

**ICANN**

**Moderator: Brenda Brewer  
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8:00 am CT**

Coordinator: The recordings are started.

Thomas Rickert: That we do not do a presentation of the findings before we dive into a discussion. But we do have the visual summary in the Adobe room so that we can move to the respective parts. But what we suggest doing is we are asking the advisors whether they have questions for us, whether there were any concerns or questions or areas that are unclear for them so that we get to clarifying questions out of the way in the first section of the (fall) and then we would go through the various chapters of our report and ask the advisors for their feedback on those.

And we do know that at least some of the advisors had a meeting with the board already during last week's board workshop. And certainly would very much like to hear what they shared with the board and how we can make best use of the advice that they shared with the board at the time.

So according to my information we now have Lee, Willie, Nell, Valerie and Jan Aart on the call. I...

Lee Bygrave: Sorry. Hello?

Thomas Rickert: Yes, who's that?

Lee Bygrave: Did you just call me, Thomas?

Thomas Rickert: No, I was just letting everyone know which advisors are on the call today.

Lee Bygrave: I'm sorry, I just ran into my office.

Thomas Rickert: Not to worry. But thanks. So obviously the phone bridge works for you to participate, that's good news. So I think we are then only missing Roberto and Ira. And so I think we have a very good turnout from the advisors as well.

Now as indicated earlier we would like to give the advisors the opportunity to ask clarifying questions on our report before we then have a discussion with the advisors to receive their input on our findings. If there are no clarifying questions, there don't have to be any, it's all good.

Lee Bygrave: I guess I've got one question, Thomas, and that relates to the email we received from Grace - well certainly European time earlier today. This is the posting by the board of the assessment done by Jones Day. And I'm just wondering how that feedback from Jones Day feeds into the CCWG accountability process.

Because that seems to be something that the board has requested. Or was it the case that the CCWG accountability requested the Jones Day feedback as well? I'm just wondering what role does that feedback have been for the process within CCWG accountability onwards as opposed to the board's decision making?

Thomas Rickert: Thanks very much, Lee. The board has requested the analysis done by Jones Day so that was not at the request of the CCWG. As you know, we have hired

two law firms to assist us with the task and we have representatives of those on this call today. The board has published the Jones Day legal assessment so that the whole community knows what information has been provided to the board.

But it is my understanding that this was just to inform the board and that it does not represent the board's views, at least not at this stage. So I think I can't speak on behalf of the board but we have Bruce Tonkin who is our board liaison on this call and, you know, he's more than welcome to chime in as well.

How this will impact the work of our group, we will certainly- or we've shared this feedback with the CCWG for everyone to look at. We've asked our outside counsel to also take a look at the analysis. And we will discuss it during the upcoming CCWG call or calls to see whether there are areas that require us to take action.

Also, we will have several telephone conferences set up with the ICANN board. And we've also invited NTIA to the table as well as every party - legal advisor. The first call is the board briefing which is going to take place at 2200 o'clock pm today UTC for 90 minutes. And then there will be another three hour call with the board on the 2nd of July - 2nd of September again at 10:00 pm UTC.

And I'm sure that at least some of the feedback from those Jones Day will be forming part of the deliberations. We are currently in the process of analyzing what they did and, you know, from what I saw personally I can say that there's a lot to respond to this (leader memo).

Willie.

Willie Currie: Hi, everyone. Thomas, I just have a number of concerns about this impact analysis. And I don't know if it's worth raising (those now) while we're dealing with this.

Thomas Rickert: Well, you were very hard to hear. Can you please repeat? Or maybe somebody who did understand what Willie was saying can repeat it for me? Willie, why don't you give it another go, moving a little bit closer to the microphone please.

Willie Currie: Thomas, I was just saying that when I looked at the first points on the impact analysis from Jones Day and there is a number of red flags for me. I was wondering whether it would be worth inputting those (unintelligible).

Thomas Rickert: So what I understood is that you have issues with the Jones Day paper and that has raised some red flags. After that you were breaking up on me. I do apologize. Must be the connectivity.

((Crosstalk))

Lee Bygrave: I think Willie's question was whether those red flags should be raised now or later in the telephone conference.

Thomas Rickert: Well what I would suggest doing is, you know, we are not here to discuss the paper in that because I think what we want to avoid is that, you know, we continue a discussion between parties without these parties being at the table. So I would very much like to avoid any sort of criticism or other comment on the Jones Day analysis without them being present.

