

ICANN

**Moderator: Brenda Brewer
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12:00 pm CT**

Mathieu Weill: And welcome to this Extra call from the Cross Community Working Group on Enhancing ICANN Accountability on July 30.

We're reconvening for another meeting after a four hour break and on the way to finalizing our second public comment report.

We will have on the agenda today the one of the outstanding issues which we haven't had time to cover in the previous call which is on the voting weights.

We will then review the previous call discussion to ensure we have clarity and agreement. Then we'll go over the proposals for graphics to accompany our report and address some procedural issues in the end.

And may I ask if any of the participants or members are only on the phone line and not on the AC room now so that we can add them to the roll call please?

Sam Eisner: This is Sam Eisner. I'm...

((Crosstalk))

Sam Eisner: on the phone now but I will be on later on the (unintelligible)

Mathieu Weill: Okay Rosemary

Anne Aikman-Scalese: And Anne Aikman-Scalese.

Woman: I'm now in the room.

Mathieu Weill: Okay. I've heard another voice other than what Rosemary?

Anne Aikman-Scalese: Anne-Aikman-Scalese.

Mathieu Weill: That was Sam okay. Thank you David and so noting Sam as well.

Tijani Ben Jemaa: Mathieu?

Mathieu Weill: Tijani?

Tijani Ben Jemaa: Yes Tijani.

Mathieu Weill: And Tijani as well. Thank you very much.

Okay. Okay and so without just the last reminder you have in the notes a link where you can find all the written versions of the documents that have been circulated on the list for your reference during the various discussions. And that's where you will find the documents that we would use in the AC room for those of you are in the AC room.

Have without further ado I would like to return to Thomas for the next agenda item.

((Crosstalk))

Mathieu Weill: Just noting that we have apologies from Leon Sanchez our - the co-chair. He couldn't join for this meeting. So don't be surprise if you don't hear his soothing voice during this call.

I think I've heard I've seen a hand raised from Malcolm. Can you please...

Malcolm Hutty: Yes. It's a point or order on your last comment about the - us having seen all the documents. The wiki still does not include the section for reports on WP2 on the IRP.

I've just emailed the mailing list of about 20 minutes ago pointing this out and giving the links to where Becky forwarded the final agreed WP text through the mailing list into the WP2 mailing list. But it needs to be added.

The - was listed on the wiki. It's just an internal checklist. It's not the language that we end up Becky forwarded to us and that we agree.

Mathieu Weill: Thank you Malcolm. Our intention is to discuss the IRP documents when we reach to Item 3 of the agenda. And so your point is well taken and we'll come back to this later on the call. Thank you very much...

Malcolm Hutty: Certainly but that wasn't a substance point. That was about your point on...

Mathieu Weill: Sure.

Malcolm Hutty:...documents being circulated okay?

Mathieu Weill: Yes. And with that Thomas I'm turning to you.

Thomas Rickert: Thanks very much Leon and welcome back everyone. The second agenda item deals with voting weights.

And you will have seen communication on the mailing list according to which we advise to go back to what we had included in our reference model and because the allocation of five votes in favor of SSAC and RSAC would create certain difficulties particularly when it comes to exercising community powers such as removal of the board.

And then the votes of SSAC and RSAC should at some future point in time they wish to vote would lead to a situation where a board still could be presented by those two groups.

We have reached out to both SSAC and RSAC. And they have agreed to proceed on the basis of what had been discussed earlier, i.e., the proposal that we had included in our first public comment.

Therefore we would very much like to present to the group the proposal to proceed on the basis of 5 times 5 plus 2 times 2, i.e., all groups except for SSAC in RSAC would be equipped with five votes and SSAC in RSAC would each be equipped with two votes.

Again this proposal has been confirmed as to be okay by both these groups. We still do not know how exactly the GAC will position itself. But to be perfectly clear on that we have five votes for the GAC in the system.

I'm not sure whether this is an old hand or a new hand Malcolm. Malcolm is that a new hand? If so please do speak up...

Malcolm Hutty: Sorry it's old.

Thomas Rickert: So that was obviously an old hand. Can I then ask for any opposition to us proceeding with 5 times 5 and 2 times 2? And I see that Robin has raised her hand. Robin?

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

Thomas Rickert: Yes we can hear you all right.

Robin Gross: Okay. First let me apologize for all this construction that's going on outside my window. They just decided to tear up the street just before this call started.

Anyways so on the issue of voting right I would like to file a dissenting opinion on this. And I would like to propose something along the lines of what Mathieu suggested in the email list yesterday all along the lines of the board composition.

So let me just post here in the chat what I'm talking about so basically a ratio of two GNSO, two ccNSO two ASO, one ALAC and then liaison roles for the GAC, the RSAC, and the SSAC.

So I had floated this earlier a few months ago and wanted to bring it back to the attention of the group and note that I would - that I wanted to be filing a dissenting opinion or minority opinion -- I'm not sure exactly the correct language is -- to make sure that we get some public comment on this issue and

have this proposal considered as one of the proposals that is before the group.

Thank you.

Thomas Rickert: Thanks very much Robin. And before we move on with the others waiting patiently in the queue let me just say that the mechanics of how we're going to operate now are that we take the results of the first public comment period as the basis for our discussions.

And you will remember that the voting weights then present to the community already got quite subtraction which is why we would now look at alternative models including the ones that you suggest Robin and have them tested in the group.

So if there is sufficient traction for an alternative proposal to make its weight in this group we will keep that as the new reference model for our reports.

In case there is not sufficient traction for an alternative model we would continue to work on the basis of what we had in our first public comment report. And with that I'd like to turn to Sebastien.

Sebastian Bachollet: Thank you very much, Sebastien Bachollet. I just want to remind everybody that ALAC Review Report suggests two voting board members for ALAC At-Large.

And it was a decision of the board at that time to just allow one. And if we want to enter in this type of discussion we can. But I think the way you propose them is the best one to go and I think we need to keep with what we had on the previous comment period. Even my personal thinking was to have something changed but...

Thomas Rickert: Okay Sebastien. Thank you very much for that. Next is Kavouss.

Kavouss Arasteh: I don't know what can I say? I have told what I should told in the GAC (sic)
We would not be in a position to agree on any new idea at 2 o'clock in the morning on the last day before freezing the document.

Twenty-nine was what we have agreed and we come back that many, many times made many alternatives, many suggestions. It is not clear at this moment that what was the rationale for any of these proposals.

Please kindly come back to what we have agreed in the first reference model and that is 29 pending the announcement of GAC, SSAC and SSAC whether they participate or not, 29 and we do not go to ALAC.

It is impossible to listen to what somebody calling that ALAC should have two and I don't understand why. I don't understand all of these discussions.

We have no time to do that. And it is totally counterproductive. This is counterproductive. Please kindly take it as it was 29 and go ahead with that and put it to the consensus. Thank you.

Thomas Rickert: Thanks Kavouss. That is exactly our intention. Nonetheless we think it's a good working approach in our group to test with the whole group whether new proposals to sufficient support so that the whole group can change its mind.

So we are now testing alternative suggestions in order to make sure that all of them have equal chance to be considered and supported by the whole group.

But it seems to be or it is very likely that after we close the queue after (Greg) we will do a straw poll on the alternative proposal. And if that doesn't read

sufficient traction that we'll say exactly what the reference model that obviously you seem to support.

Let's now move to Olga and as said I'm going to close the queue after Greg.

Olga Cavalli: Thank you Tom Can you hear me?

Thomas Rickert: Yes we can hear you all right.

Olga Cavalli: Thank you Tom. This is Olga Cavalli call from (unintelligible) of Argentina. I would like to support the idea of having five votes for the GAC.

The GAC is discussing internally which way to proceed is a whole. But the government of Argentina does not support any role of the GAC in an ICANN structure.

We want the same role as other SOs and ACs. This is the position of our government. And we support the five votes for the GAC I just wanted to say that. Thanks.

Thomas Rickert: Thanks very much Olga. So you would also be in favor of what we had in our support in terms of voting weight sets, very helpful. Alan?

Alan Greenberg: Thank you very much. I could speak at length on this and I won't. Given that the ALAC is the only organization - organizational part of ICANN other than the board that put in the bylaws that has an accountability responsibility and is part of the accountability mechanism lowering the number for the ALAC would not be acceptable.

I would suggest the same is true for the GAC. And I will leave it at that.

Thank you.

Thomas Rickert: Thanks very much Alan. Another statement supports votings previously discussed. Let's now moved to Jordan

Jordan Carter: Thanks. Can you hear me?

Thomas Rickert: Yes we can hear you all right.

Jordan Carter: I'm getting a strange echo of myself in my ear which is not helpful at this time. I just wanted to support the proposal that you've made Thomas to keep it the five by five and (unintelligible)

As a matter of principle I don't agree with what Robin suggests in terms of mimicking the board representation.

I don't support the GAC or the ALAC only as the advisory roles and I don't support the RSAC or SSAC having the same votes as an SO. So I'm happy with the five by five. Thanks.

Thomas Rickert: Thanks very much for this statement of support for the previous reference model. Greg?

Greg Shatan: Greg Shatan for the record. First I would say that if we were to pursue the alternative proposal before us we would have to take more than just the ratios from the board. We would need to take the role so that the GAC would had GAC advice to the community mechanism would have the same effect as it does on the board including the, you know, the qualification. Everybody, you

know, have to talk about a mutually schedule solution if we don't accept the GAC's advice.

And the RSAC and SSAC liaisons would have to have, you know, at least the same effect that they have on board decisions as well. So this is you can't kind of just take the ratios. You have to take the rights and obligations that come with those ratios.

That said I'm not in support of that proposal and I support the 5 x 5 and 2 x 2 proposal for the purposes of getting this comment out. Thank you.

Thomas Rickert: Thanks very much Greg. I think we can now move to drop off. So we would like to get the confirmation from the group and that the voting scheme which we have heard support for by some of the members is actually what we should keep as the reference model.

So just for us to make sure that were on the right track here. Let's please use the green tick and red cross option in the Adobe Room.

And please tick green if you want to stick to the 5 x 5 plus 2 plus 2 model. If you disagree to that model and if you preferred alternative model such as the one that Robin had proposed please tick the green.

Tijani Ben Jemaa: Thomas?

Thomas Rickert: Yes?

Tijani Ben Jemaa: Tijani speaking. I am not on Adobe Connect so please record me a supporting of your original model of 5 - 3 times 5 and 2 times 2.

Thomas Rickert: So that is actually 5 times 5. Tijani I hope that we we're on the same page here. Five times 5 or 2 times 2 for SSAC and RSAC and we will gladly add that to the documentation of this call.

So from what I can see we have 17 in agreement and two disagreement. So if that please be - if that could be updated in the notes please that would be...

Jonathan Zuck: Thomas it's Jonathan I'm not in Adobe Connect and I vote yes as well. Not that it makes a difference.

Thomas Rickert: Okay so that would then be 16 plus 2 from Tijani and Jonathan in favor and two again from Avri and Robin.

And Avri and Robin, I'm not sure about Avri but Robin I understand that you want to file a dissenting opinion to this. But please do so and we will incorporate it in the body of the report.

So with that I would like to thank you all. I think there are no other items to discuss on this very point. And that gives me the opportunity to hand back over to Mathieu.

Mathieu Weill: Thank you very much Thomas. This is Mathieu Weill speaking. So now is the moment in the agenda where we come back and take stock of the discussions we've had earlier in the day or night or depending on where you are.

We have identified that there were one, two, three, four, five items we want to come back to and show we have agreement on the way forward we've discussed on the human right.

We have re-circulated and executed pretty including the edits that had been requested. The Stress Test 18 text has been recirculated.

We need to discuss the IRP document. And I'd like to note that a document has been actually circulated a few minutes before this call. And that's very early submission. We are aware of this but it's in line with the checklist that had been discussed extensively so far.

And obviously if there's any other topic after that that someone is feeling the need to reopen at the very last minute that will be maybe not welcome but of course considered.

So starting with human rights discussion to recap where we were in the previous call we were updating the commitment section of the bylaws with a Commitment Number 8. That's been circulated on the list so maybe we can put it on the screen.

That is mentioning that within its mission and in its operations ICANN would be committed to respect the fundamental human rights of the exercise of free expression the free flow of information.

And that comes with the comment that before we finalize our report we still need to assess whether there are unintended consequences of this formulation.

