

**ICANN**

**Moderator: Brenda Brewer  
September 29, 2015  
2:00 pm CT**

Coordinator: Recordings are started.

Thomas Rickert: Thanks very much. Now that the recording has started let's kick this off. Good morning, good afternoon, good evening. This is Thomas Rickert and I would like to welcome everyone to this 57th call of the CCWG-ACCT.

Before we jump into the substance of the agenda, let me just announce that we are going to have a little game starting. So we are looking for the best prefix, infix or suffix to call the co-chairs. So I think in the last 48 hours we've been called autocrats, commanders and other stuff. So I suggest we collect all those ideas and we're going to have a vote.

So even if we drop voting in other areas, we will have a vote on the best name for the co-chairs. And maybe we're even going to have T-shirts printed. So with that I think we can start with the official part of the agenda. And that is to welcome everyone to this call again. I know that everyone has spent a lot of time with us over the weekend during the L.A. meeting either on-site or remotely and thanks again for your dedication to this process.

Next we would like to do the roll call. So as usual we would pick the number of - the list of attendees and transform that into a roll call. And we'll add those that are only on the audio bridge. So if you're only on the audio bridge please let us know so we can add your name to the list of attendees. Can you please speak up?

So there don't seem to be any colleagues on the audio bridge only, but the encouraging news is that we see a lot of proposals for names in the chat room. But let me just caution you that when we dive into the substance of the agenda items I suggest we only have one discussion at a time and then concentrate on that.

Are there any updates to statements of interest? There don't seem to be any, so with that we've already managed to successfully complete the first agenda item. And with that I'd like to hand over to Mathieu.

Mathieu Weill: Sorry for the long way to come out of mute. Hello everyone. This is Mathieu Weill speaking and welcome to our call. And we would like to basically start where we left in Los Angeles. I think we have - I don't know if Fadi is on the call at this point. I see several ICANN office...

Fadi Chehadé: I am here Mathieu.

Mathieu Weill: Okay. Excellent Fadi. Welcome to our call. Thank you very much for making yourself available for this call and accepting our invitation. The idea behind this agenda's topic is to give you the floor Fadi for a presentation about where - the assessment of where the public comments have shown agreement and a certain manner to group them to give us such a perspective to the achievements of our group but also the work is still before us.

So I think Fadi the best is that I hand over to you for your presentation and then chair the question and answer session which no doubt will follow.

Fadi Chehadé: Many thanks Mathieu. Can you hear me with the echo or am I coming through clearly?

Mathieu Weill: That's very clear, thank you.

Fadi Chehadé: All right well first and foremost many, many thanks to you, Leon and Thomas and all the CCWG members for the time and effort that you continue to put into this. It's simply remarkable. Really appreciate everyone's time on this.

I don't have a long presentation. I simply wanted to share a single slide that I had shared with the chairs just as our best frankly call it assessment of where we think the community is now. And it's just an assessment. It is not meant to be in any way a position of the board or a position of Fadi. We really just looked at where the various comments are coming, where we stand, and we wanted to simply share our view on this.

So this slide is divided into four row groups and four columns. Let me just explain those and then we can go over the details. Essentially we believe on the left hand side are four groups of elements to strengthen the accountability of ICANN. We took these from the CCWG document and work, so these are derived - our best guess is to kind of the full list at a high level of the CCWG accountability proposal.

On the right hand side we tried to divide this list of 20 or so items into four columns. The first column are the elements that we believe have broad agreement and specifically designed to replace the back stop role of the U.S. government in the IANA contract with ICANN.

The second column are additional elements to have broad agreement. But they are not necessarily or directly attributable to the U.S. role but they're also in our opinion and the community's opinion important elements to strengthen ICANN's accountability.

The third column are elements that seem to have broad community agreement on the requirements but not necessarily on how to implement them. And the fourth column are the elements that don't seem to have the full consensus of the community. There is no broad agreement on them today. And again this is - we arrived at this slide which I will describe in a little more detail for two reasons as I said.

The first reason is - I'll start with myself but maybe there are others who would agree - the amount of material that is produced and is available is so vast that many, many are struggling to get a sense for that. So I did this frankly initially just so I gain that sense of understanding of the picture in a very simple one-pager. And I know that's difficult but it was an attempt to get an understanding of the big picture in a very synthesized way.

And the second reason for this was having seen the public comments, having seen the board comments, having seen and looked at the many comments, good faith comments that are all over the lists, we attempted to see where we believe there is broad agreement, and that's what this slide shows.

Now we may not have detailed agreement on every element of how we implement those things or every detail of how we implement those things. But that's - I don't think there are issues that can't be resolved. So for example how do we provide complete oversight of the IANA operations by the operational communities? There is a lot of detail under that.

Do we believe there is an issue in getting there? We don't believe so. We think most of us could get there. Therefore the first two columns have check marks. All of them except the one on the board GAC consultation for consensus because I think we feel having to refute the community comments and listen to everyone that there is broad agreement on all those items - all those items.

There is really, if we all applied ourselves, we think we can get to details of how those items can be delivered. Now let me just focus for a minute on the items, on the elements as we call them. In the first row group there is a number of items, the first of which don't appear because of the colors on the slide, but the first seven of which - is it (Teresa), the first seven - are the ones that are dependencies for the CWG.

So I think there's a broad agreement on implementing all the CWG requirements in the first seven - six, pardon me. And then the next few are fine, putting the AOC in the by-laws, no problem. I think Stress Test 18 pending the GAC taking a full position, the community at least seems to be comfortable with that.

Of course we need to make sure our colleagues on the GAC come to a common position, and they're working on it diligently right now. But I think if we meet the CWG requirements, put the AOC in the by-laws and make sure we tighten the current practice of board/GAC consultation of the consensus I think we'd be fine. We would be meeting a very key set of elements to address the back stop role of the U.S. government.

In addition to that and through the fantastic work that the CCWG has done - because really the next, especially the next set of things are there and we have

broad agreement on them we believe as a community. Because of the work of the CCWG, had it not been for the good work of the CCWG we would not be displaying this second group of things with a check mark.

So first, let's (transcend) and make binding and impose timeliness and effectiveness - improve timeliness and effectiveness of the IRP. We are - I think we have broad agreement on making the scope and the effectiveness of the reconsideration process better. I think we have broad agreement on the diversity issue within ICANN's community and activities.

We have broad agreement on adhering to the mission and core values and these new commitments that the CCWG are applying all within ICANN's remit. So we don't have any more situations where the community feels that ICANN is undertaking activities that are not really within our remit.