But if you have concerns stemming from their analysis that would impact our work it would certainly be helpful to know. So, Willie, maybe you want to speak - you will speak to that.

Willie Currie: Yeah, let me try and fix my connectivity and maybe come back to that.

Thomas Rickert: Actually the last bit you were saying was a little better so I could understand the last sentence. Okay so maybe Willie has left the audio bridge and is trying to come back so we get back to him later. Any further feedback or clarifying questions at this stage? Okay so there don't seem to be any which is why I'd like staff to help me scrolling through the slides.

And I suggest we go to the first one more slide please - and the next slide. And the next slide. So maybe this is the first - or good idea to start the discussion and get your feedback.

The intention of our work was to have an accountability system in place where certain community powers would only be invoked if and when needed. So ideally if the interactions between the board and the community work fine, let's say on the budget, let's say on the strategic plan, on changes of bylaws, then no action would need to be taken, i.e. likely the community powers would remain entirely unnoticed unless it comes to fundamental bylaws, which as you know would require the approval from the community.

But our idea was that these community powers would constitute an escalation path only if needed and that they should not interfere with the day to day operations in ICANN.

So maybe we shouldn't dwell on this for too long. But still let me ask the advisors the question whether you think that we have accomplished this task

or whether you think that what we did actually does interfere with ICANN's day to day operations more than we anticipated.

Jan.

Jan Aart Scholte: Thomas, Jan here. My question is a little bit about the overall presentation of the community mechanism that I'm not clear whether it could interfere in everyday operations or not. I'm not clear - there's so many provisions and qualifications and details in those pages around that chapter of the community mechanism. I kind of lose my way a little bit.

And I did wonder whether it was constructed in such a way that against the intentions of those who are constructing it it ends up being a mechanism that could - that could be used by some elements to be disruptive. And, yeah, also there's some language in there which talks about the community mechanism being the ultimate authority which sounds like we're getting - and I didn't see clearly what the checks and balances on that community mechanism itself would be. And if there aren't those effective checks and balances on the community mechanism does that mechanism have a chance at getting slightly out of hand.

It may all be covered. It may be fine. But I suspect that those who would be looking for weaknesses in this proposal might go straight to that issue and start to exploit that as a reason why the overall proposal is not sufficiently tight.

Thomas Rickert: Thanks very much, Jan. So just to paraphrase what you're saying so you're saying that the system might not be easy enough to explain. So I understand that you do not have an issue with the principles therein but that it might be difficult to explain to the community and therefore could potentially be (is a

disputable) fashion. So I see you raised your hand again so before we move to (Will) and Nell can you just please briefly respond to that question.

Jan Aart Scholte: I haven't in detail your work, I'm fully confident that the intentions are entirely right and clear. But there - I think there still are enough unclarities in the content as well as the presentation that those who will inherit these provisions, which will not be the members - today's members of the CCWG, but others - that they may inherit something that they could do things with it that you have not intended. And it just seems to me there are some slippery areas including the accountability of the community mechanism itself which could, in the wrong hands, go the wrong way.

I'm not sure with a tighter and more clear presentation some provisions it might be covered. But at the moment I see enough ambiguity in it that those who want to see ambiguities will highlight them.

Thomas Rickert: Okay so that - I take that as a strong signal to work on the messaging and facilitate the understanding in the way we present them. Willie.

Willie Currie: Yes, my comment is I think the right balance has been struck here in the sense that if one looks at special contingency (theories) of accountability they are very much concerned about how you balance sanctions by accountability, the trust (about) accountability. And one of the things that (continually) deals with is that you can't entirely predict or control the future. But you'd have to structure your accountability systems in a way that the sanctions element of them is small and seldom to be used.

But that it is nevertheless important that there is a sanction - what they call in the literature sanctions - a small sanctions periphery. And I think if one looks at the community powers and the thresholds involved in activating them to my

mind they constitute a small sanctions periphery to do these in the last resort.  
So in my sense I think the community has struck the right balance.

Thomas Rickert: Thanks very much, Willie. Nell. Nell, you might be on mute. Nell, maybe you can give us an indication in the chat whether you are - or if you're trying to speak or whether there's a technical issue. I suggest that we move to Lee now and we go back to Nell once her connection problem is solved. Lee.