And we also will include an item in Workstream 2 two obviously move this discussion further. And we you will obviously assess that on the public comments we received what we do with this particular commitment Number 8 on human rights.

And I would like to check with the group that this is whether there have been changes in your views regarding this and if there are what alternative proposal there is.

And I'm seeing Greg's hand is up. And I know Greg was objecting to this in the previous call so Greg maybe you have change your position?

Greg Shatan: Greg Shatan for the record. Thank you. I've now gone back to the intellectual property constituency to see what position although I'm here as a participant and not as a member but do have a role with Intellectual Property Consistency and need to check and see what the reaction was there.

There are two reactions. One with the language that's currently proposed there's strong discussion in the group of filing a minority report against the proposal based on this.

I'm not saying that we've come to the conclusion that we're going to file a full minority report against the proposal but it's under strong discussion.

That said I think that there may be a way to work with the language not in a way that we would fundamentally support it but which could be expressed actually as with a note of dissent in the body of the report itself.

And I'm going to paste some proposed language into the chat. I'm not saying is fully baked but I think it's closer to what we can kind of find for purposes of getting this thing out the door worthwhile particularly taking out the reference to only enumerating two specific rights one of which is at the least not a verbatim restatement of a fundamentally recognized human right and making a - a more general statement which I think is actually close to some of the proposals that have been favorably viewed along the way.

So if we could consider this alternative language or something in this ballpark I think that I may be able to release put out the fire with regard to the language that's currently proposed. Thank you.

Mathieu Weill: Thank you very much. And for everyone to be aware of this various proposal in the AC room we are on Page 4, the paragraph in red on the top of the page that was the proposal we discussed earlier today.

And Greg's proposal is in the chat. And I would like to first of all thank Greg for constructing the proposal and move on to the next person in the queue who is Steve DelBianco.

Steve DelBianco: Thank you Mathieu. Steve DelBianco with the Commercial Stakeholders Group of which Greg's Intellectual Property Constituency is a member along with the Business Constituency and the ISP, Internet Service Providers.

In the last several hours I did my best to poll the BC ISPs and IPC on this. And of course that was with the earlier formulation that was discussed from Keith Drazek this morning.

I got very quickly as many of you realized you get discussions among your members to say well what's free flow of information? Where does that come from?

And I was grateful that Robin responded right away that that's a paraphrase of flow of information language that is in the UN Declaration of Human Rights. Thank you for that Robin.

And I got feedback from most BC members that was in support of something general. There was also genuine concern that it could be used to clash with some of the consumer protection language that uses trademark protection to literally protect consumers from being defrauded.

It's not about protecting the trademark owner when you're in the BC. That's more an IPC perspective.

We also did not receive substantial replies from the intellectual - the ISPs. And I rely on Greg's representation on what the IPC's view is.

So all of this is a long-winded way of saying that as a member of this group representing three different constituencies the last four hours were not sufficient time for me to actually know where we stand on this new language.

So I don't know for sure in the next 24 hours if we get to a minority dissenting statement on this particular paragraph. But I appreciate everybody trying to work on this and I appreciate Greg Shatan coming back with new language in the chat. Thank you.

Mathieu Weill: Thank you Steve. May I turn to the original proponents of the language maybe Avri or Robin for their view on the alternate proposal from Greg Shatan if possible? Avri?

Avri Doria: Yes thank you this is Avri. What's critical to me is that we have a - can you hear me?

Mathieu Weill: Yes.

Avri Doria: What's critical to me is that we have support for human rights in the bylaws. I can accept Greg's language. I can live with Steve's language. As I say what's critical to me is that we have fundamental respect for human rights in the bylaws. Thank you.

Mathieu Weill: Thank you Avri. Kavouss?

Kavouss Arasteh: Careful there's some 20 people in the call should not play with the incitement of an entire world.

Remember what has happened a few years ago. Because of these things we are dealing with the Internet, we are dealing with the ICANN, we are dealing with something that could put a society to total incitement.

We have to be very, very careful and not be emotional on these things. Some colleagues sitting in a corner and forget about the rest of the world.

Millions of the people and what has happened several years ago two years ago, three years ago, we went up to the highest level of the countries and so on and so forth and created big problem in some region of the world.

Please be careful of what you're doing. Free-for-all information should be very, very general. We should be very general human rights and we should point it in a general and high level and not go into the details of the things.

What is in the human declaration rights that is already there? We don't need to emphasize that and we should be very careful.

We should just limit ourselves concerned with the fundamental human rights and fully stop that but not go with anything about anything after that

expression because it's already in the declaration of human rights and that is sufficient and the highest level of all people in the United Nations. Thank you.

Mathieu Weill: Thank you Kavouss. Avri your statement as more in favor of Greg Shatan's words that - then the initial one because it's stopping after fundamental human rights. And Robin is next. Robin?

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

Mathieu Weill: Yes we can Robin.

Robin Gross: Great. So yes I really like Greg's proposal and I want to thank him for it. I think it is broader than what we we're talking about this morning. So it's in some ways it's been surprising because it would encompass things like privacy that I know members of our stakeholder group were concerned wouldn't be applicable to your definition.

So I think that this is a great suggestion and hope that we can be able to sort of put out that as Greg says with a minority report on this issue by adopting this alternative language. Thanks.

Mathieu Weill: Thank you very much Robin. And just for the reminder of everyone because the chat room is obviously moving, what we have in the AC room on Page 4 on the - in red is the proposal we discussed earlier.

And the proposal from Greg is not in the AC room and I will read it again. It's within its mission and in its operation ICANN will be committed to respect internationally recognized fundamental human rights. And I think that's important.

And I'm going to take James intervention and after that we'll test the temperature in the room. And I will note that in the chat I have noted Sam Eisner's concerns about both projections. James?

((Crosstalk))

James Bladel: Thank you, James speaking. Just a quick note, first off I want to say that I do not disagree with the proposed language from Greg. I think it's fine.

My only concern and perhaps I can direct this question over to Sam and Kevin for an initial test and hopefully not need to escalate up to our legal advisors.

But when we start baking things into ICANN's mission a number of the commercial agreements that ICANN has executed with registries and registrars contain, you know, provisions to amend those agreements in some cases not unilaterally but over the objections of the other contracted parties if the subject of the amendment is consistent with ICANN bylaws and mission. So I just want to ensure that this doesn't become sort of a creepy concept that human rights and, you know, this kind of...

Mathieu Weill: Can you mute your line when that speaking?

James?

James Bladel: Okay thank you. And just to point out and my concern is that this by reference will kind of be backed into amendments that could find their way into commercial agreements between ICANN and contracted parties.

I would want to maybe just take that question off-line to ICANN legal and (Kevin) and just make sure that what we're doing hereby change in the

mission is not changing the scope of the amendment provisions of the RAA or the RA. Thank you.

Mathieu Weill: Thank you James

James..

((Crosstalk))

Mathieu Weill: I'm having Tijani in the queue next. Tijani?

Tijani Ben Jemaa: Thank you very much Mathieu. So yes Greg and Avri is good. And as I said this morning we have to satisfy that this - should this - this should affect the distribution of domains or the distribution of (unintelligible) because of the action of the kind of persons of parties that we - that it will be (unintelligible) Thank you.

Mathieu Weill: Thank you Tijani. I see Greg's back in the line. And Greg can you please expand on what you mentioned in the chat that your proposal might not - might still need the IPC to file a dissenting opinion? Was that what you meant?

Greg Shatan: No. What I meant to say was that - Greg Shatan for the record. What I meant to say was that we would not file a full blown minority report or whatever the kind of nuclear minority option if this language was used.

But we would still essentially be a dissenting opinion within the group and wanted to be mentioned in the narrative that there were, you know, opinions to the contrary within the group.

I'm not sure exactly how we're handling that sort of, you know, variance of opinion in our final report but we would not, you know, suggest that the entire proposal be blocked for - if this language were adopted.

But we still have strong concerns. The, you know, similar to Sam's concerns, Becky's concerns that I see in the chat that - and (James)' concern that there is creep here.

And it's not just a matter of unintended consequences. I think there are intended consequences coming from this language that are very much aimed at changing the current state of discussions and balance of discussions and policy with regard to intellectual property rights, Whois geographic names, restricted strings and all sorts of other things.

So I think there are a number of intended consequences which we have not had the time to explore.

So still, you know, a great deal of concern but just not going to set this thing on fire on the courthouse steps. Thank you.

Mathieu Weill: Thank you Greg. Let me rephrase where I think we are.

We had a formulation that was discussed earlier today. And we've had Greg's proposal to be considered which some find it in improvement and some have additional concerns with this proposal.

And Greg clarified that there - that would fuel for the IPC in some parts of the community probably create a number of concerns so I would not remove the concern that we've had earlier today about the unintended consequences.

So it's actually we've had this proposal, the one in red that got some support earlier. And I will - I would like to check whether after this discussion the support is still in place for us to move forward in our report with this and then assess the public comments we received or if we need to fall back into the previous situation where there was no specific mention of human rights.

But taking into account that I've heard a lot of attraction for actually trying to access it and put that forward and I think it's - that was the outcome of our previous call.

So let me start by assessing again the temperature in the room with the wording that's currently in red and as our public comment Number 2 proposal once again bearing in mind that we would clarify that this is still a topic where we are assessing potential consequences. And we'll be very - listening very intently to the public comments feedback we receive in the next few weeks.

So for those who would be in favor of using the current version on your screen for ICANN Commitment Number 8 please use a green tick.

For those who cannot live with this and would object to this please use a red cross.

And for Robin this is case language we are testing the waters on again.
Kavouss you've raised your hand?

Kavouss Arasteh: Yes which language? There are two. One's in the left-hand, the other is the right-hand where difficulty with the right-hand side and the proposal (unintelligible) of the rights.

What you are putting? We should be very clear what you think...

Mathieu Weill: Okay I will...

Kavouss Arasteh:...(unintelligible) comment. Thank you.

Mathieu Weill: So this is the red and I will read it again. It is within its mission and in its operation ICANN will be committed to respect the fundamental human rights of the exercise of free expression and the free flow of information.

Jonathan Zuck: A red cross from Jonathan

Mathieu Weill: Red cross from Jonathan noted.

Tijani Ben Jemaa: And from me too Tijani.

Mathieu Weill: And from Tijani.

Can - let me see if can someone confirm the count? I have nine and five - nine green, five red so far. And oh yes, Chris Disspain mentioned his support earlier in the call so we need to count him.

Jordan has 12 and six, seven okay. There is a function in the AC room for presenters to count so can someone use this?

Okay we are...

Thomas Rickert: Mathieu this is Thomas speaking.

Mathieu Weill: Yes?

Thomas Rickert: But I see that people have unchecked their Disagreement button in the meantime so it was higher than now. Now we have five. So can please all in the Adobe click the Agreement or Disagreement button now so that we get a complete picture? Thank you.

Tijani Ben Jemaa: In the meantime Mathieu if I may have a general comment about this great support that we have now. Suppose I want to pass something that is addition or how to say a language?

And I know that you will discuss it in the next meeting. I would call all of the ANSes, all the At-Large people to come and attend the meeting. And when we ask people to say (unintelligible) all see support on (unintelligible) support.

So I think that that is support it will take it seriously and we will do our work on it should be done amongst the members only. Thank you.

Mathieu Weill: Thank you Tijani. As I said it's taking the temperature of the room. And you are right about potential abuse. I think what we can see here is I think we have about 12 eight, so it's quite close votes so it's not a very huge margin.

I think we have two ways to move forward. Either we vote on Greg's formulation and see whether there's a difference or we vote for the - we check the temperature for the removal of any mention of the human right. Because I think on the proposal it says so far we have a divergence.

So let me go first to I think the one thing I would like to test and please review your text and crosses for the moment. Thank you.

I would like to test whether - so Steve you have your cross, yes - the proposal that would be our current reference document is on the screen.

So let me test who is in favor of keeping a text on mentioning human rights in the commitment that screen. Green is keeping text however it's formulated.

And red is, avoid any text at this point in a process in the commitments. So I'm seeing a new window in the AC room and I'm confused. Chris, can you explain?

Grace Abuhamad: Hi Mathieu. This is Grace. I was just trying to type up the question in a poll function so it's maybe a little bit easier to count but I can remove that window if you'd like.

Mathieu Weill: Okay. No just wondering what was appearing? I think what I'm trying to do here is check whether there's a requirements from the group to find language around the human rights that we would - that would be adding a language on human rights in the commitment in the ICANN bylaws.