We have I think broad agreement ensuring community consent to change all bylaws, that that doesn't happen without community consent. And certainly we have broad agreement that after this transition we will continue with the accountability improvements and give the community every assurance it needs so that we can continue with accountability improvements post the transition. So that's the second group.

And I think the collection of elements between the first and the second group as this slide is showing is a significant improvement in our accountability. It meets the CWG requirements. It meets we believe from reading the comments the requirements of the replacing the back stop role of the U.S. government. And it goes beyond that to strengthen the accountability of ICANN.

Before I move to the third and fourth group quickly I just would like to emphasize that a fundamental capability offered in the first two groups is the

right of the community to remove board directors. This is a very powerful right that today is frankly limited. Today the ability of the community to remove a board member is limited. It will - the community will need to convince the rest of the board to remove a board member.

We believe that the pre-service letters that the board proposed is one vehicle because that's a contract that forces a board member to resign if they do not adhere to the causes or even without causes and thresholds that are in a pre-service contract that every board member would have to sign before they come on the board. We believe that that's a very strong powerful instrument.

In addition, by making the IRP focused on board removal and making it binding it gives another venue to ensure that if the community wishes to bring about the removal of a board member, they can go as far as a binding arbitration that would push the board member to have to then comply in ICANN to make sure they comply with the community's wishes to remove a board member.

These are powerful instruments that would be available to the community. And we think that is addressed in the first two blocks.

The third block has two items that I think we believe we are completely aligned on the requirement of these items. And this is important to note. The first one is the need for the community to have an enshrined and institutional role in developing and objecting to strategic operating plans and budgets. I think we all are in sync on that.

There is no question that the community comments as they came confirm that the community has broad agreement on this.

The second one is the need for ultimate legal enforceability. I think before the CCWG did the great work you have done in the last few months I don't think there was common broad agreement on that. But I think its credit to you that right now there is broad agreement including by the board that legal enforcement is necessary even if it's going to be a very rare thing.

But it's an instrument that is out there and available and would be a leverage point to ensure that there is compliance and therefore I want to emphasize that I put these things in that third column because I don't think there is anyone still standing and saying we don't need legal enforcement.

Where we are considering different approaches is one thing. But there is no disagreement that the community needs to have legal enforcement.

Now the last group is important to just note although frankly if I had the time and your permission I would have removed that last group and the fourth column altogether but anyway it was there when I wanted to show the slide and I kept it out of respect for staying with the process.

This last group speaks about the creation of new legal structures or new structures altogether. And I think in general the board as well as many members of the community as was clear in L.A. showed some concerns and questions until we have buttoned exactly how a new structure or a new model would work to say yes let's move with that today.

So there is no consensus on that at the moment simply because it will generate a large number of questions whether it is in Work Stream 1 or Work Stream 2 because talking about a major structural change without having all the details creates more questions than anyone is able to answer.

And therefore we put the question mark there and I think that this debate may be done by now because most people appreciate that having a brand new model that is untested, that would concentrate -- that may if not properly built -- concentrate power which increases capture which creates more questions about accountability of who has that power and how is it structured.

That could all be answered I believe but it will take time and effort and we don't have these as Larry Strickling himself said. He says we don't have this detail today. And I think it's important to note that Larry Strickling said and the script confirms that, that if he receives this proposal without the additional details on these models today he would have a hard time moving forward with it.

Therefore we need time to develop the details and the question is do we have that time right now. Do we want to take the time? That's a decision that you need to make, not us. So I'll stop here Mathieu and I hope that this was helpful.

This is simply an effort to show in my opinion that we actually have far more and broad agreement than not and that we as a community, you as the CCWG, need to guide us here, whether the first two columns where we believe there is broad agreement in the community are sufficient to move forward with the transition. And if not, what else do we need to do and let's do it so that we can get there together as a unified community.

And I think you again - you, Thomas and Leon - for the opportunity you gave me to share the slide. I'm very appreciative and I want to assure you that both myself, the board, and everyone here is very committed to work within your process under your direction to get this effort done without question.

We are trusting you and trusting our community without doubt that we will together get to the right solution together. This is the spirit with which we hope we will work with you in the days ahead until Dublin. So we thank you for that.

Mathieu Weill: Thank you Fadi and thank you so much for the very useful and helpful presentation. It's been very clearly laid out and as Kavouss mentioned your clarity is remarkable in this.

I will now open the floor for questions. I noted a question in the chat from Carlos Raúl Gutiérrez who asked - and I don't know if you've already answered this question about whether the - I will quote this - "Why only the fourth vertical box talks about new structures. And if by "new structure" what is meant is the single member model." That was a question in the chat.

Fadi Chehadé: Yes we do believe - at least I do when I wrote this - that the models that create new legal authorities in a way that are above the board and in addition to the board with very powerful authority is a concern not for their existence but it's a concern because they will then need to be understood, safeguarded, managed in a way that would make them not create legal powers and authoritative powers that are not bound by the mission of ICANN and the accountability that's necessary for those powers.

So that's the concern because any time we create a new legal structure or a new structure that has powers, the first question is okay who is in that structure, how are they elected, are they representative, are they accountable? And these are the same questions you're asking about the board today, right? Those would be the same questions about any new legal structure that has enormous powers - in fact powers to supersede, you know, the powers of the board in many cases.

So the question is okay, we want to do these. Do we have all the detail as Larry asked? And if we don't it will not get past him and frankly it may not get past Congress either because if I were them I'd ask exactly how these powers will be bound.

And this was our worry. It was simply that everyone should be clear that the single member model, the membership model, the single designator models -- all these models create new powers on top of the existing structure. And those powers simply need to be understood and bound in ways that would make sure that the organization continues to function in a proper way to serve the public interest and its mission. I hope this is a clear answer Carlos.

Mathieu Weill: Thank you Fadi. Next in the queue is Olga.

Olga Cavalli: Hello, can you hear me?

Mathieu Weill: Yes, perfectly Olga, please.

Olga Cavalli: Thank you. Thank you very much Mathieu. This is Olga Cavalli from the government of Argentina for the record. Thank you very much Fadi for this slide. It is extremely simple and I think it summarizes all the many things that we have been discussed.

I would disagree with you that the line about the reaffirming (unintelligible) current requirement of board GAC consultation and consensus advice has a broad community agreement. Why I'm saying this, first unfortunately in the second draft that was put to public comment, really that draft did not reflect all the comments against this Stress Test 18 made by many of our

governments - the government of Argentina and many others - we did in the conference calls also in the face-to-face meeting in Paris.

