ICANN

Moderator: Brenda Brewer
September 1, 2015
9:00 am CT

Coordinator: We are recording first party.

Leon Sanchez: Thank you very much. Hello and welcome to the CCWG on Accountability Meeting Number 51 on September 1, 2015. As this role we will be doing the roll call with those attending on the other Connect Room and if there is anyone at this point that is not in the Adobe Connect Room but is in the Phone Bridge I would like you to please state your name so we can have you at the roll call at this point. Is there anyone in the Phone Bridge that is not in the Adobe Connect Room?

Okay so having no one else in the Phone Bridge and only people attending on the Adobe Connect Room I will remind you to of course (unintelligible) as usual. If you haven't done so by this time please make sure to fill it in as soon as possible. The staff will be able to assist you if you have any problem with your Wiki Account or any doubts on how to fill in your statement of Interest.

I remind you to please mute your line if you are not speaking and just state your name for the record to let everyone know who is speaking on the other side and with no further delay I will turn now to my Co-Chair, Mathieu Weill for the next agenda item – Mathieu.

Mathieu Weill: Thank you very much Leon and hello everyone. This is Mathieu Weill speaking. We wanted to start this call with a review of the landscape of the inputs we have recently received so that we all share the same kind of information about where we stand.

As a reminder the public comment is open until September 12th. A number of contributions are currently being drafted in many organizations and we have received when I - last time I checked it was 10 submissions, including a very significant impact analogy from (Jones Day) acting in the capacity of ICANN corporate lawyers.

Its impact analogy has been forwarded to the CCWG lawyers for review and we are expecting an initial feedback from this review in - actually by the end of today US time.

It is also worth mentioning that there is a plan for Jones Day lawyers to speak with CCWG lawyers typically or I mean the (unintelligible) firm and so that the - any misunderstanding can be cleared before we get the feedback.

In addition there has been several calls that you have been aware of. Yesterday night was a briefing to the ICANN board. That took place for 90 minutes. There was a call with the CCWG Accountability Advisors which had taken place yesterday as well.

I can also mention that last week - yes, last week on Tuesday the ccNSO organized two ccTLD Webinars that I attended to and I think there all for several reasons for the outreach is extremely active and what we would like to do in just a general item is open the floor for anyone to mention either significant outreach events or most importantly the feedback that have been received during the event.

And maybe to start with it would be good Leon if you could provide a very quick overview of the feedback received from the advisors.

Leon Sanchez: Happy to do so Mathieu. Thank you for the (unintelligible) and well many of you attended the call with advisors. We had four advisors on the call. We listened to Jan Aart Scholte. We listened to Lee. We listed to Willie and we listened to Nell. I think also and most common from the advisors were supporting of our proposal so far and we also heard some very valuable feedback from Jan and from Nell.

Nellstated that our proposal should look more into ICANN's Outreach in order to make ICANN a more transparent organization and this is something that we would of course be looking into when refining our proposals for the final version.

We also received some feedback from Jan with regards to the methodology that the voting would actually take place in the community mechanism and pretty much that could sum up the most relevant comments that I remember from our session with the advisors and well they agreed that the group has great efforts and they congratulate everyone in the working group for - whether we have to come up to so I think it is starting to pass the message and congratulate everyone for the effort and for the proposal that we have all built together and of course for the use of our advisors.

So I think that would be a very brief comment on this Mathieu and I will serve back to you.

Mathieu Weill: Thank you Leon and with that I would like to open for other group participants and members to share the feedback they are hearing, receiving,

any updates on this that would be relevant and I see Steve is first in line - Steve

Steve DelBianco: Thanks Mathieu, Steve DelBianco with the business constituency. Last week I discussed some of the BC concerns on contract enforcement and things like the Separation Working Group. There were two other minor issues that the BC is concerned about and is in our draft comments that we are reviewing right now so I thought I would throw them out there.

The first is the board is suggesting they will give us new wording, new text for the affirmation of the commitment to its review which we are bringing into the bylaws as part of the transition process and we don't yet have that text or if we did then shame on me for missing it but the BC is keying to understand what significant change the board and legal team want to make to this text that has been in the affirmation's commitment since 2009.

We noted a review on the - who is using that very same language was conducted a few years ago without destructive effect but we are open to try to rationalize that language and make it work better. We are just anxious to see what the board produces. If they wait until after the Fall Public Comment Period that gives the BC no opportunity to react to it so I would ask the board and legal team to get moving on that, thank you.

And then one other small item is the human right elaboration. The BC is following it but not really active on that group and maybe we should be because we noted an early draft suggested using the UN Guiding Principles for Business in Human Rights as opposed to the UN Declaration of Human Rights and that is not just a subtle difference, it is a huge difference.

The principles on Business in Human Rights seem to have been written for businesses in the resource extraction industry and contain very little of the comprehensive human rights, balanced human rights framework that is in the UN Declaration on Human Rights. So I would welcome input from those of you that are active on the human rights teams but I don't want to (unintelligible) since I know you have broader issues to cover - Mathieu, thank you.

Mathieu Weill: Thank you very much Steve that is useful and typically the kind of base that is valuable for (TR) work forward.

I have noted a question in - by Matthew Shears in the chat about the feedback from the Co-Chair discussions with NTIA and I would like to turn to Thomas for an update on this since I did not personally attend this call - Thomas.