So green is for yes we want the language on human rights and no is no we don't want a language on human rights because I think the requirements needs to be discussed first. And I think Thomas wanted to speak.

Thomas Rickert: Yes. Thanks Mathieu. I guess the difficulty with this is that we don't have the specific language in front of us. I certainly do appreciate the analysis on the requirements.

And I think that what we're seeing here is quite interesting. So obviously there seems to be quite some traction for looking into this further.

Yet what I sense is that, you know, we have this proposal from Keith. The views on that were quite split. And that's what I would call divergence.

So that means that we go back to the status we had before that. And that was that there is no explicit mentioning of human rights in the bylaw language.

We've applied this methodology for other areas before where we've said okay unless there is sufficient traction for changing things we will maintain the status quo. And I think that we should apply the same principle here.

And that is not to say that there shouldn't be any language but I think that this requires further analysis based on the feedback that we got so far.

Mathieu Weill: Thank you Thomas. And is all right Robin's hand is up for maybe a comment on the proposed approach?

Robin Gross: Yes. This is Robin. I'm really confused. We seem to be moving backwards. We were really zeroing in on some language that was addressing the concerns of the people who had dissented this morning.

And so I don't understand why we are not now having a vote on that language. Could we please have a vote on Greg's language?

Mathieu Weill: Thanks Robin. I think we're trying to assess various ways to sense whether there is traction. And we can definitely have a vote on any language but - and we can also do several polls but I think we need first to clarify what's being proposed.

So what I would suggest is that we move to the next item for now and come back to the human rights discussion after that once we have clarified the question and a sequence of questions so that you can see more clearly.

And I think we'll close all the polls for now. And keep in mind we need to - we will only put things in the report if we had significant traction and obviously we're not doing majority votes.

So I'm closing on this item for now moving to the next. And we'll come back to human rights later in this discussion. Kavouss in your hand is up.

Kavouss Arasteh: Yes. We have been exercising votes for years and years. Please I'm hoping for that. If there is an amendment we put an amendment to the vote.

The amendment is deletion of work and anyone else proposal and have no Paragraph 8. This is an extreme case. Put it on the vote if you want after you come back.

We cannot break all the law of the voting people inventing something. There are many other forum in the world that they vote.

And if there is an amendment you put the amendment to the vote. And amendment is that delete Paragraph 8 totally and put it to vote at the same too. Thank you.

Mathieu Weill: Thank you Kavouss. I think that exactly what I would like to take a little bit of time to prepare for but there are two amendments currently being considered.

One is to delete Paragraph 8. The other is to replace Paragraph 8 with Greg's proposal. And we'll need to (confer) this in time.

But before - because of the confusion currently in the discussion I'd like to just close and get to another item and then come back to this.

So the next item was the executive summary update. Can we have the executive summary please?

Woman: Mathieu one minute please.

Mathieu Weill: Thank you. So we've updated the executive summary with the discussions we've had earlier. Sebastien is that a comment on the executive summary or a point of order?

Sebastien Bachollet: No. It will be after your presentation of the point. I would like to talk about the executive summary if you allow me.

Mathieu Weill: Thank you.

Sebastien Bachollet: Thank you.

Mathieu Weill: Okay of course you will. Of course just making sure we were not going backwards to the previous point. So in the executive summary update we have introduced were according to the discussions we've had earlier.

So we have incorporated the Work Stream 1 definition that is at the top of the Page 2 of the document.

We have updated the - in the list of powers the section about the power to appoint and remove individual directors to put more emphasis on the fact that there is communitywide discussion before such a step is taken.

As requested by (Sabina) we have inserted the mention of the fact that the community can use the independent review process to challenge a decision by

the board not to implement a recommendation of the IANA Function Review team which is one of the requirements.

And this is not a mockup version. So I'm trying not to forget anything. We have also updated in the Work Stream 2 items the character of transparency within the organization.

And the brackets sits on the lower on Page 5 the brackets around the human rights should be removed unless we come back to this. And I think that's it for our update. And Sebastien you have the floor.

Sebastien Bachollet: Thank you very much Mathieu. I was interested this morning when -- or for me this morning sorry -- when Christopher Wilkinson say that we need to read it as a newcomer. And I will try to do the same.

And I would like to make some suggestion on how to (unintelligible) to be easier to understand. I will try as much as possible not - no I will do not to enter into the content as discussion topic but more to suggest some enhancement.

First of all I think we talk about - we have the world committee community in different parts and we have different meanings.

And I would like to suggest that we put their community with a big T and big C everywhere we are talking about what is the mechanism the community mechanisms and to allow the small C for community for the other time where we use it.

The second point is I suggest very much that we try to avoid to say each time the CWG accountability recommend, suggest, wish because it's not helping in

the reading of the document. It is our document. It's a document of the CCWG on accountability and it's our finding.

On the four building blocks...

Mathieu Weill: Mathieu, Sebastien just a quick word and then you will continue but I think edit editorial comments are very much welcome on the list and will be taken into account as much as possible.

And I think during this call where our time is scarce we should definitely focus to the most substantial discussion. And we're taking notes of the comments that come in the chat and so on.

Sebastien Bachollet: And at this point I would like to give - yes okay the two comments I will like to give is on the four building blocks.

I think I would like to suggest that we (unintelligible) our community both the people and the power not just the people and independent it's in fact the appeal and the review mechanism.

And my last point is that I guess you leave the six community power in the fundamental bylaw on Page 4 and it may be need to be removed. Thank you.

Mathieu Weill: Thank you Sebastien. And let me encourage you to put your comments in writing just to make sure we don't forget because we - there's so much to do on the finalization of the reports. So I hope you can do that.

Christopher you have a green tick. And you wanted to - I hope you can keep it brief and focused on the really the executive summary and not the underlying items?

Christopher Wilkinson: Hello, Christopher Wilkinson for the record. Mathieu the Chair asked me this morning to put my comments in writing which I will do.

So I shall not take your time now except to say that I think I'm on a similar line to Sebastien. And particularly if you look very carefully at this and other documents the word community qualified or not we even have a wider community means distinctly different things in different contexts in these documents.

And we will need to - some more precise definitions going forward particularly vis-à-vis outside parties. Thank you.

Man: No sound.

Mathieu Weill: Sorry. I was talking to a muted microphone. So that was - I see that Kavouss raised his hand and then we'll go to the next item.

Kavouss Arasteh: Mathieu I agree with those two previous speakers even the last month I have spoken many people about the activity of CCWG.

As soon as I referred to community they asked me what is the community? And (unintelligible) it is then community of the community of ICANN, it is the wider community.

People they have no idea what we mean by community in this document. And there is a need to try to do something on that. Thank you.

Mathieu Weill: Thank you Kavouss. In order to ensure we are efficient and come back to the human rights discussion quickly we're going to slightly tweak the agenda move now to the review of the XPLANE graphics.

And then once we've reviewed that and had a range of discussions come back to human rights discussion with some prepared questions for the room.

Thomas?

Thomas Rickert: Thanks very much Mathieu. And while the XPLANE slides have been brought up in the AT room let me just preface this by saying that we've been working with XPLANE to extract the main ideas from our report and support them with visual aids so that the reader will have an easier time understanding what we're doing.

So the slide deck that we're going to work through briefly is serving two purposes, one of which is it sort of a 15 slide summary of our work which can stand alone.

We will obviously use that for the Webinar that we're going to host. But also we will incorporate the graphics and add them into the respective parts of our report so that the reader has an easier time understanding what we're doing with the report.

So if we can use move to the next slide where ideally I could get scroll control. So we would have one slide briefly describing the overall process that exactly what you know for months or since we started.

Then the slide is also something you already know. It's the distinction between Work Stream 1 and Work Stream 2 and the description of the community and the board.

Then we will introduce the four building blocks as per our previous discussion. And subsequently we will - you know this is a half-cooked slide but it's more or less a place holder to have a place where we explain that the community powers that we are discussing are an escalation path and that these are not deployed till everything works fine.

So we do not - the ICANN community will likely not even notice the changes because we want to keep everything consensus based but only in case there are issues that for example require a board, then this community power process could be invoked.

So in order to make that clear, to demonstrate to the community that these are really escalation paths that we're talking about, we want to make that explicitly clear.

Then we have an overview of the post-transition accountability mechanism so we have the empowered community. We have the ICANN board, we have the bylaws that are changed so there are existing paths. We have new mechanisms introduced. We have AoC reviews introduced into the bylaws.

And we also have a new addition of fundamental bylaws. And then we would have the independent appeals mechanism. We would then - you know, these actually unfold a little bit but that's what you already know. I think it's worth mentioning that the third point of structural reviews are actually one point where the community can be held accountable.

And I think that nicely follows up through the issue raised by Sebastien in the first call earlier today. So this is an old view of the different mechanisms and which parts of the community actually do interact.

Then we would have ICANN's mission commitment and values which would all be reflected as well as the affirmation of commitments would in the bylaws. We would have an explanation of the fundamental bylaws. So you can (review) that but it's basically an excerpt from the slides that we - from the report that you already know.

We have an overview of the appeals mechanism so this is the IRP. We will talk a little bit about the standing panel members we're talking about. Diversity requirements that you've asked for, talking about specific review panels that we've been looking at individual cases.

And then we will talk about the role and scope. So I'm not going to read out the slides for you but this is just to give you an idea of how we capture the main ideas of our work.

Then we have the reconsideration requests where we summarize the main ideas on how the reform actually works. Again I'm not going to read that out for you but this is what captures the basic idea.

What we then did is actually try to visualize the change between the current setup of the community and the future setup of the community. So at the moment we have an interaction between the SOs and ACs which represent the community and the board.

Then we have certain actions taken by the board. But at the moment there is no real possibility for recourse in case the community disagrees with certain board decisions or actions.

On the right hand part of the slide we present the new community mechanism that we have discussed. And this cloud actually represents - we think it does quite nicely and we hope you do agree to that - that we're actually not creating a new or an extra body but that the SOs and ACs remain as they are but that there is just a small virtual contraction which is the community member, community mechanism as a sole member whereas the votes are counted on the -- should actually be five community powers so that needs to be rectified -- when it comes to board actions or other board decisions.

So this is to explain the difference between the current status quo and the future setup of the ICANN community interacting with the board. Then we would have an enumeration of the community's powers and as you can see on this slide we only have the five powers that this group has discussed based on community feedback.

Then we give you and the community an overview of how all the community powers work. And we do hope that you agree with us that this is a nice and easy to understand description of the various processes for exercising community powers.

First of all you would need a cause. So there needs to be an action let's say that is objectionable to part of the community or that raises concerns with the community. And then we would have a phase of petition where according to the respective community power a certain threshold need to be met.

Then we have discussion inside the SOs and ACs and also within the community forum. Then there would be a decision made in the SOs and ACs which would be collected and communicated through the SO member and then the outcome would be achieved depending on the community power. So

that would either be the decision to remove an individual board member or to ask for revisiting a budget.

We then, after giving this general explanation of how the community powers work we would then give examples, first example being the process to reject changes to ICANN's standard bylaw. I'm not going to walk you through that, particularly since it's not fully finished.

But basically the outcome of that could be that the community rejects a bylaw change as suggested by the ICANN board. The other mechanism that we thought would be a good one to explain how things work would be recalling the entire ICANN board.

So again we would have the cause or significant wrongdoing of the ICANN board. We would then go through the three phases - petition, discussion, decision -- and then the outcome of that in case the petition is successful would be that the interim board replaces the current ICANN board.

We will then have another slide which couldn't be prepared yet because our discussion was not finalized until now where we speak to voting details. We would then explain how the stress test works and categorize the stress test and the five, six different segments of contingencies.

All this is not new to you so I'm not going to dwell on it for long. We will then have something on the work streams and their implementation so that's also something that you already know, the different milestones of our work, including the face-to-face meetings and then the implementation times for Work Stream 1 and Work Stream 2.

We're now close to the end of this part of the presentation but basically we would conclude or almost conclude by analyzing or checking on the CWG requirements. On the left hand column you find the requirement. You then find a quick summary of our proposal and response to requirements and then boxes are ticked to show whether we think the requirements are met or not.

So I think I should end here. This will be updated as we move on with our decision-making in this group. So once we know all the remaining - all the answer to the remaining questions, we will have this updated and it will support the report and help with our Webinars.

And you will also hopefully deploy those when you communicate with your respective communities. So I think with that I should open it up for your questions. I see a comment in the chat from (Julie) and that will be taken into account.

