

ICANN

**Moderator: Brenda Brewer
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2:00 pm CT**

Jordan Carter: Okay. And hi everyone. Good morning, good afternoon, good evening. Welcome to the 23rd I think meeting of Working Party 1 of the CCWG. First call for a while. So thank you all for coming along. And thank you all in particular to your coming along, you know, the last couple of weeks haven't been easy a stride for us or for our group.

And I - and I know all the other co-Chairs and Rapporteurs feel the same way. So I'd just like to thank you for your ongoing commitment to this work. And it is important work and whatever is happening in the broader picture we're going to need to get this stuff done.

So the purpose of this call today is to think about, discuss your ideas and brainstorm a bit about the community forum. And so community forum is the topic de jour. And I'm just trying to pull up our Google doc and to be able to look at it at the same time.

But the way that I saw this call working and was to simply have a very general discussion about the sorts of improvements to the community forum that we need to make in order to give it the next level of detail.

Now by way of context, we did start to work on some operationalized detail and as we were finalizing the (course). And my memory is that our feeling as a group was that we were introducing that level of detail too late to get full consideration of it by the whole CCWG before we had to finalize the second draft proposal.

And also that at this stage of things because the forum wasn't a binding, if you like, a decision-making forum, people would be reasonably relaxed about they're not being (effective) procedural informational detail.

But from the feedback that I think we've gotten so far at least that I've seen, which isn't binding; it's comprehensive and there is indeed a call for more informational detail and people are saying this is a rather important feature in the accountability framework.

So that's - so kind of plan for the call would be to have a look through the document that I've put on the Wiki, but some people have added their thoughts and have a very general discussion about nature of improvements that we need to make and specific suggestions you may have.

So think of this as an idea (harvesting) and discussion forum. That's how I think we should use the call anyhow. So the first item is to just test whether people are happy with that idea. And so if you've got a comment on that or generally about what we need to do and please raise your hand in the Adobe room and Steve DelBianco's hand is up. Go ahead Steve. And good morning - afternoon.

Steve DelBianco: Hey Jordan. Thank - yes. Thank you. And thanks for convening the call. I wanted to add that I share most of the blame for your Annex 1 not making it into our commitment.

I remember the WP1 call where I grew very concerned that by defining the community forum with specificity that it would mislead people into believing it was another structure or another entity and it had roles in it for the Board, it had roles for the CEO. And I was afraid that that would make everything seem too complex.

As it turned out, you were right. People wanted detail for the community forum. And so we're back where we were in July about needing to explain to everybody that while it is going to have some details and rules, it is definitely not a new structure and it's not a new entity.

It's simply an event. It's a convening of entities that are defined in the bylaws today and we want to put some parameters around what support they get from staff and some parameters around what they can do when they're there.

And that's one of the comments that I put in today, which is that I think that I can envision the community forum needing to speak with well, our legal counsel whether it's Sidley and Adler or somebody similar to them. We may need some help from lawyers other than those working for ICANN. So I added that as a potential item. Thanks again Jordan.

Jordan Carter: Thanks Steve. And if I may use the prerogative of this role, I think things are a little bit broader than that. I think if there's going to be quote of public accountability forum and if it's going to be an integral part of exercising any of the community powers, we may need to do a bit more formalization than you're talking about.

But that doesn't change the fact that it's not - this is not like the community mechanism, which is just a vote-counting affair. But it is still a lightweight and - a lightweight (obstruction). We do need to get better (fast).

The next person in the speaking list is Tijani. And Tijani, you said that you were muted I think. But see if you can talk. Please go ahead.

Tijani Ben Jemaa: Okay. Thank you very much Jordan. Tijani speaking. I hate to disagree with my friend Steve. But I have another fear. I have a different fear from him. Because in your introduction Jordan, you said because it is not - it is not a decision-making body, we are more relaxed to formalize...

Jordan Carter: (Lost him).

Tijani Ben Jemaa: ...in the process. It is something (unintelligible).

Jordan Carter: Tijani, we've got - your audio is coming along fine for about 15 seconds and then you're vanishing for about ten seconds. So we're hearing you in loud gaps, if you like.

Tijani Ben Jemaa: And now do you hear me well?