So when you look at the comments by the document and you see only that the GAC is still deliberating, well that is true but it's also a strong opposition from some governments to that Stress Test. So that is not reflected in the document. So I understand why if you look at just the document and the draft you won't see that reflected there.

So and why I think it is not a broad community agreement, it's because mainly it's focused in the GAC. And if the GAC has an internal disagreement with it, it is really not - it doesn't have a broad community support for the moment. So the GAC is still deliberating. What I also said in Los Angeles and I want to stress is that it's not only three or four countries against. It's many others. It's more than 13. So this is still ongoing in the GAC.

Something also that I would like to stress is this has been proposed by some members of the Working Stream 1. I don't see that it has a broad - other parts of the community support other than the GAC. Also the GAC is still deliberating over it. So that's my comment about that line of your graphic.

And also as for the government of Argentina we should also know the structure, any changes in the new structure. And we would welcome details because we need to know that before agreeing with the next steps. So I will stop here and thank you again very much for this very simple and concise slide. Thank you very much.

Fadi Chehadé: Thank you.

Mathieu Weill: Thank you Olga.

Fadi Chehadé: If I may just Mathieu, the star...

Mathieu Weill: Yes.

Fadi Chehadé: ...should have been bigger because Olga is right. There is clearly work to be done Olga. I did not by any means intend in my attempt to kind of bring things to a simplified state to overstate things.

But notice it's the only check mark with a star because I still believe there's much work to do in the GAC and deeply respectful of that work and hopefully, hopefully with good intentions we can all remove that star soon and make it a nice fat check mark. But we still have work to do. I concur with you.

Mathieu Weill: Thank you Fadi. Thank you Olga. Next is James and then we'll have a couple of questions from the chat. James?

James Gannon: Thanks Mathieu and thanks Fadi for your presentation. Two brief points to make. One critical issue that I think is missing off of this matrix is the ability to separate (PTRs) at the will of the community as part of the process. The CWG is created.

And personally in my layman's reading - I'm not a lawyer but I think like such as the business judgment rule, I don't see how anything except the membership model will allow us to gain that power because otherwise we're going to retain the board's ability to block a critical CWG (dependency). I can't see the California court overruling the board on - which is why it will come down to a fiduciary issue at that point.

So I would feel that we're - the CCWG requirements are not enumerated correctly in the matrix and that is something that I don't feel in my analysis at any rate in the board's proposal or indeed the designator model will give us the requirement that we need from CWG.

And also on the second point, membership is not a new process. It's used in hundreds of corporations around the world and it's used in corporations larger than ICANN in California. And I'm a member in (Jordan)'s (South End Z) organization but I don't think (Jordan) quivers in fear every time he gets an e-mail from me.

Membership is a - it's a tried and tested corporate governance structure. I think also a new legal system is not really reflective of (unintelligible) experience and legal jurisprudence and everything else that we can leverage to stress test and to make sure that we're walking into this with our eyes open and with the information that we need.

Mathieu Weill: Thank you James. Fadi would you like to say a few words?

Fadi Chehadé: I think we are perfectly aligned on what you said. The words on the slide may need to be adjusted a little bit to address what you said, but there is no issue between what you said and what I was trying to convey through the slide. And we could maybe either add a line to emphasize what you said or ensure that maybe the line that says include AOC reviews, that it also includes IFR and other things.

So happy to fix the slide to address this, but I want to assure you that from what I'm hearing and what I'm seeing from the broad community comments and our own team here, we are completely aligned on what you said to achieve this.

Mathieu Weill: Thank you Fadi. That's very useful. A couple of questions I noted from the chat - one was from Malcom Huddy, who was mentioning that you said you wanted more details on some parts of the proposals. And his question was what kind of details are being sought? Are they draft bylaws or are they something else? Is that something that you or the board have given consideration to at this point?

Fadi Chehadé: Sorry, there is - because of time it's probably a long answer to discuss where are all the areas where Larry was signaling he needed detail and where we believe we need detail. But maybe I can give an example.

We were talking earlier about every board member for example signing a contract that before they join the board if they do not meet certain requirements by the community, if they breach certain covenants with the community or even for no cause if the community chooses to remove them, what would be the thresholds around that, what would be the details of how they are removed, what would be the causes.

All of this detail we need to develop together. Otherwise we have a board removal process that is, you know, flawed.

Another example of that which is concerning in the - for example in the new membership model the voting requirements were not clear what would they be if the GAC joined or didn't join. That was still not understood. What if the GAC did join? Would they have the same rights as everybody?

I mean there is a million details that need to be clarified, especially on the bottom three if I may, the bottom three rows, because at the moment new structures are created, the moment new powers are granted, then you need all

that detail laid out. Otherwise it's not clear who has the powers and how are they bound by them. I hope this is helpful a little bit. But I mean this is obviously something we need more time to do together.

Mathieu Weill: Thank you Fadi. I'll go for my next chat question and for your information I will have to close the queue after Jordan to move on to the other agenda items. But obviously some part of this conversation will follow on later if need be.

So my next question was from Robin Gross, and she asks whether you would agree Fadi that there is consensus for the power to remove individual directors when it's for (code) or specific rationale in either model. Whatever the model discussion would be, was that something that it's agreed on after the discussions in Los Angeles? I think you've (slide show).

Fadi Chehadé: The answer to you Robin is a firm yes. There's no question that there is community agreement - broad even an understatement. There is community agreement, almost unanimously from everyone that this power, this enforcement power on board decisions to remove a director is very important for the cause.

Now back to the gentleman who asked about details. And a detail that needs to be developed there is how does the NomComm do this versus the SOs and ACs that appoint directors?

So these are details but again I don't think there is any disagreement on the fundamental right to remove a board director. It is necessary and it is - outside of ICANN by the way - it is a very, very well understood ultimate enforceability mechanism for removing directors in almost any corporation on the planet. That's how it works.

And so it is very important that our shareholders who are here of course, our stakeholders, have equal ability to remove a board member or to do collective action to remove the whole board by going after the board members together. And the board...

Mathieu Weill: Thank you Fadi.

Fadi Chehadé: I speak for my...

Mathieu Weill: Yes.

Fadi Chehadé: ...board if I could for a minute - I may get in trouble for that Mathieu but I think our board would be 100 - is 100% supportive of this from every discussion I've had with them. So I think I can assure the community that that right is right now all but going to be part of the new ICANN.

Mathieu Weill: Excellent Fadi. It's not as if it was a transcribed meeting, so you will certainly be held accountable for that. And Steve you're next and then I have one chat question (Jordan) and then I'll close.