Again I think you know this is more to support what we're doing. I do hope that we will not have a lengthy discussion on this because we should use the remaining time to discuss the substantive questions. So you can also let us know if you have any concerns with this on the list.

So I think that Kavouss' hand is an old hand. Therefore I think I can safely hand back over to Mathieu to get back to the human rights question. Mathieu?

Mathieu Weill: Thank you very much Thomas. Back to the human rights question and we've been trying to find a way to discuss the various arguments one by one and taking Kavouss' suggestion very to heart because he's right that in the voting mechanism or at least in the logic of making choices it is good to have item after item of discussion. And I don't know if Grace's document is ready.
Grace?

Grace Abuhamad: I'm just putting it into PDF and uploading.

Mathieu Weill: Okay so we will go through and I'm aware of the potential drawbacks here. But through three different - actually two or three depending on the outcome of the first two - three different questions which we hope to have clarified so that everyone is - can have full understanding of what's at stake.

And the first two questions are the various amendments that were proposed. And I have a third question in case we don't get any traction for any of the - or we seem to be a bit lost because obviously we're not doing votes. We're trying to assess traction and wide majorities or even full consensus.

So there's a bit of a context being reminded in the document for those who want to read this, the NTIA requirements. That's the rationale for this discussion which you make sure we address fully the maintaining the openness of the Internet. That was one of the arguments of the proponents.

And a context that has been several times reminded is on the top on Article IV of ICANN bylaws which is referring to relevant principles of international law and applicable international conventions and local law - to the extent appropriate and so on and so forth.

And that's the context within which we are making this set of decisions. I will go for three different calls and I'm showing them, showing you the sequence so you understand my logic, our logic. And then we'll remove this document and get one poll at a time, very slowly.

The first question would be who would support the amendment that had been suggested to remove the Commitment 8 as presented in the latest version. And that is reminded to you in below this Question Number 1.

Second question - and we'll have to go to that second question anyway whether we have said yes or no to the first question - would be do you support Commitment 8 as proposed by Greg Shatan and you have the wording below this? It's an alternate wording.

If we had clear traction for one or both of these questions then we will know how to move forward. If we don't or we see that the decisions are very split then we might have to come to the third question which would be a more open question to say we will work on this.

And we will test whether we have traction and consensus and agreement to work on this as part of Work Stream 1 I should have said to include commitment. And that's - my fall back option would be to say we will try and do something but we're not very sure yet what.

So that's the logic of the sequence of questions where we want to take the temperature in the room. And so I would like to propose we move to the first one. So Grace can you please remove the document so that there's no confusion about which question we're asking and put up poll Number 1.

So the Poll Number 1 is do you support the removal of the commitment 8 which was in latest version? And it says within its mission and its operation, ICANN will be committed to respect the fundamental human rights of the exercise of free expression and the free flow of information. So green tick is yes, I support the removal. And red cross is I do not support the removal.

Grace Abuhamad: Mathieu this is Grace Abuhamad

Jordan Carter: Sorry could I ask a clarifying question?

Mathieu Weill: Yes.

Grace Abuhamad: I think we're all here.

Jordan Carter: Grace go ahead.

Grace Abuhamad: Well all right. So the idea is that if we're working in a poll it would be helpful if everyone used the same tool so we could count information properly, yes.

Mathieu Weill: Apologies. I was misleading. No green ticks. No red crosses. You have in this room a yes, no, abstain, or no vote. Please use these and click on this. And if you're only on the phone line, please convey your vote to the group. Anyone on the phone line only? No.

Jonathan Zuck: ...but I'm trying to figure out what I'd want to vote.

Mathieu Weill: Sebastien your hand is up.

Sebastien Bachollet: Yes, sorry, it was because your explanation of the vote but now it's clear. We need to use (unintelligible) Thank you.

Mathieu Weill: Okay, thank you. Apologies again for the confusion. I'm going to close the votes, the temperature taking in five seconds. The current count is 14 in favor of removal of the current version, 15 now, and 7 against. So while we have a majority there's a significant no section on this. Let me now move to Question Number 2.

Tijani Ben Jemaa: Mathieu?

Mathieu Weill: Yes Tijani.

Tijani Ben Jemaa: Mathieu.

Mathieu Weill: Yes.

Tijani Ben Jemaa: Sorry I didn't see the (unintelligible) I reached (unintelligible) yes and the (unintelligible) said no, so I don't know what you are talking about. I don't understand.

Mathieu Weill: Well 30% no is a percentage. Can everyone mute their lines please? Thank you. And that is not insignificant a position and yet there's a clear majority in favor of yes.

Kavouss Arasteh: Point of order. Mathieu point of order.

Mathieu Weill: Yes.

Kavouss Arasteh: Mathieu point of order. This vote clearly mentioned that you don't need to go to anything else because you have the majority not to go ahead with that. If you go the second one it is total confusion. Be quite clear (unintelligible)

Mathieu Weill: I defer.

Kavouss Arasteh:...not go to second voting because...

Mathieu Weill: I defer.

Kavouss Arasteh:...clearly you have majority not to go ahead with that.

Mathieu Weill: We have majority not to go ahead with the current wording. However, we have not yet discussed whether the alternate wording proposed by Greg gets the majority or not. And I think that - so that we have been reviewing amendment Number 1, Amendment Number 2 is still valid because it is a proposal to insert a new wording on commitment Number 8. And it is still a valid amendment. So I suggest we...

Kavouss Arasteh: It is not. It is not. It is not valid. You vote to delete that, in favor of deletion was majority. Why you put another vote in that very (unintelligible) other alternative?

Mathieu Weill: Because we voted against the first language Kavouss. And we have (unintelligible) language (unintelligible)

Kavouss Arasteh: This is a new invention. (Stream) one was deletion and was approved. So you delete that and you don't go for any other amendment. I don't understand this voting.

Mathieu Weill: Well working on amendment to remove first...

Kavouss Arasteh: Totally (unintelligible) everybody.

Mathieu Weill:...and amendment for an alternate proposal second. And that's once again we're trying to sense the room here. So the second poll is now do you support a wording on Commitment Number 8 which would be, "Within its mission and in its operation ICANN will be committed to respect internationally recognized fundamental human rights." Point.

Jonathan Zuck: And the result?

Mathieu Weill: We are still getting a couple of votes. We have 23. We have a 21 and 22.

Cheryl Langdon-Orr: I'm not able to vote, which is very annoying because - it's Cheryl Langdon-Orr. Every time - I know I'm on an Android device but every time I push the button to go into Poll 2, it is giving me a closed. In other words it's leaving Poll 1. So I suggest Grace might need to remove Poll 1 for (unintelligible)

Grace Abuhamad: Cheryl I think it might be a small error. I can remove Poll 1 if that's agreeable to the chairs but otherwise the poll is open and I think it may just be a technical error.

Cheryl Langdon-Orr: I know it's open. I'm telling you my system isn't letting me get to it.

Grace Abuhamad: Okay I need to (unintelligible)

Cheryl Langdon-Orr: I can't vote.

Mathieu Weill: Can you share your vote with Bernie? He can vote for you through the admin (unintelligible)

Grace Abuhamad: Or we'll note it in the notes.

Cheryl Langdon-Orr: I thought I already had (unintelligible) in the admin chat but I'll do it again.

Mathieu Weill: So the poll is now closed. This is a very quick one. So there's no clear formulation that is getting traction on how to include human rights. And I think that's the clear conclusion of both of these votes. We don't have yet at least any formulation.

And actually we need to defer questions which is not about bylaw amendments in itself but it's basically about the orientation our group wants to take with human rights in our public comment report is whether the group supports a statement that we will investigate in time for our final report how to frame an appropriate statement as a commitment towards human rights in the ICANN bylaws.

And I know we didn't want to get any options in the record but I think it's important that we give a direction whether we are putting this as one of our last outstanding items or whether we are deferring this into Work Stream 2. And so I would like to encourage you to vote on this third item - whether we...

Jonathan Zuck: No contest. No contest.

Mathieu Weill: That's correct. And (unintelligible) we have a counter.

Kavouss Arasteh: Could you explain the text of the vote please?

Mathieu Weill: So just recapping the text of the vote is whether we - you - support that our public comment report would state that we are investigating how to frame an appropriate commitment in the ICANN bylaws as part of Work Stream 1, a commitment towards human rights.

And I think everyone's probably voted now because I'm seeing a number. I see this proposal is getting traction. And so the conclusion that we draw from

this exercise - and I apologize once again for the length and the confusion - is that we have a way to - we know that we don't have words. We have some agreement that at least some strong traction for mentioning in the report that we are investigating on this.

And we have this work in front of us. However we haven't got an appropriate wording on this so far. So we didn't have any wording that got sufficient traction to be posted in the public commentary for the proposal from the Cross-Community Working Group.

And I think we'll have to leave it at this right now. I'm sending to Becky to see whether she feels she's got what it needs to be added to the current draft report section.

Becky Burr: Yes if that's where we're going, yes.

Mathieu Weill: Okay and with that I will now - Thomas would you take the review of the stress test 18 confirmation?

Thomas Rickert: Sorry I had to unmute myself. Sure and I think that to give us an update on the exact wording since we don't have it in the Adobe room now, can you please Steve give us a brief update on this?

Steve DelBianco: Certainly Thomas. It's Steve DelBianco from the stress test team. And while the Adobe is being loaded I took a task, an action item from this earlier call today to update the stress test text. This is below the stress test where we indicate the bylaws change that's required.

So on a page in front of you, you'll see the yellow text which is new. And I would encourage you to scroll it up a little bit so that you see the text at the

bottom of the first page as well as the yellow text at the top of the second page.

The first paragraph is a reminder of something we discussed in Paris on Saturday morning by suggesting that from ICANN's beginning through today the GAC has used a strong consensus rule for its decisions. This is to remind everyone this would not be a change to the status quo.

And then I quote from the GAC's operating principles that "consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objections." And I know that that is a strong consensus.

The proposed bylaws change recognizes the GAC may amend its consensus rules to something less than the absence of a formal objection while that would still require ICANN to try to "find a mutually acceptable solution." So that is a clarification along the lines of what we discussed in Paris. It's not a change. It's a clarification.

The change is the yellow text at the very, very bottom where we noted the fact that three GAC reps this morning from Argentina, Brazil, and France do not support the proposed bylaws change for stress test 18. And then we also note that the GAC is continuing to discuss the proposal.

Thomas I hope that reflects what you wanted in there as of this morning. And if we agree to all that I'll update the larger stress test document and recirculate it after the call. Thank you.

Thomas Rickert: Thanks very much Steve. And there's a queue forming and first is Kavouss.

Kavouss Arasteh: Yes Thomas. First of all add my name as a representative of GAC Iran that's joining Olga and others that we are not in favor of that. Number two, I don't think that other community needs to interfere, interfere with the affairs of GAC.

Consensus or majority is an issue exclusively in the hand of GAC to select any way that they want. I strongly object to put anything in the bylaw indicating GAC may change its policy in future. If that will be the case, GAC could do that without any reference to the bylaw.

And I don't understand my very distinguished colleague Steve DelBianco, why he insists from the very beginning to intervene on this issue. This is something we got from the previous meeting for years. It worked and so on, so forth.

If one day GAC decides for certain questions instead of a consensus, total consensus, is go to other options, they will do that. Does not require anything in the bylaw. This is unconstitutional, unacceptable and wrong. We propose not to mention that at all.

This is not appropriate and I don't understand insistence of my distinguished friend Steve pushing for that and a few other things. This is an issue of GAC. Leave it to the GAC to decide and they can decide. They don't need any (seconds) from anybody. Thank you.

Thomas Rickert: Thanks Kavouss. Olga.

Olga Cavalli: Thank you Thomas. Just wanted to (ford) what Kavouss said. We don't agree in explaining in the bylaws any reference to how the GAC makes decisions. So I won't repeat what Kavouss said and what I said this morning and many times.

Also I think that the inclusion of this paragraph, it is noted that GAC representatives from Argentina, Brazil and France do not support. I don't think it's right. There may be other countries that don't support this addition. And if it is pointed in a kind of a highlight position three countries where 150 countries in the GAC and many other countries in the world that may not like it.

So I think this should be changed somehow to express that there are some countries that don't agree. I don't have a problem having the name of my country there because this is our position but not in the way that it's written.