Jordan Carter: Just then we did.

Man: Yes.

Jordan Carter: Yes.

Tijani Ben Jemaa: Jordan. Yes. Okay. So I continue?

Jordan Carter: Yes. Please do.

Tijani Ben Jemaa: Thank you very much. So I think that I consider the community forum as an essential part of the process because it is a way to make our decisions more, if you want to (consensus) and also because it permit to the community to discuss decisions that may be taken by one AC. So this is something that we decided because there wasn't a position to the removal of directors - of individual directors by the appointing SO and ACs.

And I think this is something very important that we have to take care of it and we have to emphasize the importance of this forum. It is not a decision-making body but is a compulsory step in the process. That we have to have emphasis on it and we have to emphasize it and we have to make it clear for our report - and our report that this is the way to make as you call it Jordan very lightweight.

It is a more or less a community accountability - public accountability way. So I don't have the same fear as Steve. I have another fear that some people try to understand it or to consider it as a, how to say, optional way. It is a discussion. It gives on to discuss so it is not important, et cetera. It is very important. Thank you.

Jordan Carter: Thank you Tijani for that. And your audio did stop cutting out, so. That's where we're at. Thank you. Kavouss, you are next on the speaking list.

Kavouss Arasteh: Good day to everyone. First of all, (a piece of myself) like a few other people, I am disappointed that from 17th or 18th of July that we have this community sole member approved or agreed in Paris. On 3rd of September we received this disagreement.

Nevertheless, they are free to make a comment. But first of all, they have a summary in the table of - on Page 4, summary of - summary table. If we look in summary table, I have looked at the three areas; the areas that they agreed with us, 1A; the area that they have some comment 1B; and the area that disagreed (two).

So I think if I compare the table with the content of the remaining part, there are some inconsistencies within the table and the textual part in various areas. This is Point Number 1.

Point Number 2 they refer to the issue that we going to not observe an open and (monitored) stakeholder governance mechanism by changing the current situation to the sole member.

I think it is the contrary. By removing community forum clearly and explicitly the ICANN Board would not favor the community involvement in an inclusive manner.

If they (read) the community forum, if I'm right -- please correct me if I'm wrong -- it is an open consultation environment (an instance) and everybody, SO and AC, and any other interested people could clearly and openly participate in the discussion and contribute to the issue before going to the vote.

So by suppressing or not considering that, it is something against what's said in the paragraph saying that we tried not to allow this open consultation. So this is one point that they have to vote quite clear.

The other point under the bullet tool, it said that including unknown risks caused by potential shift in the balance of power. This is also contradicting what they said.

They said in some part of the document that if we have a decision to make and two SO agree with that and they said without any negative or without any disagreement of an AC that with one AC is sufficient to totally negate the decision or the petitions by the two SO. This isn't - (this not) imbalance. I do know how they could put it in balance.

So it's quite clear that they don't want the community power - empowerment as we have and they have their own. But there are a lot of unclear situations. Jordan, I don't want to go to the detail - the comments of distinguished colleagues, in particular Greg has spent considerable amount of time and prepared a comparative paper and he drafted a lot of good material out there and a lot of newer things (are there).

So we have to also take that into account. So there are some unclear points. And there are some mixture of the IRP and committee empowerment and mix them up together regarding of who is who and what is what.

And sometimes they mention that the decision of these group issue or issue group or community issue group is binding and the other side that says that subject to the court. Decision we don't know really whether. If the ICANN does not agree with that binding, we will go to the court or the decision of the group as we propose go to the court. The most important...

Jordan Carter: Okay.

Kavouss Arasteh: ...issue for me...

Jordan Carter: Kavouss.

Kavouss Arasteh: Yes.

Jordan Carter: Just for - just a moment. Sorry to interrupt you. The topic of this call is only the community forum. And I understand that you're raising the broader and concerned about the Board's response and you're talking about something that Greg has done. But would it be - but we - all we're here to do is brainstorm about the ways to improve the community forum.

We're not going to try and deal with the Board's input here. That's all going to be on the full CCWG call...

((Crosstalk))

Kavouss Arasteh: Sorry. Forgive me for being committed for (reason) an essential part of the process. It is the most important part in the middle to look and to listen to all discussions and must be retained. Thank you.