Steve DelBianco: Steve DelBianco for the Commercial Stakeholders Group. Fadi, the bottom three rows are carefully constructed to suggest that what makes them a problem for the board is the notion of new structure. So I have a question to really understand what you mean by new structure because all of the CCWG's proposal relies upon the existing ICANN bylaws as they describe the structure of advisory committees and stakeholder organizations.

All of the ACs and SOs are exactly as they're defined in today's bylaws. There's no new structure there. And I suspect that by new structure you mean inheriting the statutory characteristics of a membership organization which

was anticipated for many but not all of these California not-for-profit public benefit corporations.

And I'll just note that the word "member" shows up five times in our articles of incorporation. And in our bylaws we would in fact be a membership organization if we didn't have bylaws - Article 17 which I've just pasted in the chat.

So all of this to say in that the member aspect of ICANN and the ACs and SOs is woven into our bylaws. It's just the membership gene is currently suppressed in the way we express and run ICANN.

So as we move ahead on the CCWG what if we were to consider the designator model? What I still run headlong into your bottom three rows because you might still claim the designator is a new structure too. And to clarify what you mean by new structure, what's new about it, and whether that would encompass things like designator. Thank you.

Fadi Chehadé: Thank you Steve. Thank you very much as always. I always joke that you beat me on clarity and eloquence and you do. You really are very clear with your question. Again I'm not a lawyer so I will answer you in my simple understanding of things and I hope this will also help not just answering you but the broader community of people like me who are trying to grapple with what this all means.

I think you are right that if you remove the words new structure with legal authority and only look at the rest of the sentences there in the bottom three rows, that if those things were built within our bylaws as we are agreeing above that, then we're okay.

Where we become all of us concerned is when we have new authorities that are vested with power that is not understood - not so much for the fact of it but that they're not fully understood, not fully bound by the safeguards that are necessary to make sure the multi-stakeholder model is preserved, that the structures of SOs and ACs that we all understand and work within is supreme in determining how our community works.

So any time we create something new that concentrates power, that creates new authorities, that are misunderstood, I think we should all be worried - immediately worried.

Now could it be solved? Yes of course if we - I mean if we have time we could come up with ways to bound these structures and to make those that control those structures equally accountable because these are the two things. You know, how are those powers in check and how are those powers accountable?

So today we are trying to strengthen the accountability of the board which is the group of people selected by the community and now hopefully removed by the community when they don't perform their duties.

And then the final thing I want to say Steve that I hope you and I can agree on - and that's tricky - that any time you create a new structure or any new power center - especially if it's concentrated like in the single model or any time we say single, it means we're pooling various players as opposed to having the community as for example as its represented today with the appointing SOs and ACs in the NomComm.

But any time we concentrate anything, then the question becomes how are the decisions of that concentrated new power reflecting the public interest and the

mission of ICANN? Or are they captured now by the group that is in there?  
That's the question and that's why we're worried about these bottom three.

Now what is the legal assessment of what is already in our bylaws and who has potentially what representation? This is for the lawyers to figure out. And if we all agree on the principle of avoiding capture and concentration of power in new structures that we still don't understand, I think we can solve all the rest.

And we can very quickly ensure that ICANN is remaining a multi-stakeholder community with the SO and AC structures firmly, firmly reflecting their roles into the ultimate power that makes decisions for the benefit of the public and the mission of ICANN.

Mathieu Weill: Thank you Fadi. A follow-up question - I think it's appropriate at this time - was raised in the chat by Becky Burr, and it was whether the board's objections or concerns with the sole member model would also apply to a model that would be a sole designator model.

So it's quite a similar question but maybe a little more direct regarding the board's concerns.

Fadi Chehadé: I never thought I'll be answering Becky on a legal question. I know I can't but thank you Becky for your directness which we all need and I appreciate very much your incredible investment. I had a chance the other night to hear more about the history of ICANN and I realize how much you made it in many ways, and I thank you for that.

Look I don't know enough today, nor I think do we all know enough today about how a designator model or a sole designator model would work. So we

are not here saying no to Model A versus Model B. We just need to understand.

I think what we're saying no to in the bottom three rows is no to concentration of power into a few, not the whole multi-stakeholder community, and a concentration of power that is yet to be understood.

When you concentrate power or give power to any party, we have a duty, all of us, to ensure that that new power concentration does not in any way alter the multi-stakeholder nature of our organization, infringe on our global commitment for public interest in doing that, and lastly that it does not come unbound and unguarded in such ways that it can be captured.

So I don't know enough frankly Becky. You probably could teach all of us, me first, as to how this would work. I would simply - now to answer you more directly - I would simply caution on anything that concentrates things as opposed to empowers the SO/AC model today that we know very well.

Anything that creates a new subset of our community with controls versus the total of our community - anything that in my opinion changes the sacred nature of our multi-stakeholder model. And sacred may be a strong word but we just had the pope here so I think it's now common word to be used.

But I think it's really who we are. It's the ethos of ICANN to not concentrate power, to have checks and balances between all the SOs and ACs and that model is here and we know it.

And if we can somehow reflect it in whichever way we choose to move forward, then frankly lead us please Becky. Lead us and, you know, you'll find us all willing to work with each other. But that's - I hope this is as direct

as I can be without saying something I'm not sure about Becky because I don't know enough about the designator or the sole designator model.

But let's engage. Let's engage and learn from each other and you know I know Mathieu sent some slides that are fantastic about engagement and working with each other. You know, if Mathieu and the CCWG and Thomas and Leon of course - if you all invite us to engage and learn from each other, we're very committed immediately to work with you in every way to learn.

Mathieu Weill: Thank you Fadi. Now in line is Jordan. Jordan?

Jordan Carter: Thanks Mathieu. Can you all hear me on the call?

Mathieu Weill: At least I can.

Jordan Carter: Great, I'll take that as a test. I feel like on these calls like I've entered the world of Alice in Wonderland and gone through the mirror. So I just wanted to make two points before asking a question.

The first point is that I'm taking this slide as the board's concerns. It's like CCWG's job to evaluate the public comments and work out where sentiment lies. And of course the board is an interested player with sort of a conflict of interest in this, given it's the body that would be held to account.

So I'm interpreting these columns as being the assessment, you know, and interested assessment of what's going on. And I think we need to do our job to assess all of the public comments.

The second point I wanted to make was that I think we are all here to uphold the multi-stakeholder model. And what everyone sort of is prioritizing is

making sure that the current system of all of the relevant voices in the room, adding their perspectives to the policy that ICANN makes and the work that it does isn't challenged by anything.