And at the same time I agree with my colleague Kavouss from Iran. (unintelligible) are we insisting so much in this? It's up to the GAC to decide how to make decisions. Thank you.

Thomas Rickert: Thanks Olga. Next is Steve.

Steve DelBianco: Olga and Kavouss, thank you both for the intervention. For both of you I would remind you that the only change to the bylaws is up above this and it's the underlined and bold text which has nothing to do with what the GAC does but rather what ICANN's obligations are.

And all we do in the Stress Test 18 is say that ICANN's obligation to try and find a mutually acceptable solution is only triggered when the GAC advice has consensus. And again we allow you to define consensus.

So this is not a reflection on telling the GAC what it can and can't do. It's simply qualifying what ICANN must do when consensus advice comes over. And the purpose of the yellow text is not part of the bylaws. The only effect

on the bylaws is the black underlined bold text to say that with respect to GAC advice it is supported by consensus.

And the second thing I will note that is Olga I am completely indifferent about whether to list the names of GAC representatives and countries or just to put the words “some GAC representatives.” It’s completely your preference. I thought I would note the three names that came up on this morning’s call. And I could add Iran or I could write the words “some GAC representatives” and leave it at that. What is your preference?

Kavouss Arasteh: Excuse me, point of order.

Thomas Rickert: Kavouss, can you...

Kavouss Arasteh: Excuse me, point of order. I could not agree putting some GAC members that disagree. Means other GAC member agree. This is a violation of the expression of votes. I cannot agree with that. Some GAC member disagree means that other GAC members agree. There are 154 GAC members and only four attend this meeting. And I don’t understand we can quote the others.

This is the meaning that other GAC member either they are abstention or agree with this text. This text is not necessary. Please remove it totally. Please remove that totally. It is not - this is nowhere stress test at all. GAC will be quite wise to see if there is any area that the consensus should be in a different, we do that.

Thomas there is a very sensitive issue at the table of GAC. This sensitive issue will give rise that somebody push for this. We don’t agree with going to the majority. Totally destroy the whole issue of GAC. Please do not push this. It is (unintelligible) some GAC member disagree. Means that other GAC

members agree. This is the implicit meaning of that. We don't agree with this stuff.

Thomas Rickert: Kavouss you have made yourself very clear on that point. Let me reiterate that we are all trying to find the right language in good faith. Steve has come up with a proposal to note the objection by the countries that spoke up in the first call. We can certainly try to find language that will suit everybody's needs.

At the moment let's continue with gathering some input. And for that I have Olga and then Jordan in the queue.

Olga Cavalli: Thank you Thomas. This is Olga Cavalli for the record from Argentina. Steve thank you for the explanation and I appreciate your efforts. If I am outside this process and I read this paragraph it seems like there are only three countries opposing and that's not the point.

There are many other countries that agree with Argentina, Brazil and France. So it should be rephrased. I personally have no problem in having the name of my country included in the list of countries opposing. But the way it is shown it looks like there are only three, and that's not the point. That is not true.

So this is why we object. The way it is written we can work it out in a certain text or you can debate it, whichever the way. But the way it is we don't agree. Thank you.

Thomas Rickert: Olga let me just briefly ask a follow-up question. Are you in favor of deleting only the last two lines? Or are you suggesting to delete the last two lines as well as the other highlighted yellow section?

Olga Cavalli: I want to delete the whole 18 stress test. That's my point. So I don't like the - I don't see the point. Argentina doesn't see the point. And there's many other countries also agree with us. We are not alone. The GAC is working towards a common position. Maybe we find it, maybe we don't. We are doing an effort in that. So you have to have that in mind.

But I don't see why there should be reference to how the GAC does make decisions. It's up to the governments. I don't know if I responded to your question but that's my answer.

Thomas Rickert: Still up to the GAC to define how it sees or how it construes the term consensus. So in that there is still full flexibility with the GAC. I do understand that you might have an issue with the way your intervention is made reference to.

So I think what we can easily do is just delete the two last lines in this paragraph. The question then would be whether there are additional tweaks that we could make to the language in order to reflect what you've asked for. I do not see sufficient traction in the whole group for removing the whole Stress Test 18. Jordan is next.

Jordan Carter: Thank you Thomas. I just want to go - I find myself bemused just how this conversation keeps ending up with people talking past each other. I don't understand why GAC reps keep raising any notions that anything in this is telling GAC what to do in terms of decision-making or anything.

I just urge people to keep reading the whole of J and K in their entirety. And the only thing this does is say that ICANN will in good faith and in a timely manner try to find a mutually acceptable solution with the GAC where the GAC advice is consensus advice. That's the only thing it says.

And the only reason it's needed - the only reason it's needed - is because unlike any of the other ACs or SOs in this organization, the GAC can write its own rules without it being a bylaw change. So that's an unusual situation. And what it requires us to do is to be clear about how the rest of the ICNN community has to deal with that advice.

So no one is saying that the GAC can't write its own rules. No one is saying that the GAC is going to or not going to change consensus. None of that is relevant. The only thing that's relevant is how the ICANN board is obliged to try and find a mutually acceptable solution.

And so adding the language is just about clarifying that the way things work at the moment is absolutely fine but then no one part of the ICANN ecosystem can unilaterally choose to other parts deal with it differently.

And we've had very clear advice from the U.S. again and again, repeated and repeated, that this is an important stress test for them in the context of the stewardship transition. So that's why I supported retaining as it is there. Thank you.

Thomas Rickert: Thanks Jordan. Kavouss, Greg, and after that we're going to close the queue.

Kavouss Arasteh: Thomas can I propose a solution? Delete the last two lines because it's not correct saying that some people - to say we means other people like this. Amend the text proposed by my dear friend Steve in the line after the GAC, GAC may wish - at after "may wish" - to consider comma if the necessary comma amending its consensus role.

So the text would read, “GAC may wish comma to consider comma if necessary comma amending its Rule 47 or its consensus rules. So that you put it in the GAC to consider the necessity or otherwise if it so wishes. So put it at full disposal of the GAC.

That is the maximum we could agree. Otherwise I fully join Olga for the deletion of the entire Stress Test 18. With this amendment, it’s likely we could leave with that until GAC finishes its study and come up with a formal position which we are not at this to say.

But this may wish to consider if necessity amending would not make any harm to GAC in its considerations.

Thomas Rickert: Thanks Kavouss...

Kavouss Arasteh: Finally get my wording. Thank you.

Thomas Rickert: Thanks Kavouss. Let us try take stock of what’s been said so far. I suggest we delete the two last sentences in this paragraph. And I also suggest we test Kavouss language. I hope it has been captured by staff to make it more explicit that the definition of GAC consensus is in further discretion of the GAC.

So I would assume that Steve and Cheryl would consider this a friendly amendment to what they had or their group had suggested. If not please do speak. Cheryl is just confirming. So I would suggest that we proceed on that basis unless or until such time we hear otherwise. Greg? And I’m going to take Christopher although I had closed the queue. Can I ask you both to please keep it very brief?

Greg Shatan: Greg Shatan for the record. I'll try to be brief. Unfortunately it's more of a question than a position but I'm trying to understand the position of the GAC members who have been talking, which is whether they expect that if the GAC were to issue a position and call it advice but it was arrived at only by say a simple majority vote that they would still expect the GAC and the board to try in good faith and in a timely and efficient matter to find a mutually acceptable solution.

You know, would the ICANN board be compelled to go through that process based on a simple majority opinion? That is the concern that is underlying this. And yet it seems as someone said we're kind of talking past each other on this. But that's kind of the underlying concern.

And if it is the expectation of the GAC that a simple majority vote should get the same deference and have to go through the mutually acceptable solution process then I'd like to understand it. If it's not the position of GAC members then maybe there's a way out of this. Thank you.

Thomas Rickert: Thanks Greg. Christopher? Christopher has lowered his hand so we're now at the end of this discussion.

Christopher Wilkinson: (unintelligible) discussion I've lowered my hand for the time being.
Thanks.

Thomas Rickert: Thanks very much Christopher for that confirmation. I would suggest that we proceed on the basis of this version with two changes, the first of which being the last two lines are going to be deleted.

Second is the amended language in the upper paragraph which is highlighted in yellow to honor Kavouss's proposal to make it more explicit that the definition of consensus is in the discretion of the GAC.

So unless there are objections to that way forward I think we can close this item and for the next topic I would like to hand over to Mathieu again. Thank you.

Mathieu Weill: Thank you very much Thomas. Our next topic is the independent review process. And as mentioned earlier in this call the document that was provided, the full document that was provided was provided just before this call but it's consistent with the checklist that had been heavily discussed within Work Party 2 but also within our group.

And for a quick overview of the document and what has been changed I would like to turn to Becky. Becky?

Becky Burr: Thank you. So what I have done is to take the language in the draft initial report on independent review and modify it to reflect the changes that were captured in our discussion and shorthanded in the - once again I'm not seeing the markup here Brenda.

The only document I sent was a markup so somehow your uploading process gets rid of the markup. Can we - do you guys have a way...?

Grace Abuhamad: Becky we don't have a markup but give us a minute and we'll reconvene the viewing and figure out what we need to upload.

Becky Burr: I think that if you - I think that the document on the - hold on - the document on the Wiki I think is the right document. I'm just pulling it up. Oh no, somehow the

markups went away. Okay I'll send you the markups right now. Sorry guys.
Jordan, Mathieu and...

Mathieu Weill: Yes Becky.

Becky Burr: Thomas do you want to work on something else while I do this and then the changes?

Mathieu Weill: Okay so maybe I can take Malcolm's questions first if - so that it gives Becky a little bit of time to get back on everyone's feet. Malcolm?

Malcolm Hutty: Okay I was just going to say that those of us who have been in WP2 have only had this document that supposedly implements our work since - for about 45 minutes. While we've been having the other discussion I've gone through it and I've seen some omissions from what we had documented at the WP2 consensus.

It seems fine in everything that it says but it doesn't seem to have - it seems to have missed out a few things. So I sent through the markups after the WP2 list pointing out both omissions and suggesting it to be added back in. So this document that Becky is showing I believe is incomplete from our consensus position.

Becky Burr: Malcolm could I just ask did you get a marked up document? Because I'm pretty sure that's what I sent.

Malcolm Hutty: I did. I got a marked up work file. I haven't looked at the PDF.

Becky Burr: I didn't send a PDF.

Malcolm Hutty: Well they've converted it to a PDF and they locked in markup in that process.

Becky Burr: Right. That's what I think is happening.

Mathieu Weill: So we...

Grace Abuhamad: Would you like us to upload Malcolm's version Becky then or go back to your version?

Becky Burr: I'm going to just - I'm going to send - that's not my version what you've got up there. Somehow the changes went away. (Malcom) would you...?

Mathieu Weill: Let me offer something Becky. Let me offer something.

Malcolm Hutty: Greg has my version then. She could use that.

Grace Abuhamad: I can take direction from anyone. I just need a little bit of direction here.

Mathieu Weill: I think we can work on Malcolm's version. And I think what matters here is that any significant issue we would have with the text that would be in divergence with the checklist that has been agreed on should be noted and corrected. And Kavouss your hand is up?

Kavouss Arasteh: Mathieu it is 4 o'clock in the morning. After what time are we going to work? Just let me know. It's 4 o'clock in the morning in Seoul, Korea.

Mathieu Weill: I know we announced that this might be an open-ended meeting and we would hope not to take too long now but I think we need to close those items and ensure we have heard everyone before we actually move on.

Kavouss Arasteh: So we don't have new ideas. If you're too late at this to say, to give any new ideas.

Mathieu Weill: No new ideas. No new ideas. Just on the IRP it's just about ensuring that the text here is consistent with the checklist that's been agreed on. And no new idea to be bringing up. No stepping back into some of the ideas. It's the only consistency check. And I would like to thank Malcolm for doing this very thoroughly.

Malcolm Hutty: To be clear, what we're checking is consistency with the consensus agreement that Becky's received that were being reported upon in the previous meeting.

Mathieu Weill: Yes and the text that was also discussed on the CCWG itself.

Malcolm Hutty: But at the time we noted we didn't have text to see whether that was actually implementing the consensus position from the working party.

Mathieu Weill: Is there - maybe based on Malcolm's edition on a quick review, Becky, is there anything you want to point out?

Becky Burr: I'm still doing my quick review here. I think that the problem is that the redlining went away. I don't have objections to Malcolm's changes although actually I think that they are all in there although in different places. Just taking a quick look at Malcolm's changes.