Thomas Rickert: Yes, thank you very much Mathieu and welcome everyone on this - the call and indeed we did have a telephone call with NTIA basically to check whether there are any concerns or whether there is anything that we should take particular note of but also to keep up the dialogue between NCIA and our group and I guess that I would like to summarize the call in three thoughts.

The first thought that Larry shared with us is that - he reminded us that (unintelligible) and also his interventions in Buenos Aires where he asked our group to document thoroughly why we are doing what we are doing and also why we are doing things now but doing them at a later stage so I think that the impression that he has is that we are still a little big light on the documentation side of things, that there is too little rationale in our report, why we are doing the things that we are doing. What the pros and cons of the various models were that we have been looking at and I will speak to that a little bit more when we get to the agenda items and I think number five and

number six and so we will make sure to continue that discussion with the group and discuss what actions we can possibly take in order to improve on that.

Larry also mentioned that there might be some questions surrounding the IRT and that leads me to the third part and that is basically what we conveyed to Larry namely that our group has worked certainly on a requirement basis so we established requirements, we reached consensus under requirements for an accountability architecture and accountability enhancements and we were looking for solutions that would best possibly fit these requirements and that, you know, it should - NTIA see that we are going too far and or that we are falling short off NTIA requirements with our own requirements. Then it would be good to get the signal from NTIA so that we can take that on the record because so far I think this group has worked hard to make sure that we are meeting NTIA requirements as published subsequently of the day of the NTIA announcement.

And I think I should pause here with my brief recap and I should ask that we have invited NTIA to the call with the board to make sure that dialogue that is continuing is such that all parties involved have the same information, get the same responses to concerns there might be so that everybody can make an informed decision. Back over to you Mathieu.

Mathieu Weill: Thank you Thomas and I think it is - a more queue for me so I am turning to Alan.

Alan Greenberg: Thank you very much. I have a more of a question than a comment. The first version of the draft paper that we issued many months ago implied that Article, Bylaw Article Two, Section Three on Non-discrimination treatment

was being deleted in favor of some words within the core values and principles.

The second draft was completely silent on it but the summary that (Becky) made of bylaw changes implied that indeed it was still being deleted and I guess we need a clarification on that and to - the summary (Becky) provided is - was very useful and we unfortunately has added a page or so of comments to the ALAC statement.

The version that is forthcoming with the third column adding rationale will help significantly if we can get that out before the, you know, while we still have the time to look at it.

But I would like clarification, not necessarily on this call, whether Article Two, Section Three is indeed being deleted or is not. It is rather substantive - thank you.

Mathieu Weill: Thank you Alan and I suggest we put an action item for clarification on this. We are certainly involved with (unintelligible) too and okay. It is being added to the list and next in line is Malcolm.

Malcom Hutty: Hello Mathieu, thank you - Malcom Hutty here for the record.

I would like to ask how we intend to proceed with the Jones Day (unintelligible). Do we intend - do we wish to give a systematic answer to the points for their rights but particularly maybe right to reply to the Jones Day piece.

The Jones Day Piece is a long and complex and rather thorough document. It is quite hard to read I must say. I - it is - the formatting of it with columns that

are only 25 letters wide makes it very difficult to read so I understand if not everybody's credit or I must say I have only read the first half of it but the first half of it deals with the IRP and our proposals relating to that repeatedly, not only in the IRP section but also in the Mission Section and the Core Value Section and so forth.

And the essence of it is that Jones Day is still arguing that fundamentally the boards must remain the final arbiter of whether or not what (unintelligible) is correct, that any IRP should only be advisory and that ICANN should not be subject to coercive review accord - even according to its own standards and documents.

Now that input to be honest is mostly not legal input, it is about the objectives, it is about whether or not we wish ICANN to have a limited mission and to be subject to coercive review to keep it within that mission.

So I wondered if we wanted to - if we were planning to reply to sec out, look - some of the points that you raised are points that we would wish to take into account but some of them are fundamentally a different disagreement with our - with what we have set as being our objections and intent here.

How would we - how will we critique with this? Will we address it directly, will we let our proposal speak for itself - will we engage in a dialogue and if so how do we - how do members of the group, rather than just the lawyers take part in that?

Mathieu Weill: Thank you very much Malcolm. I think you are raising very valid points and the first point I would like to make is if you look at the main or the contribution of the common forum the Jones Day name is - there is a forward by the board which is specifically calling for us to signal any

misunderstanding that would be present in the - in the memo. So I think a core focus for right now with the lawyers, but also the group, obviously anyone in this group is welcome to read the name or provide their own analysis and comments on it.

Although, as you said it is not easy work but the board is specifically calling for it and I think it is a very good sign of the constructive dialogue we have with the board right now is that it is really about insuring we share a common view on the proposals and our intents are clear. So we have asked lawyers to come back to us with something short, something that would highlight the relevant points that are a part of the Jones Day Memo. I am sure there are and I have actually spotted some - some point that we would probably need to take on board.

Some of the points in the memo that would actually be based on wrong assumptions about our proposals - that is very important to come back to the board very quickly on this to inure we - everyone share the common view and other specific views.

It appears so far and I have read (unintelligible) and I think it is good for us to note that there is the name of - from Jones Day does not mention any illegal issues, technical problems with our proposal but only focus on basically what is totally fair for a corporate lawyer which is raising - pointing the board towards the appropriate raised level they want to take and I think it is a good thing - a good signal for us and as you said then it will become a discussion about what is appropriate and not what is technically or legally visible which would be already a nice step forward.

