

ICANN

**Moderator: Brenda Brewer
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9:00 am CT**

Leon Sanchez: And welcome everyone to this working party for Meeting #3 on September 11, 2015. And today's call will be centered on - for we will be working on the periscope setup that I set up or on the second Google Doc Desk that Greg sent.

And I think that we could merge some portions of each. I mean if I'm scheduled we could merge documents. And I would suggest we speak to Greg's documents and continue to work on it.

I see that we have already made comments on it. There were also other comments made on the (Pack) document, so I think we can just merge whatever comments were made either the other documents to this one and see how it works.

And we are of course aiming to propose bylaw language that we should include in the bylaw changes that we are trying to set up as far as our final work with regards to the transition.

So I think that we have all gone through both documents. And I see some comments on the document from David McAuley and from (Unintelligible)

(Christina). And I put some comments myself as well as some comments from Greg himself of course.

And I don't know - I see someone anonymous at this point making comments to the document. So I don't know.

Greg, would you want to - would you like to take us through the document as pertains to the comments that have been made?

Greg Shatan: Sure, I can do that. I think first we may want to just, you know, look at the concept of what we're trying to do here or maybe we can discuss that as we go through.

I think - my personal comment on what we've got in this document in front of us so far is that it is in some extent we ended up starting kind of on a tangent in the discussion of fundamental rights versus human rights and the like. And that we really need to kind of, I think, perhaps start, as I indicate in the outline that I proposed, you know, why are we doing this now? Why is this part of an enhancing ICANN's accountability and why particularly at this point with the NTIA going away?

So I think in terms of what we have in the document so far, I probably would not start with the fundamental versus human rights distinction. And also perhaps not, you know, starting with Citation 2 to court cases.

I think this is a document - these may be important points to reach but I don't think they are our opening point; I think the opening point needs to be more basic why are we doing this. Why now, what's the impetus for this -- and a statement.

And I think, you know, the definition of human rights here, again, seems to be generic. There's been a fair amount of discussion in other documents and on the list of making reference to specific human rights documents such as the Universal Declaration on Human Rights and several others that I mentioned in the second bullet point.

And I think some have indicated they feel that some of these are perhaps not correct to refer to in terms of ICANN's mission. But I think we need to deal with the issue of whether we are mentioning or really referencing individual documents or are we somehow creating an anything that somehow can be proven to be a human right in some generally accepted fashion is going to be respected by ICANN.

So I think again, the discussions of fundamental and absolute versus qualified may be getting into kind of second level issues. I think that, you know, perhaps maybe due to some people's great facility and understanding of the topic here, but we have a broader audience; those who may not have a particularly deep understanding of human rights at all other than it's a good thing, and others who may be scouts (sic) in the area.

So we need to, you know, have a pragmatic document that, you know, it works to inform the entire community of what it is essentially we're getting ICANN into if it's anything different than what it already is into, which is a significant point we need to cover as well.

If there are statements that this is going to change the way ICANN does business so-to-speak, and also the way ICANN approaches policy and others that state this is just a replacement for a backstop. So we need to resolve those things.

Different people on this call may have different answers to those questions, but I think overall we need to deal with those.

So in terms of the document itself, I think while there is useful stuff here, I think we need kind of a more fundamental basic introduction and briefing on the statement that we have, and what the intent and effect is of adding a human rights bylaw.

So not sure how helpful that is or if we want to try to walk through the document piece by piece. Most of this verbiage is actually Nigel Roberts'. Not mine; I just put it in the document.

So Leon, why don't you let me know how you would like to proceed. Otherwise, you know, my suggestion would be to kind of go down the agenda that I've proposed rather than reviewing the document piece-by-piece, would be to go through the agenda I proposed.

But I'm perfectly happy to work through the document on front, but I really think we need to deal with outlines and concepts that we're trying to put across before we start going through, you know, on a line editing basis because, you know, this again, many of these points I think are points we may need to reach but they're not the points we need to reach first.

Leon?

Leon Sanchez: Thank you very much Greg.

I think Kavouss hand is up. Kavouss, can you please take the floor? Kavouss, we can't listen to you - troubles we are not able to listen to you. Okay so there are troubles call in with the line, we'll go back to him and Wolfe.