Lee Bygrave: Thanks, Thomas. Thanks, all. I'm basically happy with the community mechanism in its general elaboration. I agree with Jan that there are some details that could trip up the - and some ambiguities that could trip up the reception of the proposal in the broader discussions.

Nell, are you on again? No, okay. And...

Nell Minow: I think I'm on now.

Lee Bygrave: Excellent. Do you want to continue, Nell, or shall I continue and then...

((Crosstalk))

Thomas Rickert: Lee, why don't you...

((Crosstalk))

Thomas Rickert: ...finish yours and we'll take Nell.

Nell Minow: You continue.

Lee Bygrave: Yeah. So as I was saying, I'm basically happy with the general framework of the community mechanism. And what I like about it is that the escalation in terms of sanctions is very, very graduated. So while, yes, one might end up with litigation in a California court it's very unlikely to do so unless we have stakeholders involved that are really out to undermine the otherwise fairly delicate and harmonious balance that has existed up until now in the - between stakeholders in the ICANN community.

So, you know, I think realistically we're looking maybe at a type of Fukushima moment where you would get the ultimate type of sanctions being applied. And Fukushima moments are very rare occasions indeed. But as I said, there are ambiguities and there are details that I think need to be explained better particularly in the voting mechanism that is suggested. And the balance of powers between the various SOs and ACs and then between those and broader community.

So, but, yeah, basic message, it's okay. That's enough for now.

Thomas Rickert: Good to hear. Thank you so much, Lee. We'll now move to Nell. Nell I hope your audio is working now.

Nell Minow: Yes, I think it is. Can you hear me?

Thomas Rickert: Yes, we can hear you all right.

Nell Minow: All right fine. Okay. Well I want to say a couple of things. I share this concern - I don't want to set up sort of an infinite feedback loop of bureaucracy. I worry about setting up a mechanism that is going to - so specific that it is constricting rather than enabling. I worry a little bit about - and I think this is

raised in the Jones Day materials, the implementation and the ambitiousness of the hopes for getting it all done on time.

And I also am concerned and have raised this before, and I'm going to continue to raise this, that there's not enough emphasis on transparency. And I don't just mean publishing it on our own site, but I mean genuine outreach so that the actions of ICANN and the roles of the various supporting entities are all made very, very clear to the community.

Thomas Rickert: So, Nell, let me just ask you a follow up question. So you're saying that we did not yet go far enough in being transparent with our suggestions?

Nell Minow: Yeah, there's not enough emphasis on outreach. And it's not enough just to - as I said - to publish it on your own site. I think that the system really needs to be founded on continuous outreach through a variety of different avenues to make sure that users throughout the world are made aware of the decision making process and the structure.

Thomas Rickert: Okay. Thank you very much for that. (Will), is that an old hand or a new hand? So obviously that was an old hand. Can I ask staff to move to the next slide, please?

So this is just to ask whether - and maybe, you know, you can just briefly confirm whether you're okay with this in principle. But this slides shows the notion of the four building blocks out of which we are building ICANN's accountability architecture. And I would suggest you only speak in case you disagree with these four building blocks being the right ones to have in place for increasing ICANN's accountability.

Because we are going to speak about the linkage between those in a moment, i.e. the community powers and the IRP and how we recommend to change the bylaws. So maybe that can just slip through the dynamic slide so that we see it in its final stage. Jan, please.

Jan Aart Scholte: Yeah, Thomas, it's just a point I've raised with you before. But the empowered community is ambiguous and rather ambiguous in much of the proposal. There's the empowered community on the one hand as the SOs and ACs doing their activities in ICANN's operations. And there's the empowered community as the mechanism. And they are not the same thing. So the ICANN board is clear, it's the board. The appeals mechanism is clear, it's the mechanism. The principles it's clear, it's the bylaws. But the empowered community is not clear.

Is it the empowered community mechanism as the legislature, as it were, of this structure? Or is the empowered community, all the activities that the SOs and ACs are doing within ICANN? I think you mean in this diagram the empowered community mechanism the specific mechanism that has these powers in relation to the board. But I would then say so specifically so that it's clear.

Thomas Rickert: Thanks very much for that. Your assumption is correct. We had lengthy discussions about the definition of the term community and we came up with this definition as the current SOs and ACs. But users, companies, associations, and whoever is interested in this ecosystem can join their respective SO, AC stakeholder group or constituency and thereby chime in and be part of the process.