So to conclude on and answer your question about how the group can be involved into this I think anyone can provide their own reading. Once we have

the lawyer's input obviously we will have a discussion with the board and that is really much the focus of the next agenda item and the next call with the board to exchange and have further dialogue with the board about some of the comments from Jones Day but not restricted to Jones Day comments so that we define a way forward and I think that would be my - I hope this answer is satisfactory to you.

Malcom Hutty: Okay thank you.

Mathieu Weill: I haven't had time to read the chat. I don't know if there are any additional comment but I note Holly's comment that she - the lawyers will have a short four page memo that will take place after the call and then there will be more detail coming later in the week and I see Holly wants to add a few words and then we will move to the next agenda item - Holly.

Holly Gregory: Yes, good morning all. Can you hear me?

Mathieu Weill: Yes Holly, please.

Holly Gregory: Hi. I just wanted to clarify. You have asked for a very short memo. In keeping with that we have really focused only on the sole member issues and the IRT issues. We felt that those were the most important and by Friday of course we will provide a - our - on the full chart but given that the board is meeting today we thought it was important to get this in front of you.

As soon as we got off the call I will be this morning in another hour I will be hitting the send button so that you will have it. I do suggest that you may want to make sure that the board has it today as well and maybe even consider posting it but I leave that to you once you have had a chance to see it.

Mathieu Weill: Thank you Holly. Okay, I think we have got - we can move to the next agenda item which is very appropriate - the appropriation of the board discussion taking place - I don't know, you know - it might be tomorrow for most of us, at least for some of us and before that I would like to just confirm to (Ruth Hocking) in the chat that the clarification of the status of the (unintelligible), the AoC (unintelligible) Review Change Proposals that were announced by Steve Crocker would be very welcome very soon on this list so that we - everyone has a view and form a view and an opinion on the proposed changes before the end of the final - the public comment period. So I would suggest we add this as an action item for (Ruth) (unintelligible) to insure everyone has the (unintelligible).

And with that I will turn to Thomas for the next agenda item - Thomas.

Thomas Rickert: Thanks very much Mathieu and we are now going to discuss how to prepare for the next meeting with the board and basically we should all remember that the meeting on the 2nd of September, (22 UTC) is the second of a series of meetings that is transferred to board. So after the initial administrator's call that the coach has set for us with the board caucus last week we agreed that we would have three calls, the first of which took place yesterday at (22 UTC) which was the board briefing and this meeting was attended by many of you and the idea of that meeting was that the board gets first-handed information from our group on our report.

So we have the Co-Chairs and the (unintelligible) explaining what we did but pretty much in line with what we did during the Webinar. We also had our legal advisors present and they chimed in on a few occasions to offer advice and this was basically to insure that the board had a good understanding of what we were doing because if you are looking at the Jones Day memo it says certain things and obviously the Jones Day memo is not addressed to us but at

the board but there are things in it such as that we are changing the (unintelligible) consensus phase, the decision making and stuff like that and we wanted to have an opportunity to insure that the spirit of the proposal is appropriately conveyed and, you know, certainly there might be issues with understanding the report but if you combine that with the legal name of - from Jones Day certainly I think it is a good idea and I hope you will join me in saying so that the board gets first-handed information from the penholders of this report.

So obviously this call went very nicely. We didn't expect any major concerns to be raised there. That was not the plan. The board has said they want to primarily listen during that call and they are continuing their analysis of our report and we can expect some QA's, concerns on the second of September at 10:00 PM UTC and - but I think what is important to mention in preparation for this meeting is that when we did the presentation and when we went through the various areas of our report we checked with the board, whether there are concerns or whether there are questions and it turns out that, you know, there didn't seem to be any questions with respect to mission - core missions and core values.

There didn't seem to be any with the four building blocks. There didn't seem to be any with the idea of fundamental bylaws but what occurred - what turned out is that there were a lot of questions with respect to the IRT in particular and single membership model.

So I think we should all be prepared to have a discussion especially on those areas and we have also asked the board to provide us with a piece - bullet point of some indication of what that question or concerns might be so that we can prepare for the meeting with the board but I think that is, you know, while doing the call yesterday the board was listening.

During the next call it will be our task to listen to what the board has to say and just to add to what has been said by others in response to the Jones Day Memo let's not focus on that paper too much. We are going to do our homework and then insure that we rectify points in the report that in our understanding are misrepresentations of our work. Let's speak to the areas where Jones Day - these issues were destabilization of the organization.

But when it comes to more or less matters of taste, which models you like better or which roots you (unintelligible) I think it is not our call to chime in on that. What we presented is a community process. It was an interactive process. It was a compromise that we came up with and I think that the board or we should not advise how the board will position itself because - (unintelligible) our recommendations but we should listen to their concern and I do remember that after the first report the board had raised concerns with derivative lawsuits and with statutory change and we responded to those unintended consequences and I think we would be best advised to take the same approach and let's not be distracted by this paper only.

So I think in terms of preparation all we can do at the moment is wait for the board's feedback. We will have board side lawyers on the call. We will have the board. We have invited NTIA to the call, as well as our group so I think we are at the best place to have a discussion that brings everyone up to the best part of information that'll be released on the various items. Nonetheless I'd like to hear from this group whether there are any issues or areas that you'd like to raise proactive.