It's been discussed in the CCWG. But what has been discussed is the need to disperse power away from the ICANN board and that's what lots of these ticks are about doing. And that's what would also happen with any kind of membership or designator model.

So the point of our work I guess is to avoid concentration and to disperse power more broadly in the community than just the 16 voting members of the ICANN board. I think it would be helpful to keep that in mind.

Anyone who's alleging that there's any kind of intent or effect of concentrating power in the work of the CCWG, wherever it lands, is either mistaken or deliberately trying to mislead people. So I think we need to keep right away from that language.

The whole point of that model and the promise with the discussions in L.A. about moving away from a voting model to a consensus model and the accountability of SO and AC (actors) in any kind of member or designator model is that we have the promise of mutual accountability and distributed power together. And I think that that's a really good place for us to try to get to.

So the last sort of point was just a direct question to Fadi which is in the first set of requirements, ones colored orange, the fourth one is the community right to remove board directors. My question to you is just to clarify whether that means individually or the board as a whole or both. I'd appreciate an answer to that. Thank you.

Mathieu Weill: Thanks Jordan.

Fadi Chehadé: Jordan I think the line that comes from the CWG dependency section denotes that board members can be removed individually. And of course if you have that, you have the ability of course to remove the whole board because you can't remove them all.

I want to just comment on your first two comments which I appreciate but I want to be clear that when I came up with that slide, I came up with that slide frankly because I was like many in the community saying we're lost - hundreds and hundreds of pages.

So I did not base this on the board comments. I based this on the report that the CCWG showed on their preliminary public comment results, including the board comments but also including the hundreds of conversations we're all having on lists and so on.

So this is an attempt. I'm not saying it's perfect and frankly the only party that can say where there is consensus and where there isn't is you. It's the CCWG. It is not my job. So I want to with all humility say this is just a personal effort to try and understand things that I hope helped me and helps others.

That's all from the beginning when I asked Thomas to show this. This was just to share an effort of understanding, an effort of building bridges, an effort that's showing that in fact the CCWG work has gotten us to an incredibly good place of common commonality.

So this is not the board view. This is at least my personal attempt to listen to the community, to see the comments you received. But please once you come

to your assessment which will be more detailed than you announced already, we can all use your assessment because we trust that you will show us the way that way.

And finally just if I may I urge you some of the language we still use makes it sound like it's the board versus the CCWG or versus the community. We really need to stop that. It really doesn't help any of us.

We are committed to work in your process with full respect - I am too, all of us. And as I told Thomas after he admonished me from showing the slide I respect him deeply. I respect your chairmanship. All of us do.

This is an attempt simply to aid us to move forward together as a community. And to the extent it feels like I am trying or anyone is trying to replace the authority vested in you by the chartering organizations please do tell us just like Thomas did because we respect your authority and we want to work with you on that.

And if we end us versus them - and we all remember that this is a board - that in a year, in two years, in three years, we'll look completely different. In fact many on you on this call will be on this board I hope. Now this is a board from the community. This is your board. You elected it. All of us elected it.

And in a year it'll be different. We already are losing three of them or so this year. There will be new people coming. This is the community. We should remember that. And the board is in no way trying to paint itself outside the community or follow with all due respect, you know, any legal direction which we haven't received that says it's more important for us to protect the corporation.

No, our number one commitment - all of us - is to the public interest and to the community, not to the corporation, with all due respect to any lawyer who will tell us otherwise. And no one has. And no one has. It's a perception. All of us are committed to you, to this community.

Mathieu Weill: Thank you Fadi. I was supposed to have closed the queue but two remaining questions. And I would suggest to make the questions or comments concise so that we - oh I see, Avri is lowering her hand but Sebastien you have the last question please.

Sebastien Bachollet: Yes thank you very much Mathieu and thank you Fadi for your presentation. I have a trouble with the word concentration of power. Single, it's not to say concentration. Single is a result of the community work and one of the reason we came with a single, it was to avoid the possibility for one part of the community to struggle against the other part of the community at court level.

And if it was not clear enough that's very important point we need to take into account. Single, it's not a concentration of power. It's a result of a discussion of the world community and following this world community it will be expressed by a single member because it was the - I don't care about member. It's important it's single.

It's why I guess some of my colleagues ask about single designator. But it's important it's single, but single is not concentration. Please do understand that it may change a lot of your perception of the proposal made by the CCWG. Thank you very much.

Mathieu Weill: Thank you Sebastien.

Fadi Chehadé: Thank you. If I may Mathieu just a quick response to my colleague.

Mathieu Weill: Of course Fadi, of course.

Fadi Chehadé: So just quickly the concentration - and thank you Sebastien for explaining this and I'll attempt to tell you why I use that word. If the whole community is part of the single whatever - let's call it the single new structure that has enormous powers - then I think it's fantastic that it's concentrated and its strong and it's united.

The problem is that we already know for example when the single membership model was proposed that we have a good chunk of our community who said they can't participate and they won't participate.

So now we have a subset of the community in that single concentrated point. That's what makes the concentration. So concentration wasn't that they're together. Of course if they're all together, that's perfect. It's when part of the community are not in that model, suddenly a subset of the community has those powers, which may be okay because I was chatting with one of your members and they said, "Well the subset that is in that single structure will listen to those who are outside."

And I said, "Great. What are the details of that?" I mean I don't need to tell you how long it took us and we still haven't perfected it. How this board listens to the advice of the GAC or ALAC - there's still a lot of work to make that work.

So simply saying oh we'll listen to advice when that new structure has enormous powers is complicated. I'm not saying it can't be solved. We need

to sit down and say okay if you're not inside that concentrated power, this is how we will listen to you. That's the process. That's how it will happen.

All these details are necessary when power is limited maybe is the better word I should use to a smaller group than the SOs and ACs that we have now worked with in the multi-stakeholder process for years. That's I think what I was trying to do Sebastien but I hope this helps a little bit.

Mathieu Weill: Thank you very much Fadi and thank you Sebastien. I think to close this session I'd like to really express how grateful we are Fadi for the very patient, clear, articulate presentation that you gave as well as the responses that you very clearly provided to our questions.

This exercise definitely shows how useful this discussion is and definitely we took about an hour for that, and I think that was really worthwhile. And it also shows that the choice of timing was necessary for that.

And I think it's a conversation that needs to be ongoing, and I hope it can be pursued within our various working groups on the details of implementation as well as on the understanding of the various models. It's clear that some of the conversations still need to happen in a dialogue, has not really reached this point where all parties feel that the other parties around the table are fully understanding all the rationale but also the characteristics of the different proposals.