But I guess that's a good point that we need to be more clear in explaining the distinction between the community and what we mean by the (unintelligible). Thank you for that.

So, you know, this slide Number 6 just shows the overview of what we're going to have. We have another slide which sets out the community powers in a little bit more detail so I suggest we move to the next slide.

So and that is that we are suggesting to amend the bylaws and particularly the mission commitments and core values. So do you have any feedback on this area? Or the way that we are suggesting to incorporate part of either the affirmations of commitments into the bylaws.

As you will remember the idea of this or behind this exercise was that we need to make sure that ICANN does not mission creep into areas that it should not work in. Also missions, commitments and core values would be the basic set of language that would be used by a panel when it comes to independent review processes to check whether ICANN has acted with or within - within or without its bylaws, i.e. whether the bylaws are violated.

Okay I think Jan Aart that is an old hand from your side so you might wish to lower it. If it's a new hand please do speak up. So there don't seem to be comments on this so let's move to the next slide please.

And that is the notion of fundamental bylaws. You will remember that we have - made a distinction between standard bylaws and fundamental bylaws. There's a specific process for changing each of those. So standard bylaws once they are adopted by the board the community can invoke a procedure to ask the board to review or they can reject a standard bylaw change while for

fundamental bylaws. And this is a new concept we introduced the idea of the need to have those approved.

Because the fundamental bylaws are those bylaws that are of such importance that they shouldn't be amended as easily as others. So we're trying to maintain flexibility for ICANN. You know, there might be the need to change ICANN's mission in future but that should require a huge portion consent within the community.

Any feedback on the idea or the principle of fundamental bylaws? So Lee is hitting his support checkmark and I thank you for that. Let me cause for a...

Lee Bygrave: Yeah, do I need to say to the - for that yeah, I think this is a good approach, yeah. Makes sense to me.

Thomas Rickert: Perfect, thank you so much for that. And I think that's a relatively easy one because I think, you know, at least in our group the idea of fundamental bylaws get a lot of traction because group members wanted to ensure that future boards can't easily turn back the clock and put aside or overturn accountability enhancements that are now in the process of being developed and hopefully have been institutionalized.

Let's move to the next slide please. And that should be the updates or the changes to the independent review process. And I'm now going to hand over to Leon, my fellow co-chair, to take care of that part of the session.

Leon Sanchez: Thank you very much, Thomas. This is Leon. And well, as Thomas has just said this slide takes us through the enhancements that we are planning to build into the independent review process. So we would very much like to hear your opinion and your comments with regards to this new IRP. So are there any

comments or doubts regarding this new IRP. Let's remember that of course we would be thinking about a standing panel conformed by seven members.

And from those seven members we can then choose a panel made by three decision-makers. And we have tried to address some issues like diversity for example. And we will listen to the community on avoiding to have single-member panels. So I think those are two major changes that we introduced with our second proposal. So we would very much like to hear your opinion please.

Jan, please.

Jan Aart Scholte: Yeah, hi Leon. Just one unclarity or thought. It's always here determine whether ICANN has failed to act in violation of its bylaws. And just some ambiguity about what ICANN is here. Is it the board? Is it the staff? Is it the SOs and ACs? Is it the community empowerment mechanism in particular for example could the board use the IRP to challenge the community empowerment mechanism for overstepping its mandate or violating its rules and procedures? These are the kind of details that when I was saying earlier I think need to be a little bit more explicit and clear for us to know exactly what we're talking about. Thanks.

Leon Sanchez: Thank you very much, Jan. I think that so far the IRP has been focused mostly on actions by or in actions by the board. So I think it's a good comment and thank you for bringing this to the table. We should be a little bit more specific on what we mean by ICANN. Are there any other comments or questions on this enhanced IRP model?

Okay, so having no other comments can we...

((Crosstalk))

Leon Sanchez: I see Lee. Lee, could you please?

Lee Bygrave: Yeah, a question around standing. I must admit it's been a little bit - it's been a while since I've looked at the IRP proposal. But I - when I looked at it last it wasn't a great deal on the standing issue exactly who is able to bring an IRP. And that's I guess leverages off Jan's question too as to whether the board could possibly use an IRP to hit back at the community mechanism.

Leon Sanchez: I'm sorry, Lee, I was unable to hear that.