Let me pause for a moment and while you're considering which point you might introduce here although we don't have to introduce any, let me just add that there might be one point coming up which have been alluded to in the

previous (unintelligible) from the board and that's that there are gaps or perceived gaps in our report because we haven't spelled out all the (unintelligible) of the processes and I think (Johnny) posted this during last week's call where he said when it comes to voting who's going to accept those votes. Who's taking care of the procedural aspects and all that? Also on the IRP we haven't spelled out glorious detail.

We never planned to do that by this time because as you remember the work (unintelligible) said that accountability enhancement needs to be replaced or committed through. So we've been working on the basic pillar of the accountability enhancement with the intention to flush out details but you have the commitment first which we think would suffice.

But it turns out that the board perceives those areas as gaps in our proposal and this might be or this would surely be a point that the board would bring up. And I think it's for us to consider how we best go about with it so if there are gaps that could actually turn out to be our proposal - a risk to the success of our proposal then I think that (Neeson) would need to discuss with the board (unintelligible) whether the old or the new IRP will trigger (unintelligible) in this interim phase before we have actually flushed out the paperwork for the IRP.

So that's an example to illustrate what (unintelligible) concern in addition to the other main areas that are sure to come up might be. Alan you've raised your hand. Fire away.

Alan Greenberg: Yes thank you. Actually the same subject I raised when - when I last raised my hand, I'm somewhat worried that because of the way the mission commitment and core values were presented in the draft report your comment

that they haven't had no complaints on this, maybe it's because they're not aware of it.

We made substantial changes overall from the current bylaws and substantial ones from the previous version but they're not easy to track. (Becky) did create a very useful document. I haven't seen that posted anywhere and I don't think it's been distributed to anyone other than this group. My question is has the board received that and are they really aware of all the changes that we're making? Thank you.

Thomas Rickert: Thanks Alan. Let me go to staff to double check whether it's been distributed. I think at least we've authorized its publication so please do double check it in case it hasn't yet been published and please do so at your earliest convenience.

Unless there are more points to add I think that's it for the preparations with the board. I hope that many of you will come and join the discussion so that you get a superb - that you get full insight into the board's thinking because I think that's certainly something that we need to take into consideration as important (unintelligible) from the community. And with that I'd like to hand it back over to I guess Leon. Let me check my notes. I think its Leon taking care of the next part.

Leon Sanchez: It's me, exactly. Thank you Thomas. So you might remember that our previous call that was call (#15) we briefly discussed the separation community working group that the CWG stewardship recommended. And there was a discussion on whether we should go on clarifying that the SCWG were naming the separation our customary working group in some way would be set up for current procedures let's say for example through the (unintelligible) organization or the other options we have to elaborate a specific process in our final recommendation.

We began this discussion. There are some thoughts and some people that believe we shouldn't undertake any further work about this issue. And there are also those who believe that the CCWG should put suggestions in for the CW stewardship to consider in our final proposal. So at this point I'd like to just make a very brief recap.

We sent to you an email explaining how this issue raised the CW stewardship report. The state that if the IANA function view - determine that a separation process is necessary it'd recommend the separation across community workgroup and this accommodation would need to be approved by a (unintelligible) and it'd be of course determined according to their normal procedures for determining the (unintelligible).

And this community mechanism could include ICANN membership if ICANN were to become a member (unintelligible) of course and at some point in state the CCWG would be the one highlighting how this working group would actually form and how it'd work. So I guess this is where the confusion arises from and while the ICG draft report also specifies that the empowerment of the specialized process determine that a separation process is necessary and (unintelligible) that a separate - a separation customary would need to be established to review and identify issues and make recommendations. This is only the ICG's assessment and it wasn't discussed with the CCWG.

So what we're up to here is to actually take a step forward and decide whether we want to go with our first option which would be to clarify that this customary working group would only be formed by our current procedure or it (unintelligible) which to actually elaborate a specific process to build it into

our final proposal. So I see (Greg's) hand up and I'll give the floor to Greg at this point.

Greg Shatan: Thanks, it's Greg Shatan for the record, also a member of the CWG. I believe that this is all - this entire conversation is based on a misreading I guess by the ICG of the CWG report. There's really no - there's nothing really here for the CCWG to do other than to form a community mechanism.

There's really no - there was no indication by the CWG at least that it needed any CCWG input on the working group that would be formed. This is all based on basically a misunderstanding of what was written. So I think we're kind of compounding going off track if we start trying to write anything about the working group itself because there's really no dependency in the CWG's report for any CCWG input.

Not saying if there's something wrong or if we see something that's actually missing that we want to give the CWG either feedback or the like that we need to do anything in that regard. If we do anything it'd be to ensure that the community mechanism is an appropriate final step or - appropriate plate step in the separation pathway since that's what's proposed.

So I think if there's any dependency here it's really just to deal with the community mechanism reference which was made or written back at a time when it was unclear exactly what the community mechanism would be. That's now a lot clearer but unfortunately the CWG report and the ICG report don't refer to it exactly as - and specifically as we now do in the CCWG but that's strictly a matter of timing.

So I think the - just to sum up, the only thing we need to do is to detest or think about whether the community mechanism that we've created in any way

fails to meet or it needs to be changed or implemented in any particular fashion in order to satisfy its role in the separation process. Thank you.

Leon Sanchez: Thank you very much for this Greg. I see Steve DelBianco is next. Steve?

Steve DelBianco: Thanks, Steve DelBianco with the business constituency. To the extent that we suggest that the community mechanism would play any role in the separation working group, we need to be aware of a glaring hole in that theory in that process and it's this. One of the three IANA functions is the (IECF) in the protocol and the (IECF) is a part of the community mechanism. So its separation included a separation of protocol function of IANA.