Jordan Carter: Okay. Thanks. And that last part I think everyone agrees with that I've heard of so far. Thanks Kavouss. And so everyone let's try and keep it more narrowly focused if we could on the topic. And Malcolm, you're next in the speaking queue.

Malcolm Hutty: Thank you Jordan. Malcolm Hutty for the record. Jordan, I address myself to your opening remark where you said that this had been envisaged as a very open format and that the feedback that you had understood that that we received at least so far was that much more detail was required.

My comment to that is that I would distinguish between people that say that they want more detail about how the community forum works and a different point which would be to say that people wanted it to be more - a more prescriptive rule set as to how the community forum should work.

I share Kavouss' view expressed a moment ago that this community forum is both very important, crucial deliberative phase that Tijani was saying it's not - by no means optional - a crucial deliberative phase but one that is intended to be open and participatory.

Not one that's intended to be closed and representative and therefore would need a set of specific - a detailed rule set for determining how that participation would be - work - how the representation would work for ensuring that it was indeed representative and so forth.

But instead an open forum where those that are going to make the decision elsewhere can discuss amongst themselves across the boundaries of their various stakeholder groups what the best decision should be.

Now thinking about it from the other perspective, of those who haven't been part of this working group, haven't been part of this working party and reading the documents, I can well understand that people might want to - might share that view but still want that detail to be spelled out so that they - so that they were assured that they weren't going to later get some detailed prescriptive rule set that excluded them from participation.

So I'm making this distinction here that simply saying that they want more details do not necessarily mean they want it to be more - a narrower and more prescriptive rule set. But they may just want the detail that there will not be

such a narrow and exclusive rule set that will prevent them from participating directly created (unintelligible). Thank you.

Jordan Carter: Thanks Malcolm. And Greg, you're next. Thank you for coming on the call.

Greg Shatan: Thank you. And we're trying to build a - excuse me for (eating) (unintelligible) while I'm talking. But in any case, I think we need to clarify the role of the community forum in the whole flow of decision-making and multi stakeholder consensus building in order to save the single member.

I think if we don't understand how - if we can't really explain how the community forum works and more importantly what the linkage is between the outcome of the community forum and the potential outcome of the single member vote, then we are in trouble. Or I should say the single member is in trouble. Because I think, you know, I took a lot of time to digest the Board's comments.

And I'm not going back to that excessively but just to say that, you know, in spite of the rather Orwellian way that we kind of learned about it, they make some good points. They're not points we didn't consider and there are some points we, you know, had teed up but didn't get into a document. But they nonetheless - we need to be very, very explicit that, you know, this is an extension of the multi stakeholder model.

That the multi stakeholder model flourishes in a community forum. And that it's not going to somehow get hijacked by a couple of SOs voting the single member in some different fashion - in some radically different fashion with complete, you know, ability to divorce themselves completely from the community.

You know, we really need to - the community forum actually should be the star in a sense of the show. The single member is the scary part because membership gives powers. But really the place where the powers are, you know, directed - the brain trust really should be the community forum in my mind.

And that should be - feel like something very comfortable. You know, not to call it a structure but it, you know, should be the world's shortest term cross community working group. You know, a two-week long kind of Brigadoon cross community working group that will rise up and do what it has to do and then disappear but leaving behind the will of the multi stakeholder community.

And if we can do that, that can become the centerpiece and not the CMSM as the centerpiece, then I think we'll be in a good place. It's kind of like Frankenstein. Everyone calls the monster Frankenstein but he's really Frankenstein's monster. He's controlled or should have been controlled by Dr. Frankenstein, who was the brains of the operation.

I think what everyone fears is that Frankenstein's monster, the CMSM will get out of control or at least it's just really scary. We have to put the focus back on the doc and not on the monster. Thanks.

Jordan Carter: Thanks Greg. And (Jorge), you're on the speaking list next.

Jorge Cancio: Hello. Hello Jordan. Do you hear me?

Jordan Carter: Yes. We can hear you loud and clear.

Jorge Cancio: Okay. This is Jorge Cancio for the record. I shared with you some general thoughts in the Google doc and also online. I think it's very important - it's just really key for the - that we flesh out the details of the community forum (unintelligible) a very important tool for the multi stakeholder model and for trying at least to achieve consensus the most - as much as possible.