Lee Bygrave: Okay, my question had to do with the rules on standing, that is who is able to bring or initiate an IRP. And I'm just wondering whether more detail needs to be put into the explanation as to - as that particular issue, for example. And that then leverages off Jan's question as to whether the board could possibly use an IRP to hit back at a community mechanism.

Leon Sanchez: Thank you, Lee. So the IRP would apply for anyone that is materially harmed. I think Becky has answered these on the chat box. And well she's done it for a community IRP, that is (unintelligible) based. We would establish a threshold for this IRP too. So next in the queue I have Nell. Nell, might you be on mute?

Nell Minow: Oh yes. Yeah, I'm not sure that I agree with the idea that the board would confirm the membership. I think that the IRP should have the final decision on who its members are.

Leon Sanchez: Okay. So we have (unintelligible) on the call. Becky, would you like to clarify...

((Crosstalk))

Nell Minow: I think you understand why I raised this concern.

Becky Burr: Leon, were you calling on me?

Leon Sanchez: Yes Becky, could you?

Becky Burr: Yeah, I'm not sure I understand the concern. In terms of - there may be two distinctions. The panel itself would be, you know, nominated by the community and then confirmed by the board under the current proposal. But the individual decision all panels, assuming it was ICANN and a claimant, the claimant which is one, ICANN would choose one and collectively they would choose the third member of the decisional panel. So I'm not quite sure whether you're talking about the decisional panel or the panel itself.

Leon Sanchez: Nell, could you please clarify so Becky can address that?

Nell Minow: Yeah, I take your point on the decisional panel but what does it matter if all of the options are approved by the board? It seems to me that there is a clear conflict of interest there. And I would rather have - I think you have a better shot at genuine independence if the standing panel itself has the final say on who its members are.

Becky Burr: Okay, I mean, that's an interesting suggestion. I think that we were proceeding more on - kind of advice and consent process where the members in addition to the strict neutrality or the strict conflicts of interest policy that what you would end up with was panels who were accepted by the community and by the board.

Nell Minow: The role of resolving disputes between the community and the board and therefore if the board itself is ultimately signing off on who serves on it, it seems to me that that tilts the playing field quite a bit.

Becky Burr: I mean, obviously that's a valid perspective. Of course they are only confirming the panel proposed by the community.

((Crosstalk))

Nell Minow: Well it's still either not confirming people that they feel are going to challenge them possibly.

((Crosstalk))

Becky Burr: ...I mean, that could happen.

((Crosstalk))

Nell Minow: ...so it seems that you minimize - you minimize that risk, you know, I don't see any particular benefit in letting them choose who's going to be reviewing their decision. And I do see a benefit in having that conducted in a more independent way.

Leon Sanchez: So let's continue with this. I see Tijani's hand is up. Tijani, if you have something be really sure to remember that this call is mainly for our advisors. And we still need to move on and we have only 10 minutes to go. So if you have something really short to say welcome.

Tijani Ben Jemaa: Yes, thank you Leon. Very short. What I wanted to say is that the standing panel is selected by the community and the board at the end. If it is not

selected by those by whom do you propose they will be selected? So standing panel is selected by the community and the board. And then each decision panel is chosen by the two parties, that's all. So there is no - I don't see the conflict of interest. If you want the community to be the sole one who will select the panel it would be also a problem because the panel should be also be independent from the community and from the board. Thank you.

Leon Sanchez: Thank you very much, Tijani. So can we please move to the next slide? Okay so here we have the request for consideration. And let's remember the (unintelligible) notice that we propose is standing the scope of permissible requests extending the time for filing from 15 to 30 days. Of course the grounds for summary dismissal have been narrowed. And will require the ICANN board of directors to make determinations on all requests after receiving recommendations and not only the board governance committee.

We are also adding - tasking ICANN (unintelligible) evaluation and providing requestors an opportunity to rebut the board's governance committee recommending and providing enhanced transparency requirements. Are there any comments that our advisors could give us with regards to these enhancements that we have designed for the request for consideration process? Okay no one. Lee.

Lee Bygrave: Just to say I think this all - again, all makes good sense. So, yeah, I support these reforms.

Leon Sanchez: Thank you very much, Lee. Okay so can we go to the next slide? So with regards to the community mechanism as sole member model, are there any comments that we could get from you or are there any doubts or questions? No one? Okay, Lee.

