RSAC, so we are still working internally in trying to find agreement among us. So I suggest that there is simply no asterisk for the GAC in the document. Thank you.

Mathieu Weill: Thank you, Olga. I think the idea that we've captured after Kavouss' intervention was that we would mention that the GAC currently has a discussion ongoing and we are expecting this discussion be completed during the public comment. And that is still valid information for many in the community to take into consideration. Whereas the ASO, ccNSO, GNSO and

At Large have confirmed their intent to participate into the system at this point.

The next is Alan.

Alan Greenberg: Thank you very much. I want to comment on some of the things that Robin said and specifically she made reference to things that bylaws - about the roles that the ACs and SOs actually have and what was never intended in the bylaws. Everything we're talking about was not intended in the bylaws. We are changing the rules.

The bylaws call for SOs to have policy jurisdiction over their particular area, be it ccTLDs, gTLDs or addressing, and it never contemplated that it would have jurisdiction over the board, over budget decisions, over other things. So everything we're doing is new. So what the current bylaws say just is not relevant because we're changing that. So let's make sure that we understand that. The roles of the SOs and the ACs are different but they're not necessarily less valued or less important. Thank you.

Mathieu Weill: Thank you, Alan. And I think with that what we can do is get to back to Work Party 1 where this document is going to be refined, at least Jordan said in the spirit of refining this for public comment. And obviously that's something we will be closely monitoring in the responses of the public comment when it comes back, but I think we have good indications for Work Party into how to draft this document.

And with that I know we are already a bit over time. So...

Kavouss Arasteh: Mathieu, I lost the connection and I have one point to raise, please. Yes, if you want me to speak.

Mathieu Weill: Sure.

Kavouss Arasteh: Yes, the issue is that first of all I don't agree with Robin we could not make any distinction. It's absolutely impossible. There is no criteria as to who is much more important than others, so we do not need to discuss that in Working Party 1 anymore. We have discussed that ten times, and ten times to come back to the same situation that this is the best that we have.

So we should not go back to that again. I do not agree we should go back to that again and say that the GNSO is much more important than ccNSO or vice versa. I fully support Alan. Let us leave what we have and don't discuss it anymore at the level of Working Party 1. Thank you.

Mathieu Weill: Thank you very much, Kavouss. I think we're going to have to close this meeting now. So I will go to Thomas for the closing remarks and any other business. Thomas?

Thomas Rickert: Thanks very much, Mathieu. Do we have any other business to be discussed in this meeting? I understand that Tijani's hand is still the frozen hand.

Tijani Ben Jemaa: Yes it is an old hand but if you permit me, Thomas, as in any other business, I would like to take that the charter of our working group states clearly, clearly that we are working with consensus and not with majority and minority. It is something that we don't have to go to, and we did that from the beginning. I hope we'll finish our work with the consensus as we began. Thank you.

Thomas Rickert: Thanks very much, Tijani. And I guess that's a very helpful reminder and leads us back to the beginning of this call when I said that we really do want to make this a consensus based definition of recommendations. We do not

want to make a distinction between members and participants. We do not want to go to a voting scheme according to our charter. We would really like to sense that there is sufficient support for the recommendations that we can truthfully say that the whole package of recommendations is a consensus proposal as asked for by the U.S. government.

So I think that might be a good segue for us to end this call and refer to the next call, which we're going to have on Thursday. Grace will speak to the administrative side of things in a moment, but you can expect that sub teams will continue working on the items between today and the next call. We will schedule the call for Thursday to discuss the remaining open issue, and just be prepared that we might go into overtime on Thursday because we need to discuss all remaining items.

And with that I'd like to hand over to Grace for the logistics of the Thursday call.

Grace Abuhamad: Thank you, Thomas. This is Grace Abuhamad for the record. So we have not at this stage -- there's a small error in the agenda -- we don't have a confirmed time for Thursday. So we will regroup with the chairs and possibly send out a doodle poll, but we have to determine the size - the length of the Thursday call and get that scheduled as soon as possible.

In terms of - I see Rosemary's question about the freeze date. To my knowledge, the freeze has not been moved, but I will turn that back over to the chairs to confirm.

Thomas Rickert: Yes, this is Thomas. Thanks, Grace, for these points. Since we have not been able to closure on all questions on our table, we cannot freeze the document as a package. Please do regard what you have on the table at the moment, what is

on the wiki, as the basis for our discussion and we will let you know about the changes that are being administered to the document between today and Thursday. So we can't do a formal document freeze, but please take what's in the wiki as the leading version for our discussion and we will make sure that you will be alerted to all changes that are made.

With that, I would like to close this call. Thanks all for engaged and constructive discussion and talk to you on Thursday at the latest. Thank you very much. Bye-bye.

Woman: Bye.

Man: Thank you

END