And in my input to the list I've extracted some goals as I see them in the report and some goals, which should be fulfilled by the community forum. First is some mutual information amongst the SOs and ACs participating in the community forum.

Then there are a phase or a function of deliberation and interaction where there's really a discussion and a conversation between the different SOs and ACs. And the goal is in the answer to achieve a well-informed conclusion.

I think it's important that we flesh these details out in the next version of the community forum and probably some process will be needed in order that this deliberate approach its really fulfilled and that the community forum is not only some kind of formal phase where we have to go through but everybody - each SO and AC will get into it with already their minds made up and without listening to the others.

So I think it's very important to establish some process where we make sure that every SO and AC listen to the other SOs and ACs and takes into account their advice, their recommendation especially on their points - on their specific points of expertise.

So listen to the GNSO when we are talking about gTLD policy, listen to the ccNSO whenever ccTLD policy is affected and also listen to the GAC whenever public policy is affected.

So perhaps I will end this input with the suggestion that we look here for all the comments made in the public comment period on the community forum and which I think mostly very positive but look for more details and also take into account the GAC input, which I've posted as a comment to the Google doc. Thank you.

Jordan Carter: Thank you Jorge. Appreciate that and look to the public. I do know that the staff - and just for information, the staff are working on a public comment tool that is different from the last time.

It doesn't repeat verbatim all of the content of all of the comments in hundreds and hundreds of cells over hundreds of pages. It's a more summary analysis. So we'll see how that goes. It should give us more easy access to the key points that remains throughout the forum.

And so far what this discussion is doing from my point of view is kind of fleshing out the content to bear and a shared understanding of what it's for. And there seems to be a lot of consistency here. So that's good.

And after Tijani speaks, I'm going to ask you to sort of start adding particular suggestions for the - that areas of detail that we might add or the sorts of, you know, the feel of an update part of the proposal on this. But before we do that, Tijani, please go ahead.

Tijani Ben Jemaa: Thank you Jordan. I hope you hear me better now.

Jordan Carter: Sounds okay to me. Yes.

Tijani Ben Jemaa: Okay. Thank you. First of all, the community forum was - we'll start off why we were working on the sole member model. So it is related to the sole member model. If we are - if we work on another model, we will see if it will be the - a necessity or if it will be optional or if it will be another forum. But now we are speaking about the single member model first.

Second. Malcolm, you said that we don't have to be very precise and we don't have to - I think that this - there are two principles. The first it is the most inclusive for all people. Everyone who wants to join they can join.

Second point. This forum is a way for the community to discuss there is no decision besides this forum. So if we agree on those two questions - two issues, I think everything will be easy to deal with.

I saw what was written in earlier time with the membership with not - not the membership but people appointed to the forum from the SO and ACs. This is - I think this is made in the spirit of having people inside the forum because perhaps when they would not find anyone in the forum.

So at least you have those people in the forum. But the forum is open for everyone. Exactly like this working group. It is open for everyone. Everyone is discussion at the same level.

There is no - even the charter was - you needed because the charter said when you have a straw poll to do or you have to take a decision, when you have to choose the text for the report, you have to do it within the members of the group and not within the participants and members.

And yet we are using - we are not following this rule of the charter. We are discussing and deciding all together, participants, members, et cetera. The community forum should be the same.

We don't have a decision to make but we have to have everyone inside the forum discussing. But for the forum to have people inside this forum, to have also a Chair of the forum to Chair the meetings, we need people appointed and this can be discussed.

It is - there was a proposal - an earlier proposal but we can change it. But I think we have to start with something. Putting in our mind that it is most inclusive. It is not closed. It is open for everyone. Thank you.

Jordan Carter: Thank you Tijani. Good points there. For myself I certainly think that what I was trying to do in that earlier draft where we did list some people was not to close down participation but to assure participation.

In other words, my own instinct was that by creating some slots that people would fill from the various SOs and ACs, it was likely that they would try and fill them and that in turn would mean that at least there was some participants in the discussion from all around the ICANN community and this would help.