It's clear that it'd need to be a traditional regular cross community working group so that (IECF) would be part of it as opposed to the community mechanism somehow substituting for the cross community working group because it is in fact fully inclusive like a regular cross community group would be.

The same might also be said for the number of communities. I realize that (ASO) would be very likely to be a voting member of the community mechanism and I hope that that's going to hold up but if there are other elements that's numbering community as well we need to understand that across community working group it's far better than just the community mechanism.

Now Jordan wrote here that the separation working group has nothing to do with numbers or protocol but Jordan hang on a minute. Separation is only (unintelligible) regard the name. That isn't at all clear from the way things are written. Separation -- at least the way that DC was interpreting it -- is that

separation could include 1, 2, or even all 3 of the IANA functions. If that's not the case please set us straight. Thank you.

Man: Thank you very much. Next in the queue I have Martin.

Martin Boyle: Thanks very much, its Martin Boyle here. Firstly to address Steve's point, this is a specific reference to the CWG's report and that very clearly indicates that the proposal is for the naming community and only for the naming community.

That wouldn't preclude numbers and protocol parameters of communities exceeding to the same process but there's no obligation on them to do so and it's not specifically connected that they would. Second point I'd like to make though is that the bit (unintelligible) cited from the ICG draft report is in essence a summary and quick assessment of the output from the CWG report.

It's not I believe intended to replace the CWG report but to try and identify whether there were any specific implications for the overall picture for making sure that we ended up with a complete proposal. And in my mind what's said here is quite simple, that the CWG has a process with its special (IFR) and that could lead to a separation across community working group.

I think the only thing that we'd see as being necessary in that would be that there would need to be the possibility of creating the separation across community working group. And certainly where I'm sitting at the moment that'd seem to be quite possible in the same way it's also possible for the CWG stewardship and the CCWG accountability to be created.

So I don't actually think that there's anything in this particular statement that would cause an issue of concern other than perhaps to configure whether

there's enough currently within the ICANN framework that'd allow the creation of the separation across community working group if that should be required. Thank you.

Man: Thank you very much Martin. From what I'm hearing - what I'm hearing overall is that this isn't a CCWG issue and while I really appreciate the views and the points that some members that are both CCWG and CWG participants have brought up. And I'll of course now go to Greg and Alan.

My take is that this isn't an issue for the system to look into. I'd be after we finish listening to Greg and Alan. I'll be definitely calling for any objection just having this issue closed. This isn't something that we should be looking into but I'll go to Greg. Greg?

Greg Shatan: Hello, it's Greg Shatan. Just to briefly clarify in response to one thing that Steve DelBianco said, the community mechanism doesn't participate in any way in the SCCWG, the separation cross community working group and it's - it's been an approval step after the SCCWG recommends a separation. So that's just to clarify that one thing and also as I clarified and others have clarified in the chat, the SCCWG is only a separation mechanism for the named community.

It doesn't have any relevance or effect of separation for the number and protocol parameters community separation which are separately governed. So I think we've probably said enough. I certainly have. Thanks.

Man: Thanks very much Greg. Next I have in the queue is Alan Greenberg. Alan?

Alan Greenberg: Thanks very much. Just very briefly in response to Steve's original comment this is - the (unintelligible) is very concerned about this. The process that was

used by the ICG and reasonably used resulted in three completely separate proposals. Should there ever be separation contemplated by any of the three groups -- and it clearly can be contemplated by numbers and parameter protocol groups completely separately from ICANN -- that we're strongly recommending there better be conversation and discussion.

We're not in the position to mandate it because the reports are completely independent but we could have chaos or close to it if there isn't close work. No way we can mandate it right now but it's certainly something that has to be considered. Thank you.

Man: Thank you very much Alan. So at this point I'd call for any objection on having this issue closed there not being CCWG issue but rather CWG/ ICG issues. Are there any objections to have this issue closed?

Okay. So having no objections this issue is now closed and I'll turn back to (unintelligible) for the next agenda item. Thank you.

Mathieu Weill: Thank you very much (unintelligible) and we're back. (Barry) mentioned to this is a (unintelligible). Next agenda item is an initial discussion on the work plan between the close of the public comment number two and the finalization of our report. And as a reminder our public comment closes on September 12 and we're due to provide final report if we're able to for consideration (unintelligible) which means we have until October 9 if I'm not mistaken to provide this report.

That's 27 days into the weekend for turnaround so that's extremely tense and I think it's worth mentioning that staff is getting organized to provide a oscillated public comment tour aggregating all comments in the relevant sections of the report by September 15 so that's a very short turnaround.

But still we have very little time for actually two things to deliver. ICANN deliverable number 1 is an analysis of the comment, where do we have consensus, where do we have to adjust and deliverable number 2 is obviously a final report incorporating any changes or amendments or additional elements in (unintelligible) so that the chartering organization can endorse the outcome (unintelligible).

We need to do the timeline to set time aside for the (unintelligible) reviews. Obviously ensure we assess consensus appropriately and if there are any minority views set up the right process for that as well as ensure we keep the communication materials in sync. That's quite a challenging task ahead of us for the 27 days. So the question we'd like to raise during this call are about whether the group has any suggestions or things that - options that would be considered before we try and assemble a word plan

Some of the questions include how we'd - whether we'd consider a face to face meeting in the standard. We were invited by the ICANN board to propose to host a face to face in Los Angeles on September 23 and 24. We're going to come back to this. Other potential questions are whether we should organize intense call periods like we've done in the past, maybe double the number of CCWG calls per week for a certain amount of time, have more work party calls planned and - or other ways get all of this done in the expected but efficient and included manner.