Malcolm Hutty: I tried to follow your structure but of course I didn't have your directions as to precisely where you wanted things so I was working independently. We only had it 45 minutes ago (unintelligible)

Becky Burr: No I'm totally sorry guys. I've been trying as hard - we didn't really reach closure until pretty recently. So it was a struggle to get it in.

Mathieu Weill: Let me offer a way forward. I think we will give an extra - I don't know where yet, whether it's 12 or 18 hours, for a final review of the text as amendment by Malcolm. Based on our assessment of any input on this will be whether that's consistent with the checklist.

So no new ideas. No removal of ideas that were present in the checklist. Just ensuring we have consistency and that's the kind of editorial comments we could take into account for a little more time.

I think I'm uncomfortable in closing completely while we are reviewing the document as is. And that will include obviously any comment from independent legal advice that is currently - will be reviewing this and we could - so Grace or Bernie what would be an appropriate time for this deadline of review?

Grace Abuhamad: I'm not sure Mathieu off the top of my head. I haven't really thought it through. Bernie do you want to jump in on this? You have an opinion?

Bernie Turcotte: Probably I mean the person who's got the pen on this is Becky. She's in Washington. You know if we close it off by noon Washington time tomorrow and everyone's had a look at it hopefully okay.

Mathieu Weill: And that is 1600 UTC on Friday.

Bernie Turcotte: I believe that's...

Mathieu Weill: Okay so let's put that in the action items and thank Malcolm for his quick review and Becky for coming (unintelligible)

Malcolm Hutty: Mathieu I must say as a point of order what we are ensuring here, what was reported at our last IRT meeting was using the checklist to report on the consensus of the working party.

What we are checking now is that this document, the text that we are putting, matches in that working party. The checklist is not something that has any independent status. It is the agreement of the working party that we are implementing.

If there is anything that is on the checklist or missing or inaccurate from the checklist as compared with the document in the working party, then the checklist must fall. It is the consensus position that stands.

Mathieu Weill: Absolutely. We are perfectly in agreement.

Malcolm Hutty: Thank you.

Mathieu Weill: Thank you and I am now turning to Thomas.

Thomas Rickert: Yes thanks very much Mathieu. I think what needs to be done now is the quick discussion on the way forward with the human rights question. We do take the concerns that have been raised under this in the chat very seriously. We don't want to end this conversation with individuals on the group having the feeling that this didn't go right.

And what I heard and you might add to that is that the first question should not have been asked in the negative but in the positive and that we might have

needed to conduct the questions in a different session. And I would very much like to hear suggestions from the group without, you know, entering into a lengthy discussion to just ensure that we heard you, that we heard the concerns.

Maybe you can offer a question or a way forward, how we can ask questions so that no version is actually discriminated. Again let me say that, you know, we are trying to maneuver this in a good faith and best possible manner. But this is a very complex discussion. We had different proposals on the table and we do not want to give the impression that, you know, these options on the table have not got equal chances.

So I'm not sure Malcolm whether this is an old hand or a new hand. If it's a new hand please do speak up.

Kavouss Arasteh: This is a new hand. Please, point of order, we have completed this text...

Thomas Rickert: Kavouss...

Kavouss Arasteh:...cannot go back to that. I'm sorry, you cannot go back in one session. It is totally illegal, unconstitutional. Something has been completed after half an hour you come back to that. You need six hours of time in order to people to be refreshed and this has been completed.

And there is nothing wrong with the decision that we recognize the importance of human rights. Address that in the Work Stream 2. Why you come back to that? What is the reason you come back to that? Why you use your power in abusing what is to be done? It is already completed. Why you come back to that again?

Thomas Rickert: Kavouss, now let me state a point of order. Please do not make the allegation of us abusing any power. We're trying to maneuver this group to solutions that reflect the wish of the group. The wish of the group may have not been reflected in the way we have asked the question.

We would like to ensure that we adequately capture what this group wants. And there may have been a mechanical or a technical error in how we asked the question.

We want to be fair to everyone. And if the result of the previous (unintelligible) did reflect the wish of the group the outcome of this discussion likely be exactly the same. So I think we just want to make sure that everybody is equally treated.

So it's just the opposite. It's not abusing power. It's giving that treatment to everybody in the group. Robin your hand is raised?

Robin Gross: Thank you, yes. When I started my day at 4 o'clock this morning we had a poll on this issue on human rights. And it came out 16 to 4 in favor of a commitment to human rights in the bylaws. And they were presenting opinions and there was concern about those opinions and so some language was drafted to try to address those concerns.

And we were really zeroing in on some consensus language that addressed the concerns of different parts of the community. And so I'm very concerned that a lot of the people who are supportive of human rights in this group were not able to be on the call this afternoon and was not able to participate at the polls and as a result human rights is being dropped from, that that commitment is being dropped from the bylaws.

So I think that, you know, we saw we're not going to make these kinds of decisions based upon a single meeting as well and the people who are supporters of for example (Keith) who wasn't able to be on the call this afternoon and did vote for it this morning, you know, we need to hear from the others who are not able to be on the call this afternoon.

And recognizing that we need to have just a fundamental commitment to human rights in the bylaws is an important aspect of ICANN's overall accountability.

I think that this has got to be an issue that we have out for public comment or we're certainly going to get a lot of pushback from a lot of different parts of the community that say ICANN is only concerned with economic rights and economic interests.

So I think we can't drop it from the bylaws based upon really some arbitrary polls with pretty bad language in one call considering the significant support that we had for it just hours previous by a different group of people.

So let's please take this to the list or, you know, whatever the forum is here to continue this conversation and to try to find a compromise, a consensus position so we don't have to file a minority report that this proposal fails on the openness requirement. Thank you.

Thomas Rickert: Thanks Robin. Kavouss.

Kavouss Arasteh: Yes Thomas. We have already gone through a process of voting. The question was clear from Mathieu. It was clear and we cannot resolve the issue in a half an hour or in 6 hours.

What you put in the text if I understood, 79 persons in favor that the CCWG recognize the importance of the human rights and will deal with the matter in the work stream two.

And we are open in the second public comments once we receive that we have ample time to patiently, quietly and nicely discuss the matter. Let's not rush into anything.

I don't think that the people who have not attended this would be in favor to continue this discussion. It is too late and what you put is cautionary action and does not mean we cannot agree to go back to the voting.

This is the principal issue. Voting has been completed. The question was clear and the result is clear. We cannot go back to that. Constitutionally we cannot go back to that.

We have to stick to some rules. We cannot totally drop all the rules in favor of the wishes of the people. We have to apply the rules. This is rules (unintelligible) and we have to apply that.

We have completed the text was cleared by Mathieu and the vote is clear. The result as you call it and the issue is finished. What you put here is quite clear.

Recognizing the importance of human rights and we address that in the second work stream or in the work stream two in a proper manner and with patience and with sufficient time.

We don't need to rush to anything and I cannot understand the people that this is a diverse sub consensus. It has been discussed for months and months, many, many, many times it is not the first time.

Sensitive, critical and very delicate issue. We cannot push for something. There are many, many issues on that. I cannot speak more often than what I'm doing now.

This is a very critical issue. We cannot rush into that. Please it has been in other areas not only in...

Thomas Rickert: Kavouss I think you...

((Crosstalk))

Kavouss Arasteh:...so let us not do that.

Thomas Rickert:...I think you have made your point very clear. I'm glad to hear that the questions have been clear to you according to what we read in the chat. The question has not been clear to everyone.

We are particularly because of the importance of human rights we want to make sure that we get this process done right. And if there was a flaw in the way we process this we need to recognize that but let's now hear Cheryl.

Cheryl Langdon-Orr: Thank you for that. I think I heard Tijani's voice so I would (unintelligible)

Thomas Rickert: Tijani. Why don't you...

Cheryl Langdon-Orr: Thank you I will go ahead it's Cheryl Langdon-Orr for the record. I really put up my hand to speak from a personal perspective and this call as you I trust will recognize but (unintelligible) I think you will somewhat agree I think in this particular case to the likeness of the hour which unlike (Jordan)

and some of the others you might not be quite so used to because they routinely work between 2:00 and 5:00 or 6:00 in the morning and then (unintelligible) to that earlier.

But what we co-chairs are trying to do or were trying to do with this last proposal was to ensure that there was not a (unintelligible) interpretation and (unintelligible) reading which I personally believe there is a real risk (unintelligible) told.

So from that point of view we always think (unintelligible) We may indeed not have the energy and the information to (unintelligible) this now but we probably do need to revisit this, remain calm, cool and obviously things like collaborative is not (unintelligible) this issue in the next 20 hours or so.

Thomas Rickert: Thanks very much Cheryl. Greg.

Greg Shatan: Thanks, Greg Shatan for the record. I've been sitting here wrestling with myself devil or angel perhaps and between kind of my multi-stakeholder ethos consensus driven bottom up self and I have a position and I like it when my position gets adopted self.

We seem to have ended up where I would have liked to end up but I'm not sure that was where we should have ended up. I think that in trying to achieve consensus which is really what we should be about, you know, this is as Jonathan Zuck notes this was not a formal vote within our charter meaning this was a straw poll.

And it was a poll that, you know, having worked for many years with survey experts designing a poll is an art form and designing a poll on the fly when you're not skilled in that art is very, very difficult to say the least.

So, you know, relying on where the poll came out even if it ends up with a result that I would have supported makes me a little queasy as a queasy as a firm believer in the multi-stakeholder ethos and as somebody who doesn't generally, you know, want to stay in one's corner and win but believes that we achieve things by sometimes swallowing a little bit of what we don't want to swallow even so that we get to where we get to as a group.

It's kind of a little no and a little yes and I feel that somehow in the course of this process we ended up through the way that the votes or straw polls were done somehow missing out on the consensus we might have achieved.

And I don't know if I'm representing the IPC to the best of my ability in saying this because the result we got is one that we would most strongly support but in looking and trying to take a bigger view of this and trying to rise above any particular position and to try to find where this group might have ended up if we had truly been able to engage in the consensus process that's at the very heart of what we do I think that we somehow may have missed the mark.

If in fact the consensus forms around where the final poll ends up that's great that's where my green tick is but if a real consensus would have brought us somewhere else so we could live with something where everyone loses something and some people get their way but nobody feels that they somehow have just been punched in the face and thrown out the back door then that's better.

And that's my multi-stakeholder side and that I think is the side that ends up winning for me because this is bigger than the needs of any one group or any one position that we have. This is something we're all in together and I'd rather be in it together with everyone than win in a way that causes losses all

around and that's where I stay and I really actually feel quite emotional about that. Thank you.

Tijani Ben Jemaa: Thomas.

Thomas Rickert: Thanks Greg. I hear Tijani please.

Tijani Ben Jemaa: Yes thank you very much Thomas. I just had a few pieces to think about (unintelligible). And I am not happy that (unintelligible) confused (unintelligible) with the election with the vote.

It wasn't a vote it was a (unintelligible) as much as you want. Until you reach the consensus there is not anything wrong (unintelligible).

Second point, as I said, you know, Robin was saying that these people that are in favor of human rights inclusion in the - couldn't come in the afternoon. That doesn't mean that this (unintelligible) and she's right.

As I said in the beginning if we want to make - if we reach a very sensitive point that we know that we will not reach full consensus and we need to know (unintelligible).

I think that we need to prepare people to (unintelligible) or tomorrow or in two hours we will make a (unintelligible) report but by this point and only the members vote because if you don't see that I will make as I said I will make my community to come in and vote and you would have (unintelligible) of the committee. Thank you very much.

Thomas Rickert: Thank you very much. There has been I think, you know, if my memory doesn't fail me I think the main issue was that the proposal that (Steve) made was connected to a question in the negative.

And I think that (Jonathan) has put questions in the chat that get some question and that is one, do you support adding HR language to the bylaws? If consensus is yes then do you support (chief) language?

And if that -- or Greg I think that needs to be two different questions then. I think with the part that has been criticized so much the first question has already been answered in the affirmative.

So let me hear whether we could agree on, you know, double checking with the first question. Do you want additional language and then we would ask are you in support of (Keith's) proposal because if, you know, we wanted to confirm the decision that was made in the earlier call today right.

So I would suggest we have two questions one on -- Greg you're building up a poll now. I'm not suggesting to do that at the moment. I would really like to get clarity on the questions to be asked and Alan's hand is up so please Alan.