But like the CCWG model and if it's open to participation as well, I think that's a principle we tried to embed in the earlier discussions. And Greg, you're next and then Steve.

Greg Shatan: Thanks. In listening to Tijani, I agree with everything he said and also. But my concern is the idea that this group will have no decision-making power. And maybe the word decision construed narrowly may be true. But there needs to be an outcome.

Otherwise it's going to be too much like the public forum at the end of every ICANN meeting where sometimes some very useful points are made that are later taken up by others and for many people it's a chance to blow off steam. And for some it's (a carnival).

But one thing it isn't is the will of the community coalescing (in any facts). Somebody's typing. In any case, I think we need to revisit the question of the outcome.

Maybe it's not a decision in the sense that the single member would be absolutely bound by the outcome. But I think there needs to be an outcome that has some gravity attached to it.

I think that's part of making the community forum the centerpiece and not making single member the centerpiece because the community forum is the most inclusive multi stakeholder area of our proposal.

So I think we need to - we need to come up with an outcome that has some weight to it. That - I think that's part of what will save the single member. Thanks.

Jordan Carter: Thanks Greg. This is leading me to write a suggestion into the Google doc about - and it might be done - I won't interpose in the speaking list though to talk about that right now.

And in terms - I think by decision-making that what we were trying to convey was that it doesn't do the work of the community mechanism of single member. In other words, there isn't a body of people who sit down as to the discussion and take the vote.

This is (unintelligible) between the decisions being made and the SLAC structure. But I think you've raised a valuable point for us to be thinking about. So thank you. And then next person on the speaking list is Steve DelBianco.

Steve DelBianco: Jordan, I want to echo what you just said. The community forum is an event, not an entity. And it's an event that has some structure around it but it's not a structured entity that has any life beyond the convening to discuss and then the ACs and SOs themselves created by the ICANN bylaws are the ones who decide.

So the forum doesn't decide Tijani. The ACs and SOs decide. The forum is supposed to be the event where they discuss, perhaps gather advice, ask questions and then consult with each individual AC and SO on whether it wants to in the case of CMSM take a vote or in the case of the MEM proposed by the Board.

The decision that the ACs and SOs would make after convening the forum is the decision of whether to request the arbitration that the Board and its legal team proposed as part of the MEM.

So the decisions are taken not by the forum. The decisions are taken by the ACs and SOs. But the forum is the event where a discussion takes place prior to the voting by the underlying ACs and SOs.

So I'm trying to clarify that as fundamental concepts of this whole forum and it's reflected in both Annex 1 and 2 in Jordan's document. So it - are we all trying to align on that or are we actually questioning those fundamental principles Jordan?

Jordan Carter: I haven't heard anything in the discussion that questions those fundamental principles. And (unintelligible)...

Steve DelBianco: I think it was Tijani emphasizing there is no decision. There is no decision. And that's right in a sense in that the forum doesn't make a decision because the forum isn't an entity. The ACs and SOs make the decision though Tijani. They make it after having gathered at the forum. Is that better?

Jordan Carter: I think without letting - actively discuss - I haven't heard anything that contradicts that understanding.

So what happens may be a little late and may be a little less because we're going to cut into the discussion is that the importance of dialog and discussion and there being some community out of the silos of the SOs and ACs talking about accountability issues grew into saying not only should it be a general discussion about accountability issues that people want to raise.

But that if we're going to exercise any of these powers including the ones of an SO for example to the courts and appointed directors there has to be a broader discussion. So there has to be the dialog that is required.

And so that leads me to think that a more fleshed out version of this proposal would be clearer about (something) of its purpose and its role in other processes. So its role in the exercise of the community powers, its role in the - and in the public accountability forum idea.

And it would be a bit clearer maybe about participation and so on. But there's a reasonable amount of importance attached to it. So that core of informed silo discussion so that people have a community wide perspective before they

make decisions is I think the nugget that's made this very important. So that's my interpretation anyhow. Kavouss, your hand is up. Please go ahead.

Kavouss Arasteh: I think we have discussed sufficiently the issue of community forum. I have heard no - even any comments or any talk about the necessity and importance (unintelligible). What we can prefer or maybe you and a few colleagues prefer is (short text indicating) that the process of (the steps).