And before we come back as coaches, we have our staff leaders to this group with a detailed plan we'd like to hear from the group about ensure (unintelligible) but also constraint that we'd have to take onboard for that and of course we don't - we don't yet know exactly the amount of work that will

have to be done on the final report itself but I think it's safe to assume that there will be requests.

We already have requests for more clarity on some aspect. We'll have the initial feedback from (unintelligible) and our various constituencies. I think it's safe to assume that any time we can dedicate to this can be usefully put to work but obviously we'll be bound by our own capacity. So that's the (impression) we think you have here as a preliminary discussion before we come back to a more detailed plan.

In the chat - I know its (unintelligible) point about not having CCWG. How are we with ICG? So avoiding a conflict with ICG will be a target. I'm not sure we can maintain this because our schedules are mostly (unintelligible) and so when does the ICG hold this meeting? Probably staff can find that out and why we're investigating. I see (Jordan's) hand is up. Jordan?

Jordan Carter: Thanks Mathieu. Can you hear me?

Mathieu Weill: I can, certainly.

Jordan Carter: Okay thanks. What I meant by my comment about us depending on the work that needs to be done, it's pretty much about the public comment. So I think that it's a serious pushing model again that'd indicate the need for some further rethinking. It was more about whether - what we expect to do is to refine the text that we've got into a third version of the puzzle or whether a more comprehensive rewrite to get clearer, shorter easier to read and so on is what (unintelligible) for the final proposal.

So until we've made some decisions about what we want the final proposal to look like, I said we're going to be able to plan in my head the work and lead

up to that. So if we were to say that the final proposal is going to be our third draft of this document with a similar structure with clarity of adjustment (unintelligible) as needed for more progression that's one thing. After that it'd be a much shorter and more readable proposal document (unintelligible) the draft proposal. So maybe (unintelligible) which is to come back to the next call with the proposal on but I think the sooner we get clarity about that the sooner we'll have clarity about the amount of work that we need to do and set that up.

Mathieu Weill: Thank you Jordan. I think it's an important point for us to take on board. Regarding the face to face proposal in the schedule, it's currently not overlapping with ICG but I'd like to hear any comments from group members on (unintelligible) for this.

Obviously this is pretty much at the beginning of the - in the middle of the 27 day period so it's probably at a point where we'll be finalizing an analysis of the comments and I think it has the benefit of probably (unintelligible) some of its work but also wherever we hold a face to face. It's a lot of - at least two days of travel on average and obviously we haven't checked availability with the group to make sure we could maintain the includedness of the work. But since this proposal has been pushed officially by the board I welcome any feedback. I see (Becky's) concerned about it but others would be welcome.

Mathieu Weill: There is some background noise and now we can't hear you.

Tijani Ben Jemaa: Hello? Can you hear me now?

Mathieu Weill: Yes I can hear you now.

Tijani Ben Jemaa: Okay thank you. I know that perhaps we need some (unintelligible). But it might be nothing. I wonder if it might be not in this way I don't know in these dates. But as much as we can we have to have interaction with the board. It is the way to avoid any misunderstandings (unintelligible).

And I think that we have to make an effort to make it happen any kind of interaction with the board especially if they ask for it. It is something very good because we will be more on the same page, on the same level of understanding. And we will avoid a lot of complication afterwards. Thank you.

Mathieu Weill: Thank you, Tijani. I hear your support for the board interaction taking place during - around that period of time. Next is Sebastien.

Sebastien Bachollet: Thank you, Mathieu. Sebastien Bachollet speaking. Yeah, I would like to support Tijani. But I want to be more precise. I think the offer by the board need to be taken by our working group. It's very important. I suggest a face to face meeting. We need to answer yes to this proposal now. When and where it's - will be organized could be - need to be a more open question. I guess that the date - I guess I read that Bruce say that the proposed date are one proposal but it could be another date.

I think also if we have this opportunity to have this face to face meeting we need to take some time to have our working group face to face also to discuss output of the comment period and the next phase what we want to produce and where we are on the text to be produced. It is very important.

And if I may suggest something that if it's around Los Angeles and around the board it could be the day that they suggest, that it could be a date where they met and they can change the date of board meeting or it could be after the

board meeting - at first as a board meeting in September. And maybe we can see how much people are available and we need to do this meeting. Thank you.

Mathieu Weill: Thank you, Sebastien. Some comments in the chat as well, some in favor of a face to face with selectivity on dates and others more concerned. I think one way to check whether this would be suitable would be to probably check availability as well as - around these dates. So what we will do in terms of action items is we're going to debrief between co-chairs and then come back to you with some form of polling to check whether this proposal gets traction for a certain date or potentially with some constraints about location, etcetera. But I think that's the last question to raise.

And with that I will now move to the next agenda item which is for Thomas. Thomas.

Thomas Rickert: Thanks very much, Mathieu. Basically the next two agenda items can be read more or less together. We called them documentation of work and (solicited) communication. And that basically seamlessly links to the points that I made earlier.

We got feedback not only from NTIA but also from the board members and from other members of the community so far but said that our proposal is not adequately transparent or easy to read so that everybody gets things that immediately.