Alan Greenberg: Thank you very much. Thomas you said that the first poll had a definitive answer. I do not agree. People may have answered yes delete the language that's there because they wanted no language or because they preferred Greg's language and you don't know why people answered yes to that.

I would suggest you make it very clear do you want Cheryl, Greg or (Keith) or whatever the options are and let people simply choose.

Thomas Rickert: Okay your point is well heard. I think...

Tijani Ben Jemaa: I agree with Alan.

Thomas Rickert: Tijani agrees with Alan. So there is support for the three options and I'll also take (Robin's) point about the call yesterday but Robin if I may add you were also concerned that support of that question are not on this call.

So I haven't had the opportunity to check with my fellow co-chairs and the repertoire's. I would suggest to you but I'm hoping to hear suggestions that we ask this question, do you like any or would you like or support language in the bylaws on human rights.

Then are you supportive of Keith's suggestion, are you supportive of Greg's suggestion? And I would suggest that we take note of these questions, send them out to the list and people in the group shall please send their review to ICANN staff by a certain period of time.

I think we should not do it now. People are exhausted, we have to cut the earlier on and I think that is better than doing (unintelligible) now which might cause more confusion than it helps.

Is that Tijani? Tijani.

Tijani Ben Jemaa: Yes I have a proposal for the question. I would like it to be only one question, three choices, with three choices. And the first choice is don't want any language in the bylaws about human rights.

The second choice will be once the language in the bylaws was to be done in work stream two (unintelligible).

Third point, I'd like to have the language of Greg in the bylaws or I want to have the original language in the bylaws. So three, or four options. This will be very clear where we don't have to take this question and then the other question (unintelligible).

The question must be very clear for me so that anyone who knows what is (unintelligible) thank you.

Thomas Rickert: Thanks Tijani. Kavouss I'm not sure whether that's an old or a new hand.

Kavouss Arasteh: Yes this is a new hand Thomas. It is I think the question is out of the control of the culture. Totally out of control. You said that what Mathieu did was wrong. Is it correct?

He raised the question quite clearly and the question was that do you want a high level general reference to human rights in the bylaws indicating the details of which will work in the work stream two.

That was a valid question and a valid (temperature). Don't call them (unintelligible). So that was a valid (unintelligible). You are saying that he raised the question wrongly. Is that correct? You disagree with this other?

Thomas Rickert: No that is not correct.

Kavouss Arasteh: I think the first question - let me finish. You allowed Greg to talk for 15 minutes, allow me to talk for 2 minutes. The question, first question would you like to have a general high level reference to the human rights in the bylaw indicating the details of that will be worked out during work stream two. This is the first question thank you.

Thomas Rickert: Kavouss let me be perfectly clear. This decision on how to move about was a decision by the leadership team and I am in no way criticizing Mathieu for how this has been conducted.

This is a group exercise. We have made a decision on the start to have some criticism and as we did previously we're listening to this group and we're trying to accommodate everyone and make sure that we do the best for the sake of the whole group on this result.

Actually Mathieu would like to speak to this so Mathieu over to you.

Mathieu Weill: Thank you very much Thomas. This is Mathieu speaking. As Thomas has been saying this is a collective exercise and it has been in the first instance when we tried our best to find our way through a complex web of options and a discussion that is clearly being quite challenging in terms of finding a common position within the group.

We are not and I'm not and I think we all collectively are not satisfied with the way we managed the discussion and that's why we are trying another attempt and because our hope is that everyone stays focused on finding this one point of compromise where everyone can live the outcome.

And that is the effort that we are undertaking during this call as we've been doing for a while now. So Thomas and I and the rest of the leadership team are really trying to find something that everyone can live with. Thank you.

Thomas Rickert: And now to hear the groups wishes that there is some support for doing an online straw poll now using the ticks. So let's everybody that has concerns about what has been done.

I think we need to put the questions in writing for everyone to see and let me turn to my colleagues. Can we do this right now? I think Jordan has taken good note of the questions or shall we take two minutes to get that prepared?

So Jordan is typing questions in the chat.

Tijani Ben Jemaa: I don't have connection so please read them.

Thomas Rickert: We will Tijani.

Tijani Ben Jemaa: Thank you.

Jordan Carter: And I don't know (unintelligible) so I'll read them out (unintelligible) at the moment. And I see the first one is (unintelligible) suggestion. The issue to include human rights language in this report and we know the part (unintelligible) that.

I think we should do green ticks if we think that we should (unintelligible) if not. I mean I think we should test the preference between the two languages as we did in the last call.

I mean in this comment report which is a proposal to include it in the bylaws. So it's the text really as before. I don't know why the co-chairs is on silent but I'm not...

Thomas Rickert: We'll work through that, get through that. Okay can we here -- now we vote that Kavouss has also made a suggestion that focuses on (unintelligible). We're asking the question this way, could the concerns address and Kavouss I've seen your suggestion.

Kavouss Arasteh: Yes Thomas. If we ask the question do you want the (unintelligible) human rights in bylaws the answer is yes. Everybody agrees with that but the question is timing. The question is the process.

The real question would be would you like or do you like or do you agree to have the high level reference to the human rights in the bylaws indicating that the details of which will be considered and discussed and processed during work stream two.

This is the question. If you say you do want human rights, everyone wants human rights. I want human rights I'm in favor of human rights but we cannot work the details of the language of Greg or language of (Keith) or language of this or various language.

All of them are good but we cannot make this selection now within 24 hours. This should be detailed in the work stream two. Please take the way that Mathieu proceeds.

He said that would you like to have a high level reference in the bylaws today, tomorrow and then the details of which will be the work of work stream two. This is the first question. Thank you.

Thomas Rickert: Kavouss I guess the question is to be understood in the way i.e. whether human rights should be specifically mentioned in the bylaws. And if that question is answered in the affirmative then the other question is which of the language we're going to choose.

So I hope that this is now clear and I would -- I'm now seeing more people typing so let me see. Is that Tijani?

Tijani Ben Jemaa: Yes you said this is clear but I don't see anything and I cannot connect. I don't (unintelligible) discussion and the question about do you want any language on the bylaw issues answered by Matthew's question.

Do you want Greg's language also answered and the last question was answered and (unintelligible). So I think that this is the solution. If we want to ask other questions yes but you're asking the same question and now you put - you can have (unintelligible).

So I don't know (unintelligible). If you want to be (unintelligible) that we have to go to the (unintelligible) and to give their agreement. And also again I say that it is not only the members that have to take part in this poll. Thank you.

Thomas Rickert: Thanks Kavouss, thanks Tijani. Kavouss I guess that's an old hand right?

Kavouss Arasteh: Not his is a new one. Let me explain to you Thomas. If you raise a question would you like to have a specific language relating to the human rights in the bylaws and the answer is yes.

Okay, I am sure the answer will be yes. Then would you like the text of Greg and if the answer is no what do you do? The first answer we want to have something. The second we don't want the exact language.

Suppose maybe they want. What do you do then? You go back again. So I think the best question would be would you like to have a high level reference or a general reference to the human law, human rights in the bylaw the details of which will be worked out in work stream two. This is the question.

Otherwise if you raise the question would you like human rights everyone wants human rights. But then you go to language if there is no agreement what do you do? You come back again to another question?

So let us take the question raised by Mathieu or posed by Mathieu that high level reference today and detailed in future. This is the question. I just don't understand why you refuse to take this question. This is a suggestion and it's (unintelligible). What is the problem with that please? Thank you very much.

Thomas Rickert: Thank you very much Kavouss. Alan and after that we're going to close the queue.

Alan Greenberg: Thank you very much. If we're talking about two or three questions and I've lost track at this point. Either there are if there are two questions and there's four possible ways you can answer those questions if there is two options each.

You might have a rule saying if you don't, if you answer no to the first one then don't answer the second one. People will answer it anyway. If we answer one question, ask one question with multiple options it will be clear.

People will not - you do not have to divine how people are interpreting the question and using it in the second question. So I strongly suggest providing the multiple options and let people choose the one they like. Thank you.

Thomas Rickert: Thanks Alan. So let me allow just for a second to get this.

Mathieu Weill: Thomas.

Thomas Rickert: Mathieu.

Mathieu Weill: Do you have a - do you want to explain the way you want to proceed or you want me to - because I would like to - I can make a suggestion.

Thomas Rickert: Yes, please do.

Mathieu Weill: So here's what happened. We've made a number of calls last call - this call - to test the temperature. There's been frustration expressed because one of these questions has not been put up for temperature of the room testing.

And this question was the preference between (Keith) and Greg's language. And that has not been done and I've heard frustration about the fact that it hadn't been done.

You know, once we've done that, it doesn't mean we make a decision right away because obviously we'll have a lot of - we might have a lot of conflicting signals between the different questions. But I think that's where our charter say that it is our roll - the roll of the co-chair is to confer and assess where consensus is met or not met, based on the exchange of information we have in during the calls and make decisions about the way forward and whether their consensus conditions are met.

And so I would like to - I'm not keen, Jordan, to reopen the first question, which was already asked during the last call, although I don't have a strong objection against it. But I think what's important is that we ask the second - actually...

But I'm okay to recap the first one as well so that we have maximum amount of information. But please bear in mind, once it's done, we will close the item forever. I don't think we can do that right now.

We'll get a better view and we'll have to discuss with co-chair how we suggest to proceed. So, Thomas, that would be my proposal. We can take most of the questions that are currently in the chat and then we'll have to define exactly what we want to - how we want to interpret these signals about the temperatures in the room and what they say about the potential consensus.

Thomas Rickert: Yes, let's take those two questions, please. Use the...

Tijani Ben Jemaa: Thomas. Thomas.

Thomas Rickert: ...green and - who's that? Okay, because there has been a request to have two questions - who's talking, there?

Tijani Ben Jemaa: Tijani.

Thomas Rickert: Tijani please keep it down.

Tijani Ben Jemaa: Tijani, yes. I am sorry to repeat myself but it is better to have a premiere as Alan said, very, very clear question. And we need - and we can have one question.

Do you like no mention of human rights at this stage in the bylaws. And second, a mention of the human rights but at least the direct language second choice, and first choice the mention of human rights with the original text. These - these questions in one question and everyone will pick one - only one choice.

And it will be a very clear choice. If you (unintelligible) this as you are (unintelligible) now, it will give the same confusion. And why we are doing this again? It's because there is a confusion, as Alan said. Thank you.

Thomas Rickert: I think that - Jordan have kept track of the questions to be asked and he would like to offer some explanations, I guess. Jordan, over to you.

Jordan Carter: We can't ask the question the way that Tijani has suggested it because what that does is it misleads - it splits the people who support some kind of human rights efforts into two camps. So it's illegitimate to fold it into one question.

I think that we should just ask the question - the first question, which is the support or not. And then the second question is which would you prefer? And all we'll then know is what we think about those two questions and I strongly suggest that we find out the answer to that because we're talking about doing so for the last 15 minutes.

So I can paste the questions back into the chat, if you like, and that may help because we're talking about something in Part A in these core values right there. So it's the commitments in the bylaws that we're talking about.

Thomas Rickert: Okay, Jordan has put the questions into the chat and I'm going to read it out for the benefit of those who are just on the phone line. So the question is, first, do you want to see - to risk what is - no, sorry it's a - it's just a moving target because people continue writing in the chat box.

Do you want to see human rights language in that box with an 8 and with the red text? So do you want to see language there? Second question is do you prefer what is written there suggested by (Keith) or do you prefer Greg's alternative. So let us please proceed and use the red or green ticks on the first

question, which I repeat, do you want to see some human rights language in that box with an 8 and with red text?

And just to confirm, a response to Robin. We will make a determination later what we're going to do with regard. So please use the tick boxes now. Do you want to see some human rights language in that box with an 8 and with the red text?

Tijani Ben Jemaa: So now we are working on...

Mathieu Weill: We haven't chosen text yet. This is on the context on choosing language.

Thomas Rickert: Do you want to include this language in that box with an 8, with the red text. And the red text is with it - within its mission and its operations, ICANN will be committed to respect the fundamental human rights of the exercise of free expression of the pre-flow of information. So in that box, do you want to see human rights language there?

If yes, please tick green; if no, tick red.

Tijani Ben Jemaa: Red cross from Tijani.

Thomas Rickert: Red cross from Tijani.

Tijani Ben Jemaa: I don't have the slide.

Thomas Rickert: That is ten in favor and five against, including Tijani. So we do know that not everybody is in the room. We're just keeping this to base our further recommendations on. So please clear your ticks now and let's now move to the second question.