This stuff in the middle is one of the most important part of the steps providing the opportunity to everybody to freely and openly express the views and take all necessary steps (before today). (Unintelligible) and you cannot just simply drop one of the steps (of balance with the others).

And I think you can just sit here for hours but I don't see any disagreement or any (doubts). So perhaps if you agree we should try to finalize the steps.
Thank you.

Jordan Carter: Thanks Kavouss. And yes, it is - we've only got 20 minutes left on this call and we will be finishing on time. So it might be time to just see if there are specific suggestions about ways to agree with the proposal.

I think we're all - we've all go the (concepts) - but to (unintelligible) saying the (concepts). What there isn't is a shared I think vision of exactly how it should be written up. And there are a couple of ways to do that.

One is that just a couple of us have a go at doing it and then discuss it and we do that after we've read the feedback from the public comments. And the other is that we try to do a mass group drafting exercise.

Now my preference is always to have a group who will write something and then to the broader group to critique it because I think it's just easier. And I think we've (harvested) some useful sort of more shared understanding in this discussion already. So I think that's invaluable.

But if you've got particular suggestions for particular questions you think that need to be asked - for example, I think that (Paul Schindler) from auDA is on this call. And Paul, your submission asked a lot of questions about the model and about this in particular.

So maybe you've got some suggestions about specific things you think need to be covered after reflecting on the discussion we've had. I don't know. If you do, I guess you'll add yourself to the speaking list. But...

Paul Szyndler: I will. Thank you.

Jordan Carter: Thanks. And but anyway, that's Kavouss. And Greg, you're the next on the speaking list so please go ahead.

Greg Shatan: Thanks. I'll be brief so I don't sound like a broken record. I think we still need to show what the linkage is between the outcome of the community forum and the votes or actions, decisions taken in the SO/ACs that would be participating in the single member or the MEM.

This will all be easier obviously if we had a plenum 100% participation across the board. But, you know, we won't. And that I think is a problem. And I think the community forum is the solution.

But if we say that it's not going to the - potentially we just say a hot error exchange session and if there's no guarantee, no even kind of belief that it will

influence either of the SO/ACs that are voting or, you know, or ultimately how the CMSM or the MEM acts, you know, then we have an issue.

I think it's a bigger issue in the single member model because the MEM model is in arbitration and, you know, a group of multi stakeholders can always institute some sort of an arbitration. It might be an IRP but, you know, it's not the same thing as actually exercising the power.

So I think again we're still - I think the problem we're dealing with is the acceptance of a potentially imbalanced or easily captured or un-representative single member and also perhaps the same thing with the MEM if we went that way. And how do we solve that problem? That's the (question).

Jordan Carter: Thanks. Thanks. Thanks Greg. I think that's - I think I've got that point now twice in the notes from you and I think it is a very important one. And so I appreciate that. And Paul, you're magically in the speaking list. Please go ahead.

Paul Szyndler: Thank you Jordan. So I'm going to make a (unintelligible) here. Look. You raised the issue of our comments, auDA's comments as part of the public consultation.

And I speak by what you and I have discussed previously that unfortunately we're in a situation where we have more questions than we have solutions. And I know you're pressing as the Rapporteur for this group for the solutions. And unfortunately I think everybody over the last couple of days is a little distracted with some other developments.

But I still think that our questions even if that's all they are can be useful. We were reading it as a, you know, essentially not a direct participant in this

working party but tracking what was going on. And then all we can do is but look at what is presented finally.

So I think those questions could actually form the thought basis of deliberations for this group. They become your doc points before you start fleshing it out.

And it's very simple things starting with the precise triggers for how the community forum is convened, operational details of how it will function, getting down into the added stuff that Steve added about, you know, potential legal advice, et cetera.

But it's got to start at the higher level. And then getting to the conclusion of what outcomes it'll arrive at. We acknowledge that it will be stated right upfront that it will not have any decision-making powers. But what then? What comes of the forum one it's wrapped up and that will summarize nicely what's expected of it as it operates.

I think there's shouldn't be too much hysteria around the sole member model versus now possibly the MEM and what that means to the future of this forum. My initial read is that the forum's an initial tool - a useful tool in its own right and should continue largely the same.