So I see that there are, of course some comments being developed as we have this call in the document. And while some of the comments are centered of course on whether we should (unintelligible) about fundamental rights or human rights, I think most of the comments lean towards speaking about human rights rather than fundamentals, so that could be a guidance for us to use that kind of words when we draft the bylaw language.

So of course the next agenda item which would be proofing the discussion paper (unintelligible) next week (unintelligible) as this is what we've been doing. We've been discussing the paper and of course it should be a part of the next CCWG report.

The question on is there any further use for the text in the high-level wording? Should all or any part of it (unintelligible) (unintelligible) question for the draft?

I think that - I know this is what (unintelligible) wanted to propose Greg on having a rational about how we reach certain languages or certain proposed bylaws. We should definitely include this text in our deliverables with of course the proposed bylaw text.

And with regards - because I think it would be useful to maybe take into the document what we have already done on (Unintelligible) 150/151 of our initial document so we could of course as part of the discussion from that language.

I think that the proposed outline points that you suggest here would be in language with what we're trying to do here. For example, why is this needed now -- because of the NTIA backstop (unintelligible) error full point (sic)

away. I think that is definitely one of the reasons he we're trying to do this here.

What human rights are we referring to? Well I would say, of course, I would like to open the floor for other opinions, but in my mind I would say that we could refer to international recognized human rights as opposed to those recognized rights of universal integration of human rights or a couple of more documents.

We had agreed that we would be keeping this wide open and not only narrow it to a set or a list of documents. So my suggestion would be that we keep it open and not narrow it, and maybe narrow it as part of our work contingency plan. And that should be filled of course in Point 8 and Point 9 of the document that we're building.

And with regards to what (unintelligible) human rights means, well I think that respecting human rights we'll see to actually as compliance to what the different regulations on human rights state and (unintelligible) to them.

And so I see some hands begin to raise and I will give the floor now to Greg. Greg?

Greg Shatan: Thank you Leon.

I think, first, kind of hit back on some of the points that are established that you've gone over here.

I think if we're going to - if we're going to - we can certainly bring, as you suggested earlier, bring the language from the high-level wording document into the briefing paper document just, you know, for the sake of having

everything in one place, and then seeing what we keep and we delete and how we organize it.

I think that the point of my bullet points is not to come up with, you know, one or two sentence answers on this call. I think these are things that require some more substantial understanding points since the idea of respecting human rights is actually I think different from complying with human rights. And, you know, some of it has to do with what ICANN does and where it fits in with various, you know, businesses, the contracted parties and the actions and policy actions that ICANN takes.

So I think, you know, there's a reason that we're respected or respectfully chosen rather than others I think. I think that's, you know, a particular thing.

And in terms of specific human rights documents, I don't recall agreeing that we're going to leave out all reference to any actual human rights documentation. Maybe I missed that call or something, but I guess I would have had to have missed two calls in order to have an agreement that I missed; I don't think I did.

I personally think we do need to provide some reference points for people. And I think that we need to decide, you know, that that's an important gating factor and then we neonate (sic) to get into documenting this, you know, in the document.

But if we're going to say that basically any and all human rights are going to be kind of on the table and that we're going to sort of later what if any documents we refer to, I tend to - I don't tend to support that approach. But if we do then it, you know, has to be seen that we are going to respect all human

rights in that case. So I think we need to, you know, come to some decision on that.

So I see a bunch of points in the Chat that I don't think actually reflect the sessions that we've had. I don't think the high-level wording this document actually has any place in what we're doing. It seems to be, as I said on the last call, some proclamation which we don't need; what we need is a description -- a framework -- as well as actual bylaws language.

So I think we need to kind of figure out, you know, we need to figure out what the outline of the document is going to be and not try - and this is so much to answer but rather get to work on drafting in the document so that we have a better framework.

If there's a different outline than the points that I've outlined here or we want to work on changing the outline, that might be a good way to proceed.

But I think that just kind of coming up with a quick answer on top of, you know, over the course of this call - even if we do do that, if we get a sense of the general direction we're going in, that needs to be flushed out in a way that the 150 plus members of the CCWG and the hundreds and even thousands of people who are reading directly or indirectly the reports can understand regardless of their background or jurisdiction or the like. Thanks.