Do you prefer what is written here suggested by (Keith) or would you prefer Greg's alternative? I would suggest that with that - shall we divide that in two - let me just check with Mathieu. Shall we go for (Keith) first?

Mathieu Weill: I think what was asked for was a preference vote. So, let's try a preference vote that was the meeting part in the first set of questions.

Thomas Rickert: So, we would say green for Keith and red for Greg.

((Crosstalk))

Kavouss Arasteh : ...Keith - what is Keith's proposal, please? What is Keith's proposal?

Mathieu Weill: So let me read the - Keith's proposal and - so the (Keith's) proposal is green. So the green one is within its mission and in its operation, ICANN will be committed to respect the fundamental human rights of the exercise of free expression and the free flow of information. That's the green.

The red one is proposed by Greg Shatan and it's within its mission and in its operation, ICANN will be committed to respect internationally-recognized, fundamental human rights point. And...

Tijani Ben Jemaa: So in this question the chance to vote with those results one or the other? No, no.

Mathieu Weill: If you don't want these...

Thomas Rickert: If people voted no last time, they can still vote...

Mathieu Weill: So the question is which one you prefer. So - okay.

Kavouss Arasteh: You cannot put at a double question to the vote. You cannot put that -- do you prefer this, do you prefer that - no. It is no. The other voting is no.

One single question at one time. You cannot do double question -- do you prefer this, do you prefer that. It's not correct. I don't know how we invent this. Please kindly consider never, ever have one single text at one time. Yes, or no. Thank you.

Mathieu Weill: Just one second please. We can - so - we are trying to determine whether there is a preference between the two choices, right. And therefore, we would like to see - if people choose one over the other. And again, we will try to make sense out of the outcome of this.

So what you can do is you can tick red - you can tick green for (Keith's) language, you can tick red for Greg's language, and if you don't tick anything, you show that you don't like any of the proposed languages, right. So green in favor of (Keith), red in favor of Greg, if you don't vote, that shows your preference for neither of the languages.

So please use the mechanism now or don't use it and we will still take that into account. So we are now seeing that six individuals have favored - seven have favored Keith's language, ten have favored Kavouss - sorry, Greg's language. And we will take the difference after we've heard what Tijani favored.

Tijani, can we hear what your preference was?

Tijani Ben Jemaa: Yes, I am not voting so I am against any language. I said, at this level, at this moment, and subsequently seen one, I don't want to see anything in the bylaws.

Thomas Rickert: But that's an indication of the preference for neither language. So I think that's already heard for. You can untick your boxes. So thank you for this.

I think this helps us a great deal in determining which direction we might take. Again, we are not making any determination on this now. But we will get back to you with a suggestion. Grace has raised her hand.

Grace Abuhamad: Thomas, I'm sorry, but I was trying to take note in the notes of who had different ticks and everyone took their ticks and crosses down so I don't have any record of that.

Thomas Rickert: I think...

Tijani Ben Jemaa: We could announce the results. Could you announce the results in favor of Greg and in favor of Keith?

Thomas Rickert: I'm not sure whether it's already in the notes.

Grace Abuhamad: This is what I was - I'm trying - it was what I'm trying to say. I don't have the final results in the notes because the hands - or, the ticks/the crosses - were taken down before I could take all the names down.

Thomas Rickert: So (unintelligible) was observing this and there were eight in favor of (Keith), eleven for Greg and the remainder didn't participate.

Man: Yes, thank you.

Thomas Rickert: So we can record that. Again, we're not making a determination out of this now. We will get back to the group tomorrow when we have analyzed this further. I do apologize for this having taken longer, but it's a particularly sensitive and important issue and we want to make sure that we do best possible justice to all the group and all the views that are held and certain (unintelligible) quite diverse group of this topic.

So I think, with that, we should - so with that, I'm just checking with my colleagues. Shall we do the IRP now?

Kavouss Arasteh: Thomas I would like to put on record that the chairs have rejected continuously and consistently a proposal made for measuring the temperature. This is not fair, this is not correct, and this is not productive. I made a proposal, you did not put it into the temperature measurement

You just put two others. That means you're discriminating the proposal. This is not correct. ICANN cannot announce that it is transparent, inclusive, and demographic. I was not treated democratically.

I am very sorry. I made a proposal. Ten times, I asked you please kindly put my proposal to the temperature measurement and it was not done. It is not fair. It is not correct. We should not do that.

It was a torturing meeting -- a torturing session back and forth, back and forth, because some proposals are preferred to put into the measurement other than that. We should deserve it, everybody.

Thomas Rickert: Kavouss.

Kavouss Arasteh: I'm working with you for hours and days and months and we should be treated fairly. Why - it was a...

Thomas Rickert: Kavouss, let me just fix it up then. I had suggested that we would deal with the other proposals first and then can you please refresh our memory on the question that you wanted to put in for the group?

Kavouss Arasteh: The question I put is ten times written in the chat. Would you like to have a high-level reference to the human rights in the bylaw now, details of which we'll be working, the (unintelligible) 2. That's what the - that is what they put something that Mathieu proposed one hour ago - one-and-a-half hour ago.

And we have made a temperature measurement for that. I repeated the same thing -- the high-level reference that ICANN recognized or the human right is recognized to be included in the bylaw, the details of which need to be worked out before the (unintelligible) 2. That is quite clear question - clear-cut question.

And I would like to know why it was not put into the measurement.

Thomas Rickert: Kavouss, I'm just trying to catch up with you. Instead of I think - or, I thought that your question was encapsulated in the first question we asked. Obviously, I didn't get that right so I'm more than happy to take that question and ask for another (unintelligible). Can we make sure that the question is visible for everyone in the chat?

Trying to dig it out. Can someone please put it in the chat so that everybody can read it? Kavouss, can you please put your question into the chat so that everybody had it - has it there in writing? Grace, your hand is raised.

Grace Abuhamad: Yes, Thomas. I was just wondering if the question that I took note of while Kavouss was speaking is accurate. (Unintelligible) to work well, but thank you.

Thomas Rickert: So, I'm going to read it out for the benefit of those who are just on the audio. Do you agree that we mention the recognition of human rights in the bylaws that was Q1 while the details were to worked out in (unintelligible) 2. And if you like that suggestion, please use the green tick if you agree. If you do not agree then use the red tick.

So I hope that all those that wanted to join this have used the opportunity in the Adobe. Tijani, can you confirm that your answer to this one is - I would assume it is no, given what you said earlier. Tijani, can you please confirm? Tijani, you might be on mute.

Grace Abuhamad: This is Grace. It's possible that Tijani's line is the one that we lost a few minutes ago when the - when there was a line that went dead. (Brenda's) just confirmed that in the chat.

Thomas Rickert: Okay. So we have seven - eight in favor for, again, in the room. Good. So, I think we can now end the discussion. Everyone, thank you very much. We will now proceed to the last substantive discussion so that I'm going to hand over back to Mathieu.

Mathieu Weill: Thank you, Thomas. I think the last discussion was whether there was any other non-substantive discussion to have. And I hope there's not. And I'm seeing no hands raised which (unintelligible). And with that, I will move to the procedural approach for the call today.

And a reminder is that - and we've (unintelligible) we'll accept wording comments -- editing comments -- until Friday, 31 of July at 18 UTC. We have an exception for the IRP discussion, which I think we were not able to fully close today, but we have - the framework of comments very well, and, again, the checklist - I made a checklist.

And we will work -the IRP deadline is Friday at 16:00 UTC. And we will finalize over the weekend so that we can publish their report Monday. And as we've said, minority report may be provided - when did we - which deadline was this to be incorporated?

Grace Abuhamad: The deadline is...

Mathieu Weill: I'm ticking it off now with...

Grace Abuhamad: The deadline for minority statements is Saturday at 12 UTC.

Mathieu Weill: Thank you. We'll put that in the note as well; I think it's important. And of course, minority views of statements that come after will still be published somewhere on a page that will be referred to in the reports, but will not be incorporate. And we, as co-chairs, will come back before the freeze, obviously, with our - the way we are - the ticking stock note on the human rights discussion, which will obviously - very challenging today.

Thomas, would you like to add any other remarks? (Unintelligible).

Thomas Rickert: Yes, I am. Two small remarks -- very small. In the visual presentation, you have CMSM for the first time. It is better you spell it out underneath of the page. Most of it means just put it - the acronym - explain the acronym.

Second, the cover page, you have Work Stream 1 and then you have a dash and you have the second public comment.

You put the second public comment a line before that. That means - it means - that below the type, it would be Work Stream 1. And below that, in the next line, would be the second public comment proposal, in order not to have one dash second. It is not really a good way of presentation.

This is editorial and that could be work out and put the Work Stream 1 in a bigger font, similar to the W - the CCWG in order to be quite clearly seen as a Work Stream 1. Just a presentation, and nothing else. Thank you.

Mathieu Weill: Thank you. Holly.

Holly Gregory: Thank you. I just wanted clarification so that we understand what your expectations of the legal team are. We haven't had a chance to review the IRP section. Given that it's so closely linked to legal issues, we think it would make sense for us to review it, but we're waiting certification from the co-chairs. Thank you.

Mathieu Weill: Thank you, Holly. And indeed, we will certify you officially this request right after this call with the right version now that it's been found back. Thank you very much for reminding us of it. And with that, I think we've had extent of discussion.

I - the one point I would like to make before closing this very long meeting is our extended thanks to the wonderful staff that - supporting us. And they will be put in their - they have been under very high pressure all week and will still be over the weekend. And we are immensely grateful for their support and advice and, obviously, everything they're doing in the background and at - not

only the ones we are used to interacting with like Grace, but also Kim and Brenda and Bernie.

And I think I wanted to acknowledge their amazing contribution in this effort. And I see Malcolm's hand is up so we're almost there. Malcolm.

Malcolm Hutty: (Unintelligible) quickly, Mathieu to say that Becky and I, as soon as this call closes, will be speaking to resolve the different back IRP documents. And so, hopefully, we will be able to present a combined paper (unintelligible) - an agreed paper that, then, you can certify for the lawyers.

So I'd suggest that the lawyers immediately work on a paper that's not agreed yet because we expect an agreed paper very, very shortly.

Mathieu Weill: Thank you, Malcolm. Okay, that's noted. Kavouss.

Kavouss Arasteh: Are we under any other business or still other things to discuss, just a question?

Mathieu Weill: I have one last thing, which is the webinar, which are planned on August the 4, during the slot that was planned for a CCWG meeting, and August the 7 - and Greg can remind me of the planned timing, if there is one.

Grace Abuhamad: Hi, Mathieu. Thanks. We've just posted the announcement link in the chat room but the 4 - the webinar on the 4 of August is going to be at 19 UTC. It's going to replace the regular accountability call that we would have had.

And the call on the 7 of August is at 7 UTC. So it's the two times based on different parts of the (unintelligible) and time zones around the world. And all

the webinars will be interpreted in all the languages that I can provide -- so six languages.

Mathieu Weill: Thank you, Grace. And now, moving to the - any other business, Kavouss, with a special thanks to you and the others who were really working at very odd hours in this call and you found way to be constructive. Kavouss.

Kavouss Arasteh: Thank you very much. I want to use this opportunity at this end of the work or the Work Stream 1 to express if the other colleagues allow me, on behalf of everybody, our sincere, profound thanks to you . (Unintelligible), Leon, Thomas and Mathieu, to Jordan, to Becky, to Steve, and Malcolm, and any other people who have extensively worked or have provided a lot of good materials, a lot of rich materials which help us and enable us to provide something which would be useful.

We've had a very challenging time. That was a hard time. Intensive, sometimes, are the discussion we had to - we have gone through some very hard discussions together but that was a source of extending of views. It should not be taken more than that.

We appreciate efforts of everybody. We appreciate the efforts of ICANN staff. They have worked with us very, very effectively and efficiently and I hope that that's (unintelligible) explain. We also express our thanks to the lawyers that we have been with us, listening to us and special thanks to the people provided this visual presentation.

It was a hard work and it's a very, very good and very efficient for the people that have seen. They have not seen this text before and they look at that one, they see a very good executive summary in the visuals. Thank you very much,

you all and thank you for your skills, for your competence, for your patience,
and for your understanding.

Mathieu Weill: Thank you, Kavouss. And I think that's the perfect way to end this call. And I
thank you all and thank you and we'll speak to you very soon. Bye.

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