And then because the Board's input is but one input to the public comments, I assume that the working party has no option but to continue as expected. So, as I said, I don't - while I don't have any solutions now and I'll certainly deliberate over it and provide some more constructive ideas over the next few days, I still think the questions that we've seen through the public comment period provide a good basis for us to get working here.

Jordan Carter: Thanks Paul. I appreciate that. So I just want to add a comment by Avri in the chat, which says I don't understand what we mean by no decision powers. And obviously the forum will have some decision powers that are things like Greg and I (think) it's on procedure and electing a Chair and calling a meeting and so on.

I think what that was trying to sum up was that it won't have decision-making powers in respect of community powers in the accountability forum. So the ICANN community forum wouldn't be the body that decides whether to veto a semifinal exchange for example.

And I think being clearer about that as with everything in our second draft proposal is really important. That's my understanding. The forum isn't (run) with the power. The power of those resides with the SOs and ACs making their decisions through their community mechanisms in a single member voting process in the second draft proposal.

And the next person on the speaking list I've got is Kavouss, Greg. I think those are old hands. And I think Malcolm is a new hand.

Malcolm Hutton: Yes it was Jordan. I just wanted to briefly address myself to Paul and Greg's point about outcomes. I think it's behooves us to remember to ask ourselves why we created the community forum in the first place. What's it there for? What problem does it solve?

In my view the reason why we did this (in the) forum itself is clear in that the SOs and ACs are the ones that are actually deciding whether or not to exercise the power of the single member and the community powers and they do so in their own groups.

And if they did so without ever speaking to each other, that would be unfortunate. That would mean that there would not be the opportunity to exchange the information as to why the use of a community power was justified or not justified in the given case.

So the purpose of the community forum is simply to solve that problem. To ensure that there can be that transmission of information, that opportunity for dialog.

There doesn't need to be some specific written documents or other form of communicate or anything that's formalized as that. But it's simply to address the problem that if we don't talk to each other before we go ahead and exercise this extremely important community functions, we would be negligent in how we did so and this solves that problem.

So I don't think - so I think it's as simple as that and we don't need to get too worked up about trying to formalize and construct a mechanism for an outcome from this community forum. The outcome is more responsible use of the community powers by the SOs and ACs acting for the single member.

Jordan Carter: Thanks Malcolm. And I think that's a very useful hold back to the core purpose here. And which I think is - (Jorge) in the chat has described this as decision shaping rather than decision-making.

And I think that's something that we all - an insight that has come back time and again in this process that in terms of accountability there is this sort of mutual holding to account across the community between the staff, the Board, the various SOs and ACs and community participants that is really helped and enhanced by dialog by asking (intriguing) questions, by being able to have people account for their actions in a public forum.

And that's what this was designed to achieve at least in part. So that part of it at least is what the public accountability forum concepts would do. And that's an embedded part of this proposal. It does need shaping up. Because for people who are used to legalities or to hard decision-making that can seem really (motley).

And I don't - I think there's an insight there that's really important, which is why all sorts of government systems have that requirement. And Greg, is that a new hand from you?

Greg Shatan: Yes. It's a new hand.

Jordan Carter: Thank you.

Greg Shatan: (New hand from here). My suggestion. I think what we're here to talk not just about, you know, clarifying what we thought the community forum was but perhaps modifying it slightly through responses, concerns and as we operationalize.

So a suggestion in thinking about it as the world's shortest lived working group - what I called it a little while ago. The working group comes out with a recommendation, which then has to go to the chartering organization council for approval, not guaranteed.

So perhaps there could be an outcome that would be a recommendation, which would then go to each of the voting members of the single member model or of the MEM and which they could decide to follow or reject. But that would be an outcome that would be considered.

Where, you know, the question would then be what happens if the outcome is rejected by a majority of the participants, something we've talked about. But that at least is a path - a defined path for this decision shaping, which is a very nice sounding but highly abstract concept.

So I think that leaving with just kind of a sense that oh, we had a nice discussion but, you know, you can't tell what kind of came out of it. First off, that probably is unlikely. We tend to come to decisions maybe not on one call like this call. But we do tend to as multi stakeholders to come up with outcomes.