Leon Sanchez: Thanks Greg. And while I remember that we have come to agreement in not only the calls, and (Unintelligible) says (unintelligible) point in the Chat. And I too remember that we had agreed to go forward without mentioning any specific document with regards to human rights, and that we have agreed to keep the scope open and wide.

So I think that we kind of (unintelligible) at this point.

Greg Shatan: Leon, can you point out where that agreement was made because I disagree with it. I don't recall that I was given an opportunity to disagree with it. So I object to that characterization of our way forward as being one that is going to be free of any actual information on listing (sic) human rights documentation.

Leon Sanchez: I don't have the exact point in which we agreed to that at this point Greg, but I will certainly look for it and I will point you to it because I do believe that it was an agreement that in one of our calls. We drafted a suggested (unintelligible) that we would be looking at as the proposed declaration or statement that will be included in the report.

So yes, that was definitely agreed. And I will certainly point you out to that discussion. I believe it's in the notes that were taken from our last call, but I need to look into detail. But I will definitely point you to that agreement that we reached.

And next in the queue I have Kavouss.

Greg Shatan: I thought we didn't agree to anything unless we discussed it on two calls.

Leon Sanchez: Okay, I think we could reopen the discussion on this. But let's remember that one people objected to the point of (unintelligible) people on the call, but (unintelligible) agreements I think. But well, we have to discuss that.

So next in the queue I have Kavouss. Kavouss?

Woman: We have a problem with Kavouss' line.

Leon Sanchez: Okay, so we'll go back to Kavouss and yes, try to call Kavouss again please.
And I'll go now to David McAuley. David?

David McAuley: Thank you Leon. David McAuley here for the record. My intervention now is really in the form of a question. And I've been on most of the calls but I've just lost track. And I'm wondering if we're still working along the Work Stream 1 and a Work Stream 2 line of demarcation.

And I'm getting a little bit lost in where the documents are fitting in. And I'll just state briefly what I've stated before. And my position would be that Work Stream 1 would be better with a fundamental statement of what we respect.

I know Greg and I disagree on that from the Google Doc. I actually think - I understand his point about (note-to-self) on bylaws, but I do think a fundamental statement could be made much like a mariner looks at the North Star and says, "Look, if we lose our way, that's our reference point." I think our reference point at ICANN is to respect human rights.

But because ICANN's mission is narrow and human rights are in many documents and everybody seems to struggle with getting them down to application, I would say that Work Stream 2 would be a better place to do that and in coordination with the other working party that's looking at this.

So it's really a question. Are we still honoring or are we looking at the Work Stream 1/Work Stream 2 dichotomies. Thanks Leon.

Leon Sanchez: Thank you very much David. I think many of us are in the same stage and I think we shouldn't leave that track from dividing the work between Work Stream 1 and Work Stream 2, and we should definitely make our priority to

have this proposed bylaw language for Work Stream 1 and flush it out in Work Stream 2.

So next on the queue I have Niels ten Oever. Niels?

Niels ten Oever: Thank you very much. I would like to very much reiterate what David McAuley just said.

Is that we need to overstate within our own scope and that's what we will do in Work Stream 1 and Work Stream 2. And it seems like we're now already going into a lot of the work for Work Stream 2 what Greg is actually suggesting.

So I would really like us to focus on the text they would like to propose for by the bylaws and indeed create a north star and then work on framework for corporate total accountability for human rights, impact assessment in PDP, et cetera, et cetera, under Work Stream 2 where we'll have more time and more time work on it.

And in the meantime, some of the ground work on that is being done in the cross-community working party on ICANN's corporate and social responsibility to respect human rights. So that is also going forward there.

So I'd really like to try to stay here within the commitments we would like to suggest to the bylaws that can then go into the reports we get (unintelligible) in Work Stream 1. Thank you.

Leon Sanchez: Thank you very much. And I agree with you Niels.

And just want to clarify for those in the Chat stating that we should be looking not only (unintelligible) articles and documents regarding human rights, that Article 19 is the organization for which Niels works for. So he's stating that he's Niels ten Oever and he works for (unintelligible). He's not referring to Article 19 as a reference for our work I suppose.

And I would of course appreciate he has acknowledged this in the Chat. So I think that any confusion with regards to Article 19 should be clarified by now.