You know, certainly we've done, in my view, an excellent job in using - explain, having the visualization the main ideas of our proposal but I guess what the report basically does is describe the differences between the second and the first report. But I think we need to make sure that we have a

standalone version of the report or some similar document that explains the proposal as it is now compared to the original status quo, you know, how it works.

We've received requests to provide some real life examples of theoretical examples how the different accountability mechanisms are interlinked. You know, if a board takes a decision, if the community veto what happens then, what happens for example with GAC advice or an IRP also comes into the play so that people can understand better how the new model would work in practice.

So I do remember that James, for example, James Gannon has raised the request to come up with some visualizations for those scenarios. So I guess that's one area that we try or that we need to think about ways to make our set of recommendations easier to understand so that we can populate it easier with the outside world.

This also goes back to numerous requests we got during the first public comment period that we need to have things easily explained. We are, let's say, halfway through with the explain visualizations and with a, I think, very punchy management summary. But I think we need to further work on explaining our proposal for that one area.

And then we need to do a better job in spelling out the genesis and the rationale of our proposal. So why are we doing what at this point in time and why did we prefer this option over other options that we have discussed.

So these are two areas of work. And we would like to get your feedback in terms of how you would like to go about with this. The third area and the documentation piece is what I alluded to earlier and that is to discuss the -- yet

another transition, the transitional phase between the status quo and the implementation of our recommendations. So what happens to some aggrieved party between the board adopting the new bylaws and our new IRP rules and other procedural documents in finalized? You know, because that won't happen overnight.

So I think we need to think about making proposals to the board or discussed with the board because I think there's an operational issue, to be clear about what happens in this transitional phase. So that's the third area.

And a fourth area is the political communication. And I am taking my words very carefully here because certainly it's not our job to please the political sector. We are not making our recommendations to please a certain audience. We should be focusing on coming up with recommendations that are best suitable for improving ICANN's accountability and meeting the requirements to get the transition done.

At the same time we in the leadership team think that we need to be professional about how we communicate and populate our recommendations in the political world. You know, senators might not want to read hundreds of pages of documents. And we must ensure that our high quality outcome are understood and that we do not become victims of misunderstandings or potentially wrong if not bad communication to the political world.

And in order to get prepared for that we have continued a dialogue that we reported about with Tarek - Tarek Kamil - who as you know is the adviser to Fadi Chehadé, who is a former minister from Egypt who has - who has a wealth of expertise when it comes to the political dimension of work.

So this is to let you know that we keep engaging with him and he thinks that - he will think about how to best go about with this. We will continue to share updates with the group. But should you have any feedback for us at this stage how we best operationalize these four areas please do let us know.

So maybe we take the points one after the other. You know, I had suggested we come up with a document describing our work, then we moved to have either another document or another section inside the document of filling the documentation jobs that NTIA has asked for by explaining why we are doing things and the genesis of our recommendations. The third area would be certain scenarios. And the fourth area would be political communication.

Tijani.

Tijani Ben Jemaa: Thank you, Thomas. Tijani speaking. As far for the communication I don't think it must be in a separate document. I think that each section, each recommendation, has to be well explained and we - to be the rationale why we did that and etcetera. I think that the NTIA asked for.

So if you put it in a separate document it will be difficult to read the document and then go to the rationale in another document. Thank you.

Thomas Rickert: Thanks very much, Tijani. And actually when summarizing the four areas I misspoke. One of the areas is the - speaking to the transition phase between today and when our recommendations become fully implemented. (Unintelligible) is asking what the accountability concern is. And I think the answer is that we want to make sure that we do the process and communications and outreach so we are doing community webinars in a slightly different fashion than we would - both these things for briefing to the political (unintelligible).

So there seems to be some support but also some questions around these exercises so there doesn't seem to be more feedback in terms of operationalizing these four areas which is why I suggest that we take this offline now.

I will write up a small briefing document to better explain why we're suggesting to work on these areas. And we would then get back to this whole group. And I take note of Becky's suggestion that gets traction in the chat to have a webinar focusing exclusively on NTIA requirements.

And so I think it's, you know, in essence the idea is just to ensure that our proposal doesn't lose strength because we failed to speak the language for the sake of the target group that we're trying to address.

So with that, I think we can end this part of the discussion. And I think Mathieu is next.

Mathieu Weill: I will defer to Leon.

Thomas Rickert: Oh I'm sorry...

Leon Sanchez: Thank you very much, Mathieu. No problem. Thank you very much, Thomas. Thank you very much, Mathieu. And our next agenda item is the bylaws amendment discussion. As you may be aware, the lawyers have - are in the process of beginning drafting the amendments to the bylaws. So at some point we will have a set of proposed amendments to the bylaws that will be put to consideration for the CCWG.

And we should definitely discuss whether we are in agreement or listen to the different - to the input by the lawyers so we know how they reach to any conclusions or any suggestions that they are doing with regards to amending the bylaws.

We circulated some month ago I remember, a process in which we would be having both ICANN Legal and our external counsel sitting together to work on drafting the bylaws. And as I said, this process is about to begin shortly. And the reason for having both teams work together is because we have to take a holistic approach to the bylaws when proposing amendments. And of course both ICANN Legal and in this case Sidley, have the overall view on the different amendments that the CWG has proposed and the CCWG would be proposing.