And that is a point that we need to reach to find some agreement and a way forward. So I think it's important that we pursue this conversation. Some of the questions maybe will be re-asked or we'll find our answers in the next few days or weeks I hope as we move forward.

And I think it's important and I am very grateful for you Fadi, your participation but also the board's participation because I notice this is also a team effort on your side.

And with that I will now turn to Leon for our next agenda item, which will be our work plan towards Dublin, which obviously is very high priority now to get organized. Leon?

Leon Sanchez: Thank you very much Mathieu. Earlier today Mathieu circulated this working plan, this slide set that tries to suggest our way forward to Dublin and beyond as it is called of course. And we have very little time as we are all aware, from here to Dublin. So we would like to focus the work of the working parties on having them assess and summarize the different (intricacies) by the community into three main areas.

First, the key areas of consensus. Then the second area would be the areas that need refinement or that are requiring us to provide further details into our proposal in order to be better understood or maybe better fleshed out.

And the third one would be the areas where we identify clear divergence between what our group is proposing and what the community is commenting on. So this would be the three different categories that we would ask the working parties on categorizing different community comments.

And we would also (tap) the different working parties on identifying potential options for CCWG consideration. And of course this would need additional details. Several proposals were needed for CCWG approval.

The different working parties that would be working at this stage are those that we are already familiar with. It's our Working Party 1 which deals with

community powers, community forum, a model. The AoC reviews, working party 2 which deals with mission commitments.

Core values, higher (PN) reconsideration -- Working Party 3 which deals with SO and AC accountability, diversity and staff accountability.

Working Party 4 - which deals with human rights (unintelligible) working party which deals with the stress tests and also shaded bylaw changes.

And we as co-chairs would deal with the overall remarks with Work Stream 2 and of the timeline. So this is how we would like to organize our work towards the public meeting. And in the first stage we would be doing this.

We had a deadline for October the 12th and we would then have our face-to-face meeting in Dublin. And as it has been anticipated we might be needing more face-to-face time in Dublin than that originally was scheduled for our (unintelligible) in Dublin.

And then third, we would be refining the proposals. We would be trying to - engaging the community. And of course this would lead us to finalize our proposal and refining the communication around the proposal, our document, and to assess whether we would be needing a third public comment period or if it would be good to go as this, which by the way I think that most likely we would be calling for a third public comment period. But we have very little time. And we would like to, of course, try to address all the public comments and try to find a way forward so that we can make this transition happen.

So while we are in Dublin in our face to face meeting, we would like to suggest that in the morning we deal with the working party reports which would be comprised of course summaries and potential options.

The afternoon we would be looking at decision on key adjustments or refinements to be made. And if there were any need to approve any additional details provided with the working parties then this would be the time where the CCWG would be actually deciding or approving any alternatives that the work parties might come up to our face to face meeting.

Then as I said, we might be looking at more time for our face to face meeting in Dublin. And we will then also be building plan for engaging with the chartering organizations - the board and other the transition groups - which would be to the next agenda item but before that I would of course like to open the floor for any comments or suggestions on the suggested approach to our work in the coming days. I see Kavouss so Kavouss, could you please take the floor?

Kavouss Arasteh: Thank you, Leon. I agree 95% in what you said but not 5%. The 5%, which may be 95% is that I do not see any points that the chair of the SOs and ACs represent the entire community that they have elect them.

They don't have first mandate. There no legal point that the chair of SO and AC participate that any group are the representative of the views of the entire group as they have to discuss it within their group to get their agreement - whether such authority was given to them or not.

Number 2, when the establish CCWG, there was no way to have closed meeting. The meeting is open to everybody. No doubt you have the working parties; working parties where always open to everybody members, participates, observers, really openly, transparently and methodically.

So, it is not appropriate nor legal that you start to have something with closed sessions behind the scene and go and take approaches that some other international organization always making the noted of the priority of others to have participation.

So, it is not appropriate that you formally establish these things. Nothing to prevent the people to talk to each other as we are talking on the email. We express our views. Sometimes accepted, sometimes are not accepted.

But it does reflect the views of individuals. I don't think that the SO and AC chair has any authority or any mandate to participate at any discussion reflecting the views of their constituency.

Second, I don't think that these people getting together informally could be something in the working party or in the CCWG saying that this is a result of some consensus or some agreement because that does not agreement nor consensus.

I suggest that we continue to have the open meeting either in one working party or you have a new working party so on so forth. But I don't agree that you create such a hidden and closed link or closed circuit or closed session to deprive the others to full participation.

Meeting must be and should be and shall be open and acting in accordance with our charter. Thank you.

Leon Sanchez: Thank you very much, Kavouss. And let me just state something very clearly. No one is saying that we would be establishing either closed groups or secret meetings. We had mail situated early today, which proposed a way forward.

And it was only a starting point for our discussion on whether we wanted to go that way or not. And as I said, no one is proposing excluding or depriving anyone from the discussions that we have had all the way very openly and very inclusively.

So I guess the intent of the suggested approach rather than excluding or closing the discussion to anyone is to try to move in a very agile way so we're trying to find solutions by focus groups, which would then report back to the CCWG as a whole.

And then the CCWG would be the one to continue the discussion. And if there was anything to be approved then the CCWG would be the one that would be approving or of course rejecting whatever those focus groups would be bringing to the table.

But, as I said this is of course not an attempt to try to deprive any one from participating from the process.

And this is of course as Thomas said I believe in the mailing list, just a starting point for discussion as to how we can be more agile and more efficient in trying to reach a consensus in the different areas that we obviously are still trying to be open to that consensus.

I hope that clears your concern. And as I said this is an open group and will remain open - so, next in the queue I have James Gannon.

James Gannon: Thanks, Leon. James Gannon. So on Slide 5 (unintelligible) didn't make a necessary. I would tend to agree but I don't know about anybody else and I think I'm not probably the only one in this situation.

Over the week I had one hour left that's not spoken...

((Crosstalk))

Leon Sanchez: James.

James Gannon: ...so where are we going to (unintelligible) additional face time.

Leon Sanchez: James, I'm sorry to interrupt you but I'm really not being able to listen to what you're saying. Your sound must be a little (unintelligible) if I say.

((Crosstalk))

Leon Sanchez: So I don't know if - I think that's better, yes.

James Gannon: So, on slide five we have more face to face time in Dublin might be necessary. I would tend to agree but I'm sure I'm not the only one who has precisely one hour left that's not booked out by other meetings.

So where are we going to put back potential additional time? Would it be on the Friday after and if so we need to let people know because they'll need to look at hotels and flights and everything else.