And next in the queue I have Greg Shatan.

Greg Shatan: I think first, if we - we're throwing around a bunch of concepts here. A fundamental statement; I think that maybe that was David's phrase.

Are we referring there to the bylaw or you were referring to some statement about the bylaw? David, which one were you referring to?

David McAuley: Greg, I was actually referring to either but it would include the bylaw.

Greg Shatan: There - we're dealing with at least two things. We're dealing with a bylaw itself which is the language that will actually appear in the ICANN bylaws. That may, to my mind - I think we should put that to one side because we have two proposed bylaw drafts that are in the report that is out now for public comment.

There's no point in us right now trying to refine or choose among those two proposed bylaws. We should at least wait until the end of the comment period and see what comments we get back on those bylaws itself.

In the interim, I think we need to be working on a framework document that explains why we're doing this and what it means and, you know, provide some meat on the bone in a relatively high-level fashion recognizing that there's probably a report that could be 100 pages long that could be written this and maybe would be written on this as part of a PDP or as part of, you know, other efforts in that regard or Work Stream 2 efforts.

That's not what I think we need to do now, but we need something -- a few pages -- that explains what this is all about. I think that we've done that for every other thing that has been proposed by the CCWG, and we've done stress tests for those to test out what those proposals will look like in the wild.

I think it's frankly irresponsible for us to suggest that we can just put something in the bylaws and say, "Okay, our work is done." That's going to sit there until we in Work Stream 2 can get around to explain what it means.

Well, it's not going to sit there; it's going to be an effective part of the bylaws. It'll be effective immediately upon being adopted and it will start to be interpreted and used and abused perhaps in many different ways.

So we can't just, you know, let in essence kind of an untrained horse out there. Maybe people understand what it means, maybe people have many different understandings of what it is. We need to come up with a general framework and a common understanding at a reasonably high level but at a reasonably clear level of what we're going forward. That's the point of these -- the bullet points that I have in there -- is as a framework for a document.

And if we're, you know, disagreeing on, you know, how it's going to be approached, then I think those need to be resolved now and not in Work

Stream 2. The Work Stream 2 can be flexing these things out and, you know, being more explicit and complete about what this means.

But I think we can't just put a bylaw in the wild and assume that it will be applied however anybody wants to apply it. ICANN doesn't even adopt bylaws in that fashion; they require rationale and underpinning. When they pass just about any kind of a vote requires a rationale for resolution document.

So I think we need the idea that we're going to kind of have a bare bylaw language, you know, with maybe a paragraph about, you know, add that it explains almost nothing about it to my mind, you know, if I find it highly irregular. Thank you.

Leon Sanchez: Thanks Greg. To keep this working party in focus I would remind us that the main objective for this working party to actually assist and supervise with bylaw language, the proposed bylaw language that refers to human rights.

So I think that we definitely need to come with some proposed bylaw language that would be included in our report and then consider by not only the larger group calls but by the community and whoever wants to have a say on what we are proposing as a bylaw language to be clear in the bylaws.

And therefore let's remember that this is not being released on the (wild) as just suggested Greg. This would be to go through a process and any bylaw changes are subject as far as I know to a public comment period.

I mean there would be feedback on any proposed language that we suggest to be added to the bylaws. So I don't think we would be irresponsible on suggesting some kind of bylaw language that takes care or addresses the human rights issue as far as the concerns that have been raised by many.

And I think that is the main task for this working party. So I do agree that we need to provide the rationale and I do agree that we need to set up a document that explains how or why we come up to (start) on a proposal.

But I think that drafting the rationale document before even drafting what we're trying to propose is going in the wrong direction. I mean we first need to agree on what we're going to propose and then we need to flush out why we came up to that proposal and we try the rationale that the board, that the language that we're trying to propose.

But I think that's just to keep us on focus and not forget that what we are trying to do here is to propose a high level bylaw language that would be of course included in our report.

Next in the queue I have David McAuley.

David McAuley: Thank you Leon, David McAuley again I'll just be brief. I recognize the point that Greg is making it's an important point and I guess he and I just disagree a little bit on this.

We're sort of very close on many of these but I think the statement that's in paragraph - the two alternative statements that are in paragraph 152 I think it is are workable much like Article 4 of the ICANN bylaw says that ICANN will operate in performance with international law.