Lee Bygrave: Yeah, I have some problems with the way in which the community mechanism is going to be constituted from the ACs and SOs particularly as we don't have all ACs and SOs on board it would seem. And how to get a widespread and diverse representation of the community into this community mechanism I think remains a challenge.

Leon Sanchez: Thank you, Lee. I think that this will be of course part of implementation. But let's remember that the whole community will be part of the mechanism, it's just that those that choose to actually - part of the member structure will be the one that - will be the ones that will be casting the vote. So I think that representation will be there it's just that the community mechanism as a sole member will be the one that would be actually exercising the powers.

Next I have Jan.

Jan Aart Scholte: Yeah, Leon, there's a lot of good stuff here. But, again, I think there's some detailed aspects. I know that for the moment the process of voting in the community mechanism is being deferred but I just wonder whether it's safe to send this proposal forward to NTIA without specifying what that process of voting is going to be because I would have thought that people could jump on that to say we want to make sure that the voting procedure is of such a kind that can avoid the sort of capture that NTIA is concerned about.

So if you haven't detailed the process of voting at this stage to give reassurances to those who would criticize this proposal that you might have - you might be opening yourself to weak points in that way. I mean, there are other little details like let's say that a new SO or AC was refused participation in the community empowerment mechanism, could that new SO or AC go to the independent review panel? Is it one of those occasions when the community mechanism could be subject to the IRP?

Anyway there's a number of those kinds of little details, I just give those as examples. But there's some gaps. A lot is covered; it's very, very good. It's incredibly detailed. But there are some gaps where I think - where the proposal can be a little bit vulnerable to those who want to critique it.

Leon Sanchez: Thank you very much, Jan. Let's remember that the proposal has some exercises that the group has overtaken with regards to voting thresholds and how the voting could actually happen. So I'm not sure if that's what you're referring to but I would think that we have tried to at least address that concern through the different charts that we have built into our document which show how any given vote would be actually happening and with the different voting thresholds and we have been very careful...

((Crosstalk))

Leon Sanchez: ...actually how to avoid capture from any certain group.

Jan Aart Scholte: No I think, Leon, what I mean is I know you have the various norms about percentages and so on and so forth, I mean, the actual process of voting, how would a vote take place? How would one actually get the vote that you would then measure against those kind of thresholds? Paragraph 310 seems to imply that that's not yet worked out and is going to be worked out later and I'm not sure that that's going to be a safe thing to say.

Leon Sanchez: Okay thank you, Jan. We have very little time and I would definitely like to extend this. But I'd like to hear Willie as well so, Willie.

Willie Currie: Yeah hi, Leon. I fully support the sole member model especially after having watched the process that was being put together at the Paris meeting. I think it

does resolve a lot of the concerns that have been raised in the prior public comment period. (Unintelligible) where the concern that I was raising earlier about the Jones Day impact analysis in which they suggest that the model should be kept that I think is a red flag for me because I don't think one can test these kind of government structures in a sense because that sets up a kind of (half) situation.

And I would hope that the community could feel adequately strengthened to do any kind of implementation in a real situation. And I say that largely because when you talk about testing or experiments (unintelligible) that you commit a kind of scientific fallacy in which you assume that the models from natural science can be applied successfully to (unintelligible) where there are random variables at play and not (unintelligible).

And I think especially when one moves into social and political and economic (unintelligible) it's risky to try and further a kind of test process (unintelligible) that this community mechanism was seen as a constitutional amendment and that one sort of implement that obviously its success or failure should be subject to review and potentially changed in the future.

And I think the other problem I have with the emersion of an impact assessment was it's generally, I mean, I come from a - (unintelligible) from a telecommunications regulatory (unintelligible) and an incumbent telecoms operator, AT&T for example, comes along and says you (unintelligible) regulatory impact assessment where it's usually (unintelligible) that the incumbent wants to prevent what you're doing from taking place to a set of blocks and barriers to a regulator operating effectively.

And so (unintelligible) is something that (unintelligible) to do that and not really surprised to see that in Jones Day assessment. But I think the

community needs to be very wary of any incumbent arguments that say you can do this until you've done an impact analysis because essentially (unintelligible) impact analyses where they don't apply to things like the environment (unintelligible) and then (unintelligible) needs to read them as part of a power play to have something done (unintelligible).