And I think that decision needs to be made very early and as soon as possible. And to be communicated so that we can try and make sure we're not snuggling but so we can plan around it.

Leon Sanchez: Thank you, James. So I agree with you. To start with, I would say that we could use those hours between 10:00 pm and 6:00 am and that of course is a joke.

But we will need to find this soon and try to find a find a slot in which we could have course continue these or expand this time for face to face meeting. So next on the queue I have Alan Greenberg.

Alan Greenberg: Thank you very much. I actually support the proposal. The - if you may recall that the LA meeting Ira Magaziner made a proposal. What he said is a group very much like this be charged with going off and doing all the work.

That is a number of thoughtful whatever community leaders going and taking responsibility. And essentially being delegated by the whole CCWG to go and find a compromise.

As much as I think that might result in a good result, I rejected it categorically because there's no way that was going to be an acceptable way of the CCWG to work.

However, what is being described here as I see it is a group essentially to have an ability to wave red flags and identify, you know, where we believe the community is going.

As ALAC chair, I'm going to be charged with herding the cats - perhaps is the best expression and trying to get the final proposal ratified. If I'm in a position to say I sense that there's a real problem here, it needs to be said.

And it needs to be said in a way that doesn't get drowned in the barrage of emails and chat comments that go on in these meetings. So I support this kind of thing.

I don't much care whether it's open or closed but I really think it, given the very short time we have and the lack of opportunity to say oops, we made a mistake, let's go back a step and redo the last two weeks work. I think it's a - will be a useful coordinating part of the overall process. Thank you.

Leon Sanchez: Thank you very much, Alan. Next on the queue I have Kavouss. Kavouss, please go ahead.

Kavouss Arasteh: Certainly, Leon, you did not answer my question. Focus group is another way of putting into the caveat or to the topics of being a limited participation.

I don't think it is correct. And I don't think once again that a chair of the group has such a authority. Maybe some of the people there in in saying that because they are chair of the group.

But other people, they don't have any role in the chair or the rights - let's have open. Continue to open our meeting. We may agree to have focus on particular topics but not focus meetings that limit the number of people participating and putting the others before something, which in French called fait accompli.

That you come to the CCWG and you have the result of the meeting or focus group and say that this is what we have agreed. Please don't be a bad boy. Please agree with what you have agreed.

No, we can't not agree what those limited people have agreed. We must have an open discussion - allowing everybody to speak - really and if he can't convince the other to agree with him. If cannot, cannot.

But don't - please do not limit it to the particular number of people in particular the chair of the group. They don't have any mandate to represent the group.

They could have a mandate as an individual who full respected. But not having the label of the chair of the group reflecting the views of the entire group.

Let's just say in GAC, for instance, chair of GAC does not reflect the views of the GAC unless he discusses it as GAC and has a consensus in GAC.

So I'm sorry to Thomas Schneider to say that but please kindly take away this focus group. If you want some people discussing informally, they could discuss.

They could bring a document and so on, so forth. But it is open to discussion from the very beginning and should not be taken as an agreed thing at all.

This is a limited way of think. Some international organization unfortunately they are doing that and depriving the others saying that we don't be a bad boy. We have discussed it and we have agreed.

So I don't think...

((Crosstalk))

Kavouss Arasteh: ...some people other will tune you out because they have not been in the group and they want to raise the point they be not allowed to raise the point.

Please kindly consider. Please reconsider your position. I don't know where this focus comes from. Focusing on what - on subject or number of the participants? Thank you.

Leon Sanchez: Thank you very much, Kavouss. And I apologize for not being able to clearly address your concern and response to your question in my first try.

I just want to once again make it very clear. This is not a decision that's been made. This is just something that was meant to be discussed and we are discussing it.

And if anything would be decided, believe me it would not be to close participation to anyone. I think that Mathieu wants to add something...

Mathieu Weill: Yes.

Leon Sanchez: I'll open the floor for him. Thank you.

Mathieu Weill: Yeah, this is Mathieu Weill speaking. And to answer Kavouss's point very directly. The goal of the working parties is to do the tedious but necessary work of analyzing the community feedback.

And to come back to the whole group with a set of potential options by October the 12th so that in Dublin the whole group - the whole CCWG can make decisions.

And you are right, Kavouss that these groups are not decision making groups. They should not be and it's certainly is something that in the strides we can make clearer.

And the roles of the rapporteurs are to gather the inputs of the working party and also to organize the work because there's a lot of work to be done and not everyone can read and analyze fully all the comments. And then get back to the group, open for all the group inputs. And then we'll have a full CCWG discussion as need be to refine the proposals and so on.

So I think there's - this has been our way of working since we started. And I think it has been inclusive, open, transparent and also efficient so that's - we're not suggesting to change this.

And if you look at the Slide Number 3, where you see the topics, it's obvious when you look at this list that we need to split the analysis of the comments because of the amount of work that's required.

And it's also worth noting that some work we need to follow up from the Los Angeles discussions, especially the breakout sessions. So that's also something we'll need to assess how we follow up on this in a way that - in just about two weeks we need to have the contributions formalized. So it's very quick. We need to be very efficient. We need volunteers. We need them on board soon.

And we need to get to organize the work party meetings as soon as possible. That's it for me, Leon. Thank you.

Leon Sanchez: Thank you very much, Mathieu. And next on the queue I have Robin Gross.

Robin Gross: Thank you, Leon. This is Robin Gross, can you hear me okay?

Leon Sanchez: We can hear you and listen to you.

Robin Gross: Great, okay. So I think a lot of the concern and consternation that you're hearing about this proposal could be dealt with very easily. We clarify that what is meant on the last slide when it says "before substantive work point two coordination by new small group SO AC reps, board, lawyers."

I think if we could clarify that that SO AC rep needs the representative in the CCWG that has been appointed to represent them in this matter as opposed to meaning that we're going to go out and we're going to create a new small group with the GAC chair and the GNSO chair etcetera, etcetera.

So I think maybe that's what some of the concern is coming from is it's not really clear that we're talking the reps that these SOs and ACs have already selected to represent them in this matter.

So that was one thing. And then it says "board and lawyers" so I was wondering if there was any thoughts about which board members, which lawyers, you know, the entire board - everybody's lawyers.

Is there some limitation on this or narrowing of this? And there's also, you know, we're talking about coordinating and I'm just wondering specifically what would this new small group be coordinating specifically?

So I just think if we could clarify these points, we might be able to put some of these concerns to rest. Thank you.