I recognize the risk but a statement to respect human rights operationally I think can be controlled. I do recognize risk it's good to get on with the work of work stream two, flush this out, come up with what it actually means but that's why I said earlier what I said. Thank you.

Leon Sanchez: Thank you very much David. Next I have Stephanie Perrin.

Stephanie Perrin: Thanks very much and I apologize for not participating more in this group but I had been following the discussion. Avri made a couple of important points in the chat.

I have great sympathy for what I would sum up as Greg's desire not to open a giant door and not know what we're opening it to but I believe that's been debated at some length.

Perhaps there is some kind of way between what he is referring to as a framework and what Avri has pointed out as a rationale that involves risk. I mean it does seem to me although I have of course always wanted ICANN to embrace human rights explicitly there is a significant risk in the transition period that even the rights that ICANN has paid some kind of service to I don't want to sound entirely critical but privacy of the rights they have and any lip service to and that's my thing.

But at the time of transition the risk goes up unless some kind of commitment to human rights is put into the bylaws. Is that not the reason we're doing this? And so cannot a rationale simply say the reason we're doing this is because of this risk and here is a high level statement and it involves respecting all humans rights which is different than applying them all because many will not be relevant to ICANN's minimal mission?

I mean it seems to me that that ought to be what goes into the bylaw and then as indicated work stream two figures out how to implement and apply and that's a tone of work because it hasn't been done over the past 15 years.
Thanks.

Leon Sanchez: Thank you very much Stephanie. Next in the queue I have Kavouss. Kavouss we hope we can hear you this time.

Kavouss Arasteh: Yes I think I - do you hear me?

Leon Sanchez: Yes we do finally.

Kavouss Arasteh: Hello, yes sorry I understood that I was disconnected. I don't really understand. I think we refer to Article 19. There are two Article 19, Article 19 as I see in the chat - the two references of the UDHR.

So there are two Article 19's we have to deliver both of them. Apart from that I mentioned that no matter what is right we should have a clear definition that we will not replace human rights with fundamental rights.

They are complementary but they are not replacing one by the other and the third point is that no matter what you write implementation it would be very, very difficult.

The only thing that we put them in the bylaw is that we respect them that's all. But these companies - it would be absolutely difficult to implement word by word what this is because it has many, many other circumstances that make well at the time of implementation. Thank you.

Leon Sanchez: Thank you very much Kavouss. Just a clarification about Article 19 again. Article 19 needs the organization for which (Neil) works for. He is not referencing either Article 19 on the UDHR or Article 19 of (ICCPR).

So if this is just a reference for us to know where (Steve) works or who he works for. It's not a reference, it's not meant to be a reference of our work. So I think this should clarify this.

And once to referencing our work to certain documents I think we could agree to have some references in our work but of course we need to discuss it and of course the discussion that we have closed already and have agreed to have a very high level and open reference to human rights and not the specific document.

So I will now go to Marilia.

Marilia Maciel: Thank you very much Leon and I apologize to all for arriving late in this meeting I got caught in a work meeting. So if I repeat something that has said before I do apologize.

I just wanted to come back to the structure of the document that has been proposed by Greg. I think that there are very good questions that we need to answer in this concept note there that just why now why are we raising this discussion now.

What do we mean when we talk about human or fundamental rights? To kind of reassure the community that we are talking about things that relate to the core of ICANN's mission and (reimage) and even to map some of this international document that we are raising identified as potentially relevant once for our discussions.

However I think that we need to separate the questions raised by Greg in two different streams. There are some that are more related to the language that we are proposing and the discussions that we carried on the list so far.

And we need to document them even to refer them to work stream two. And there are some questions that are very relevant but they are related to the limitation of the language of the bylaws that do require all this kind of work that will involve staff because it talks about procedure, how we're going to change the procedure now that you have this human rights look.

If in fact some budget maybe if we are going to especially create an advisor, structures to hire or to have people that do assist us with evaluations. This will potentially have an impact on budget.

So we need to talk to ICANN organization and to staff in order to move this forward. So in my mind this is something that is very much related to what we're going to do in work stream two and then what we are doing now which is to flush out the commitment that we already have in our code in a more clear way.