So this way we would be waiting for this first step to end by designing to have our first draft document by both the lawyers and ICANN Legal. And then we could take of course a deeper look into this work and discuss it within the CCWG. So this would be overall approach of how we would be dealing with the proposed text for bylaws amendments. And I would like to see if there are any objections to the proposed method of working with these amendments.

Okay so I don't see any objections to this approach. So we would be of course - we would be of course waiting for this first draft document by our counsel and in coordination with ICANN Legal. And after that we would be reviewing that document. So I see Becky is a little bit confused. And I see already two hands up. James and Holly. So I will go to James. James please.

James Gannon: I'll actually allow Holly to go first and you can come back to me if that's okay?

Leon Sanchez: Okay, James. So, Holly.

Holly Gregory: Hi. I just wanted to say that, you know, we're still a little bit confused about when the process starts what the timeframe is and what the roles are. But hopefully we will connect with ICANN Legal and Jones Day and whoever is participating in the drafting process sometime this week. We were trying to set up a call and having yet heard when that's going to happen. But if there's anything that provides more clarity on when you all expect a draft of bylaws.

                   For example, I'm not clear if that's something that you expect as much as can be done pre-Dublin or whether it makes sense to wait given that we don't have a agreed - a fully agreed proposal.

Leon Sanchez: Thank you very much, Holly. I think we have discussed in coordination with the CWG chairs that this would be a process in which there would be bylaws drafting at two levels. Those that are ready to begin drafting and those that would be to signal a deferred beginning from drafting by waiting for final signals from the different proposals.

                   So I think we have Samantha Eisner in the call. And it would be great to listen from Sam whether they have figured out when this process would be able to begin. I think the sooner the better of course. But I would hopefully - I would hopefully rely that Sam could expand this for us. So I'm sorry I don't have a clear answer for you, Holly, at this point but we will surely be looking into it with staff and with ICANN Legal.

                   And I'll go back to James now. James.

James Gannon: So I let Holly go first because actually some of my questions were very much along the same lines. So I think we need to get a bit more clarity on what this

process is and how it's going to work because we've discussed it a very high level once or twice and, you know, I think there was a broad rough agreement that yes we were going to go ahead and it was going to be a cooperative process between our independent counsel and ICANN Legal. And, you know, I think that Jones Day are coming into it as well.

But I think we need, in the interest of transparency, and, you know, this is a very important - we're moving into what could be considered our first kind of implementation step here when we start drafting the actual bylaws, that we need to be very clear on what the process is going to be, who is going to be doing what roles and even Holly alluded to that may not be still clear at this point. And how transparent that process will also be at an internal level.

Now I think we, most of us will accept that we may not like it but it's going to be a cooperative process between the legal team but how are we going to address that from a transparency point of view as well with regards to that work? Are we going to allow the CWG to observe the process? Are we going to rely purely on feedback, you know, on a regular basis or what way will that process work as well? I think there's a lot of clarity still needed around what this is a very important process and I think it's something that we need to be very clear on how we're going to approach it which I don't believe we have the necessary detail that we need.

Leon Sanchez: Thank you very much, James. I would now turn to Mathieu which actually designed the process where - the bylaws drafting which was sent to the larger group. And maybe he could go into the details of how this process would actually go down. So Mathieu.

Mathieu Weill: Thank you, Leon. And actually I will abstain from going too deep into the details. But just recap a couple of points, we have agreed that we would

experiment this process with the AOC review incorporation into the bylaws.
The benefits of experimenting is that we will obviously learned from doing
about what's effective or not effective. And we wrote to John Jefferies a
couple of weeks ago and to kick start this process.

Sam on the chat - Sam Eisner on the chat said that we would see more clearly
a timeframe to start this work by the end of the week. It's somehow a bit of
unfortunate that we haven't actually used this extra time to get that
information but I think we are where we are. And now I would suggest that an
action item is tasked for Sam as a staff liaison to come back with a more - a
clear deadline for this work to start.

And I am totally happy to re-send on the list the current process and if anyone
has any additional details they would like to discuss that could be something
that takes place on the list without taking too much of our call time. Thank
you, Leon.

Leon Sanchez: Thank you very much, Mathieu. And I see Holly's hand is still up. And I
skipped her because I thought it was an old hands but I don't know if that's an
old hand or new hands, Holly.

Holly Gregory: It's an old hand. And you'd think by now I would have learned the system. My
apologies.

Leon Sanchez: No problem. Thank you very much. Okay so I think that Mathieu has made a
great recap. Let's remember that this process will turn to us at some point, I
mean, we understand that everyone wants to be involved in this but I think
that's not the most practical way to go. And we will have the opportunity to
have a look at whatever draft the lawyers come up to and of course have it

approved or comment on it so we can have our say on this very important process to the working group.

So I would know go to the next agenda item which is any other business. And at this point I would like to call for any other business. Does anyone have any other business to talk about in this call?

Okay so hearing no one raising any other business at this point I think we can end this call. It's been a very fruitful discussion. We will continue to work on the different issues that we have open. We have some action items that have been stated in the notes. And we very look forward to our next call. And we would like to remind you to join the calls that we will be holding with the board this week. It will be very useful for all of you that can join to actually join us and listen to the conversations that we will be holding with the board.

So I would like to thank everyone on this call and just double check with my co-chairs if you have anything to add, Mathieu or Thomas?

Mathieu Weill: No thank you, Leon.

Leon Sanchez: Okay, well thank you, everyone. And talk to you soon. This call is now adjourned.

Thomas Rickert: Thanks, everyone.

END