Leon Sanchez: Thank you very much, Willie. I think many of us had a little bit trouble listening to you but let's continue this on the list. And now I would like to go to our next slide.

Are there any comments with regards to the powers that we have tried to provide the community with by these enhancements? I see Willie hand is still up. I don't know if that's an old hand, Willie, or would you like to comment on the powers or do we have any other comments from advisors and the powers for the community? I'm mindful that we're reaching top of the hour. So if there are no other comments let's go to the next slide please.

Okay so these are examples of how we would actually be exercising the powers. And I don't know if - are there any comments from our advisors on how we have tried to depict the whole picture of how we would actually be exercising the powers? And the next slides are of course specific examples on the different - on the different powers.

And the first one was an overall view of how this process would work. So do you have any feedback for us on these different examples and the way we have tried to depict the overall process? Can we go back to Slide 13, which I think is the overall process.

So there would of course be a cause then it would raise a petition. If that petition has some support it would start a discussion by the whole community

and then we would come to a decision which would then be taken into - or forward to the ICANN board to take action. I see Jan. Jan, could you please?

Jan Aart Scholte: Yeah, no, Leon, I think the general outline of the process makes perfect sense and is coherent and convincing. It's the various details exactly how decision would be taken - how - concretely, specifically how would the decision be taken. And somewhere else there's a reference too that the discussion would or could include the new community forum, well, again, how, so what would be the relationship between the community forum and the empowerment mechanism; exactly how would that work.

I'm trying to envision how in practice - in concrete practice these things would unfold and there I'm not always clear exactly what would be happening.

Leon Sanchez: Thank you very much, Jan. I see Thomas. Thomas, could you please?

Thomas Rickert: Yes, thank you, Leon. And just as a follow up question to Jan, Jan, I think it will be unrealistic for this group to come up with a full manual of procedures and all the nitty-gritty of the various processes before we submit our report to the chartering organizations for approval.

Are you thinking more of, you know, maybe some (unintelligible) as we have here describing the various processes, making it easier to understand and maybe describing some case studies can happen and how we deal with that? Or would you actually see the need for us to spell us all the niceties?

Jan Aart Scholte: Thomas, I'm not really speaking for myself. I'm trying to think politically what is going to happen as this proposal goes to the board and as the board transmits it to NTIA. Are there - where could any of these ambiguities,

unclearities, raise doubts on the part of either the board or NTIA which would then cause you problems as it went to congress and was being dealt there.

If you - as long as you feel confident that there's enough - that there's enough covered that you're not exposed to certain senators wanting to take this in mischievous directions then I think, you know, you're fine. But that's a political judgment that I'm not really qualified to make.

Leon Sanchez: Okay, thank you very much, Jan. Are there any other comments with regards to this general approach and this general scheme of how the actual powers would be exercised?

Okay so we can skip to the final slides. So this is how (unintelligible) community mechanism would be fitting into our proposal. Are there any comments on this? This was the chart that I was referring to when I said how the different voting thresholds would be expected to happen. Willie. Willie, might you be on mute? Willie, we are not able to listen to you.

Okay we'll go with Jan while Willie tries to solve the audio issues. Jan.

Jan Aart Scholte: Yeah, no, Leon, again just a question of what the actual voting procedure would look like. You know, if a parliament or a national assembly - this is community mechanism is kind of a legislative branch, if you like, of the ICANN structure as it's being proposed here.

I mean, if I think about a legislature in a government then I know how they vote, they sit in a room and they got little buttons in front of them and they do their - they register their votes. I'm still wondering how the voting in a community mechanism what is actually going to look like. Again, it may be one of those details that can be deferred until later. But it's still a question

mark. At the moment I see this diagram but I'm wondering how this diagram would translate into actual bodies making actual actions.

Leon Sanchez: Thanks, Jan. Well, the principle that we have been discussing is of course to have the different SO and ACs define the voting by their representatives in their own procedural manners. And then having those representatives cast the vote within the community mechanism. So this is how we would be thinking of actually casting the different votes by the different SO and ACs. We would be leaving to the SOs and ACs the decision on how to actually direct the votes for the community mechanism by their different representatives.

Willie, have you been able to solve the issue - on the audio?

Willie Currie: Perhaps - Leon, can you hear me?

Leon Sanchez: Yes, we can hear you now.