So I think that the questions are very relevant but we need to separate them into different groups and in fact some of them now in the first work stream two and to working parallel with others that are looking at some of the same questions such as (Scott's) working group on international and human rights which is time to identify what are the relevant international instruments for instance and we need to work with them on that.

So that's my comments. I think that we should tackle some of these questions now but not all of them. Thanks.

Leon Sanchez: Thank you very much Marilia. Next in the queue I have Greg.

Greg Shatan: Thanks Leon. I was somewhat troubled by a remark made in passing which you stated that you thought that the purpose of this working party was solely to draft the bylaw itself.

And since we already have a bylaw proposal that's out for public comment that seems odd. It really does not comport at all with my recollection of when this and how this working party was set up although I can't find the actual language at the root of this especially, you know, searching on the fly here.

But, you know, it was both to deal with what the bylaw language would be and with dealing with a framework or considering a framework around it to be part of work stream one as well as setting up a great deal of more work for work stream two because if all we were, you know, dealing with was the bylaw we really didn't need to even meet until the last month because we needed to wait for the public comments to come in on the bylaw language that was actually proposed.

So it doesn't make sense to me that, you know, now trying to say that we weren't, that the charter of this group so to speak doesn't even contemplate drafting anything more than a sentence or two that would be the bylaw.

So again I'm concerned kind of where this is going and, you know, I think that the idea that you can actually adopt a bylaw without explaining it seems to me to be so fundamentally off base that I can't believe it's seriously being contemplated. Thank you.

Leon Sanchez: Thank you very much Greg. I think that as I said as far as I understand this group was created to propose bylaw language. The fact that we are still in early comments I think that that's going to pose us advancing our work in drafting this language.

And the rationale and the flushing out of this language was agreed that we needed of course and this is part of the work that we should be undertaking. But as I recall and feel free to chime in if I define the objective of our working party.

The objective of our working party is to provide this proposed bylaw language that addresses the concerns that have been raised in previous public comment periods which applies to human rights.

And from there what we have is this language then we would draft the rationale and all the flushing out of this reason for us to come up with this proposed bylaw language.

These of course are points that are included in the bullet that you kindly set up for us to discuss in the agenda today and I think we should definitely go into this discussion but I would also be mindful that if we try to go with the discussion before actually proposing a specific language for us to propose as a bylaw change then the discussion will be endless.

I mean it will go into philosophic discussion about what is respecting human rights, what are human rights et cetera. But the discussion between fundamental versus human rights these are I mean these are very valid questions but if we go into discussing those questions before even coming to a proposed text then we are definitely not going to be able to propose any text because we are not going to end those discussions.

I mean those discussions have been going on for ages now not only but in many other (unintelligible) and they will continue to be there. So I think we need to stick to our mission here.

We need to propose a reasonable bylaw language that addresses these concerns with regards to human rights and then start the discussion on why we think to propose the actual language not the other way around because it would go the other way around believe me.

We will not be able to finish end of discussion. And I see Greg your hand is still up is that an old hand or a new hand?

Greg Shatan: I'm just speechless I'll take the hand down.

Leon Sanchez: Thanks. So are there any other comments or suggestions at this point?
Kavouss, Kavouss might you be on mute?

Kavouss Arasteh: Sorry do you hear me?

Leon Sanchez: Yes.

Kavouss Arasteh: Yes I said I totally agree with you we should be (unintelligible) very high level and for example giving some reference to - but not to go to the subject (unintelligible) and very and frigid legal to finish this.

Otherwise we will end this discussion and we will have nothing in the bylaws.
Thank you.

Leon Sanchez: Thank you very much Kavouss. Greg.

Greg Shatan: Thanks I think we just need to confirm what our next steps are in this case.
You know, first I sustain my objection to the characterization of the work of

this group as not being focused on providing explanatory framework as well as bylaw language itself.

It was my understanding from the very beginning of this constitution of this group and indeed it's been much of what we have spent our time on so far. So unless we are in some sort of map delusion the idea that it's now not within our scope to prepare such a document I think is incorrect.

However if it's the intention of this group to focus on the bylaw language first and then to focus on the rationale and framework second it seems to me that there is really no point in working in either of the documents that we have posted for the moment.