So I think the idea that there will be no outcome is a little bit artificial. So I would encourage us to think about something like an outcome being a recommendation to the voting body so there's at least again a - the kind of check and balance against an unbalanced version of the community having control of the actual single member or for that matter the MEM. Thank you.

Jordan Carter: Thanks Greg. With my Rapporteur hat off and my member hat on, I think we need to be careful about that because as soon as there's any sense that the forum makes recommendations whether binding or not, there has to be a process that can lead to recommendations that in turn creates the requirement to representativeness that in turn will raise questions about diversity and that in turn will raise questions about the kind of standing of the forum and so on.

So my instinct is that one way to solve or explain this is that a lot of these discussions happen anyway. There's a lot of SO and AC discussions with the SO/AC Leadership Group that meets with ICANN staff every now and again. And (there) will be informal like just between SOs and ACs.

What this one would do is pull some of it into a more public and, if you like, a more public setting on the record and having open conversations that cover these issues in a way that hasn't been done in the past necessarily.

And I'd say I think at the moment my personal view is a little bit more on the side of the informality that we've been embedding so far. And but that's just to express that view.

Look. And thank you for all of those comments everyone. We've got seven minutes left to go. And we've got a couple of jobs to do on this particular piece. And I think we do need to try and flesh out the proposal a bit more at least to explain it a bit more coherently.

And one thing I can (unintelligible) for you as Rapporteur is to try to write a summary of the nature of this discussion. And I'll just do that as not representing it but just my take on what happens and send it through to the CCWG and less more than to - for it to be like a little report back of this meeting and for the call at 0600 on the 15th.

And the other thing that we can do is see if anyone in the group would like to work with me over the next week or so probably to - and start taking that Section B of this Google doc - possible draft updated text.

Maybe integrating some of the feedback that we've just had; maybe integrating from the stuff that's come to the public comments; maybe taking the questions that have come in in some of the public comments like auDA one and making sure that they get out so that things are more bullet proof, if you like.

And try to tease out - maybe that's another task is try to tease out that critical - the critical sort of core of what this thing is so there isn't (unintelligible). And I don't think we quite have full agreement on that yet. So and teasing those things out will make it easier to finally decide on them.

And does that sound all right? Is there any other last comments that people want to make before we wrap this one up? I have an old hand up so I'm taking it down. Yes. There's a bit of discussion in the chat about the nature of the decision-making or not; recommendation making or not; the time that it would take.

Keith Drasek said he would help with the public comment analysis. Didn't necessarily say he would help with the drafting. And Greg, is that an old hand for you or is it a new one? All done. Thanks.

Okay. Well, I think we might close one there actually. And I'll just finish as I started to thank you for coming on the call and for the contribution. I personally found that useful and (today) was just kind of getting my head back into this.

And in terms of raising some perspective or suggestions about what it is that we need to balance and getting the next draft right. If you do want to help with some more direct drafting, I don't mind muddling away at this by myself. It's a nice limited scope piece of work.

But if you do, I'll keep - I'll (unintelligible) to the people who volunteered earlier and I'll tell them you know who you are and then we'll get something out to the list probably later in the week. And of course we may be sent off on an entirely different path of action by the CCWG meeting tomorrow.

And so thanks. One last hand. Kavouss, your hand is up.

Kavouss Arasteh: Yes. Two comments. First we wish to express our good holidays to Greg and all the people they taking these days of holidays off the (21st) of September is the first one.

Second, I believe (unintelligible) of the ICG, I have (unintelligible) attention of the Chair of the ICG CCWG the content of the ICANN notes saying that if you take that approach, some of the requirement of CWG in naming (unintelligible) may not be met in the transition and it will be (unintelligible). So please...

Jordan Carter: Kavouss, we can't - you've faded right away from your microphone. It's very hard to hear you.

Kavouss Arasteh: The risk that some of the concerns of the (naming community) may not be (lost). Thank you.

Jordan Carter: Okay. Thanks for that reminder. Yes. The requirements of the CWG proposal do need to be met if we don't want them to structure the transition side of things. And there are some other - there are some other discussions to have on that, which I'm sure you all know.

So thanks again and speak to hopefully every single one of you in about -- what is it -- in about ten hours. Have a good day, night, whatever. See you.

Man: Thank you (everybody).

END