Willie Currie: Okay. I think it was right to stick with the (29) but maximum. I am wondering if whether there should be some kind of threshold so the entire mechanism can be activated, you know, something like the mechanism can come into play at least three SOs agree to join as voting members, something like that so that (unintelligible) confirms that if only one or two SOs or ACs join as voting members then (unintelligible). So my at a minimum would be to say that if the three SOs join as voting members then the community mechanism can be activated.

Leon Sanchez: Thank you very much, Willie. I think at least on my side I wasn't really able to get the idea on what you said based on the very fussy audio that we have here. But mainly you agree with the (29) structure but you were also concerned with having some kind of - capture some point if I got it well.

Next in the queue I have Alan - Alan Greenberg.

Alan Greenberg: Thank you very much. What Willie said was he's concerned that you could end up with very few ACs and SOs participating, although with starting with four you could end up two dropping out and then have all the decisions made by only two SOs or even one SO and that would be - that would be capture. I believe that's what he said.

The question I wanted to raise - and now I've forgotten what it is. So I hope - I may put my hand up again if we have time. Sorry. In explaining what Willie was saying I think I lost what I was going to say.

Leon Sanchez: Thank you very much. We have past 10 minutes from the top of the hour. Jan, would you like to make a last comment on this so we can then continue with the next slide?

Jan Aart Scholte: Just to see that - or to remark to observe that the GAC is listed here as a potential voting constituency. And wondering whether that's going to open up some objections to those who would want to see that as an avenue of government capture, which is one of the things that NTIA say they definitely don't want.

Leon Sanchez: Thanks, Jan. Well, that is not for us to...

((Crosstalk))

Jan Aart Scholte: Is NTIA going to be happy with - I'm not saying NTIA should have a veto over everything but they are - are they going to be happy with a proposal that has GAC being an advisory sort of role to the board? And at the same time

also be in a position where they can be part of the overthrow of a board, for example?

Leon Sanchez: Well that's a real concern. And well, we'll - we'll find out soon enough, Jan. We'll find out soon enough. So can we please go to the slide on stress tests? And, Alan, I see your hand up but since we've past 10 minutes from top of the hour I would like to go to the stress test slide then call for some comments from our advisors. And we don't have any then we will just finish the call.

Do we have any comments on the stress tests that have been performed? Let's remember that we have divided stress testing into five different areas. There have been more than 25 stress tests performed. And we do think that all the stress tests that have been carried out actually address the different concerns that might be raised by the community but of course we'd like to listen from you. And I have Willie. Willie, could you please?

Willie Currie: Yes, Leon, I think the stress tests are great. They are what we really need to have here as a first impact analysis. The stress tests I think do the work that they are meant to do which was to indicate any of the risks that might occur and what - how (unintelligible) could be addressed. So I think for me the stress tests are a way of looking ahead in a constructive way and not in a way like an impact analysis where the whole thing is (unintelligible).

Leon Sanchez: Thank you very much, Willie. Do we have any other comments from our advisors? Okay so no more comments from our advisors. And I would now like to turn back to my co-chair, Thomas, for our closing remarks and to end this call. Thomas.

Thomas Rickert: Thanks so much, Leon. And let me, first of all, thank all of you for a very interesting discussion, that's not only for the advisors but also for the working

group and community members that have joined. I guess our main takeaway is that we got a lot of support for what we did so far. There have been a few areas where we are asked to take another look at our recommendations and specifically thinking of the comments made by Nell so we will analyze that in more detail.

Also takeaway Jan's point that we should not lose out of sight the political dimension of things and that we need to have our story told in a session that it is understood and not ambiguous. So we'll surely work on that.

We would very much like to encourage you to also submit your written feedback to the public comment forum for everyone to review. We will, however, also analyze the feedback that we got today and discuss with the working group. And well - again, sorry that we had some audio issues so we will go back to the transcript and double check that what you said was correctly understood.

Let me also refresh everyone's memory on the close of the public comment period, which is going to be on the 12th of September. So please do make sure that you submit your comments. And again thanks so much for all your time and for the dedication to this project. And let me also say that if you have more comments that you would like to share with us or where you have clarifying questions by all means do approach the CCWG or the co-chairs and will try our best to ensure that your questions are answered.

So with that I would like to end this call. Thanks to staff, to everyone who'd been on the call. And let's continue the good discussion. Thank you. Bye-bye.

Leon Sanchez: Thanks, everyone. Bye-bye.

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