I thought we would try to work in parallel that seems to be unpopular so we should work serially. And what we should do is basically I guess work from the public comment tool or from the public comments and try to extract as quickly as possible all the commentary around the bylaw, the two proposed bylaw language wordings that were in the report.

And see what comments if any and discuss all those comments and try to come to an understanding as to whether there is support for one or the other of those proposals and if there are comments on changing the language of one or the other proposal or other proposals as to bylaw language we should come up with those.

And with a proposed language my tendency would be to try not to stray too far from one or the other of the two since that's what's been put forth for public comment.

And my understanding is there is not going to be another true public comment period after this unless we go to a third public comment period which is not unlikely given other things happening around the group.

Now we'll need to figure out how far we can really go from current language that's been proposed if the next stop really is just ratification by the chartering organization.

So in sum is what we're proposing now to shelve any type of explanatory documentation, not spend any time discussing why, what or how this or the intent or effect of what we're doing and just to work on the one or two sentences that are being proposed?

Leon Sanchez: Thanks Greg. I don't think we're shelving any discussion paper. I think that we are just trying to build a single paper that has both the proposed language and of course the rationale.

What we have in the beginning proposed by (Nigel) included I think of course first the issue or the discussion on the terminology with what meant to be a framework for our discussions and then still send a proposed plan.

So I think that I see a comment from (unintelligible) note can reflect all our discussion on bylaw. She also explained the context and I think that it's what we should definitely be doing that it was at least the intended approach that I had on the first document that we circulated to the list.

It was kind of an overall approach to our discussion and the proposed bylaw language. And I think that we should sleep on that crack. I mean we should definitely deliver this proposed bylaw language that we are tasked to.

And not leaving aside the concern when having the explanatory document. I mean I think we're both talking about the same thing it's just that we're talking about doing it in a different way.

So if we agree we could continue as a next step to agree on which would be this language that we would be proposing and I think that this is very in line with what you have proposed Greg because we would on our discussions we were centering the suggestion on paragraph 151 and 152 I believe.

And from there we just make a couple of tweaks to the proposed language that was already in the document. And I believe we were going for the second option in paragraph 151 I believe.

I don't recall if it's 151 or 152 but we were going to suggest just a couple of amendments to the proposed language in this paragraph and with that then build the rationale and the explanatory note that we have been referring to.

So the next step would be if you agree to finalize the agreement on the proposed amendment to the original text released for public comment. And from there build our document explaining how we came to this.

And I see (David McCawley's) signaling that it's paragraph 151. So I would suggest that that could be our way forward. And the advantage that we have now is that for our next call we will have already closed the public comment period and we will be able to follow on the different comments that relate to this issue.

So I think we can go forward if we all agree on this way of working. So I would like to now call for the temperature on whether we agree on actually having a look at what we have done in our last call.

Refining the proposed bylaw language that was already in our document and from there continue to build the rationale on the explanatory note for why we came up to this.

So could you please signal with a (unintelligible) if you agree on going forward this way. I see that (Caroline) is agreeing. (Miles), Avri okay Stephanie, Robin, David, Marilia, I of course am in agreement here too.

Okay so I think that we have agreement on how to proceed forward. So for our next call before our next call of course I will try to merge both documents the ones that Greg set up.

The ones that articulated in the beginning that includes of course what (Miles Roberts) set up for us in the beginning. And I will be very explicit on what are the changes that we are proposing to the bylaw language that was already in that report.

So from there we can first come to an agreement that that would be the proposed bylaw language as an outcome for the important body and then continuing to build the rationale and the explanatory note.

Okay, so we have reached the top of the hour. Are there any other comments or any other business that we should be taking care of? I see Kavouss is asking for what the amendment is. The amendment Kavouss...

Kavouss Arasteh: What is the amendment yes that's all?

Leon Sanchez: ...yes I will circulate the document that includes this amendment and it will be clearly explained. So there is little room for any confusion. So I will make sure that you have this information before our next call Kavouss.

Kavouss Arasteh: Okay thank you very much, thanks.

Leon Sanchez: Thank you. So are there any other business or any other comments? And yes Marilia I will be sending a link to the March document as soon as I do the merging and I will circulate it to the list.

Okay well thank you very much everyone for attending the call. Thank you very much for your time on the discussion and we'll talk soon on our next call. This call is now adjourned thank you.

END