Leon Sanchez: Thank you very much, Robin and let me try to get a reply to that. And I'm seeing that maybe we could find a very easily way forward. We already have working parties established. We have, as you well know, Working Parting 1, 2, 3, 4, stress test. And we even have a retired Working Party 5, which was meant to deal with legal issues.

So what could help in our way forward to Dublin in order to try to find better ways to engage and to interact with not only SOs and ACs but also with the board and with our legal team and the board's legal team as well would be to encourage that the board designates some liaisons or members to work along with the working parties that are already in place so this could of course lead to a more active engagement between the CCWG and the board.

And of course we would be asking our legal team to join those working parties. And we'll invite of course the legal advisors from the board to join those working parties as well.

And I think that could be a way forward that does not modify the way we have been working. It takes advantage of the groups that have already been working throughout our many months of work but would also add the advantage that we would have more engaged participation by the board, which I believe would be just (unintelligible) point.

So, I think that if we could agree to that, I think we could have a way forward. And I hope that answers your question, Robin. And next in the queue I have, Malcolm Hutter.

Malcolm Hutter: Thank you. I am very content that analysis and collation of public comments can be done in focus groups that are closed and the outputs that they said brought from -there should aim to show the working so that the output from that focus group can show how that analysis has been done and how that relates back to the comment that was received.

And so there shouldn't be any concern I wouldn't think there if that is done properly that having this done in this sort of focus structure in anyway, you know, biasing the outcome or anything like that.

And I'm also quite content to setup closed groups that would do particular outreach tasks. Because I would think that we are all already doing outreach to our own particular communities individually and not only on the basis of the group doing it as a whole, collectively and in public all the time.

However, when it comes to substantive work, the development of compromise and alternative suggestions that worries me about doing that in a closed group. I understand that it is proposed that these would not be decision making. But it would - the output of those groups would still be brought back to the whole group to approve.

But the whole group will be subject to limited time. We won't have the full opportunity to engage in the discussion that those subgroups went through. That's the very purpose of setting up these subgroups, to give extra time to work on this issue

So if those subgroups come up with something that some people don't understand or don't follow they are effectively being asked to support it because of the extra time and the authority of the people that went into those focus groups.

Now that to me, strikes me as a worrying prospect. It seems to me to diverge from the open and participatory structure that we've engaged so far. So I think that it would be better to continue with the existing structure of open working parties and open subgroups of those working parties doing all the substantive work so that anyone may join any sub, sub subgroup. But then sent up to do

additional work that's required, is open to everyone that wishes to engage in that work.

To that extent, I must say I share Kavouss's concerns. I think that we should remain completely open in principle. Otherwise even if we do appear to make some progress, we will be immediately open to challenge that there hasn't really reflected or brought with us our own community.

So I propose that we remain with the current structure of working parties that are open to everyone. And they can setup such subgroups as they wish to do additional work.

But the new substantive work should not done in focus groups that are only open to people by virtue of their office. Thank you.

Leon Sanchez: Thank you very much, Malcolm. And next on the queue I have Tijani Ben Jemaa.

Tijani Ben Jemaa: Thank you very much, Tijani speaking. I would like to add to what Malcolm said that when the focus group come to the city that (unintelligible) and present its outreach.

It will be represented else that they agree on and who are they? They are chairs of SO and AC. This is intimidating for the group. I mean that when it's presented like that, the discussion will be very short.

First, because of time, and second because it comes from the chairs of the SO and ACs so I support what Malcolm said - I prefer stay with the actual section. Thank you.

Leon Sanchez: Thank you very much, Tijani. Next on the queue I have, Alan Greenberg, Roelof Meijer and Olga Cavalli and I am closing the queue with Olga Cavalli. Well, Thomas Rickert then.

So Alan, please take the floor.

Alan Greenberg: Thank you. I'm very confused. I'm hearing now about a focus group - words that didn't show up anywhere on the slide - on any of the slides. I don't know who used them.

And Tijani and Malcolm for instance were talking about the focus group coming back with decision. Although I will quibble with Tijani that I haven't found anyone who's intimidated by me as chair but nevertheless.

I didn't think this was being proposed as a focus group. I didn't think it was being proposed as a group that is going to make decisions and come back to the CCWG with recommendations or decisions.

My understanding was it's a group to do level setting to make sure everyone's on the same page and to wave red flags if we sense some problem from the community or something that does not seem to be addressed.

It's not particularly different than the, you know, than the prep meetings that go on with the chairs and the coordinators before each meeting and the debriefings afterwards.

It's just with a different group of people with a different view point. So I didn't see anything about a focus group. I didn't see anything about decisions. I didn't see anything about any of that so I don't know what we're talking about. Thank you.

Leon Sanchez: Thank you very much, Alan. And I think this is a confusion that's going out of proportion. And just to be clear once more, no special groups or closed groups will be created. We will continue to work the same way we've been working and the last round from the inception of the CCWG. Okay, what we will do or what we suggest we do is to encourage members of the board to join our current working parties so we can work along together.

That's it, no complication. No confusion. It will all remain just as we have been working since we began working in the CCWG. That is it. Next in the queue I have Roelof Meijer.

Roelof, could you be on mute?

Roelof Meijer: No, I stopped mute. Can you hear me or no?

Leon Sanchez: Yes, now we can hear you.

Roelof Meijer: Okay. Well, like Alan I'm getting very confused. And I'm not sure if you have solved the confusion. So there is not going to be a group of SO and AC chairs of any particular kind of work.

Leon Sanchez: No, Roelof, there's not going to be that group.

Roelof Meijer: Okay, so I don't understand why there's any (unintelligible). Well, maybe we could get back to Malcolm and ask him if his problem now is also solved.

Malcolm Hutty: May I have the floor, chair?

Leon Sanchez: Yes, Malcolm, please do.

Malcolm Hutty: Yes, if we understand that any work on developing new compromised proposals for the group, new versions of our report and so forth is only done in groups that are open to anyone to join who wishes to then I am content.

If it were suggested to setup groups are not open to everyone to do some of that work then I don't think that's a good idea. I think that clarifies my position.

So if you can say clearly that it's not the proposal. That to limit friction, we are going to have specifically designated people to work out new compromise proposals, if that's a misunderstanding on the slide, then I'm content.

Leon Sanchez: Thank you very much, Malcolm. And yes, we would be in consensus with what you have just said.

Malcolm Hutty: Thank you.

Leon Sanchez: We will not be creating any new groups or any closed groups to anyone. We will continue to work just the way we have done.

The only thing we will do is to encourage more engaged participation with those who at this stage may have been following our work closely. But we recognize that we do need to work with some other participants, you know, more closely. That's just about it. So next in the queue I have Olga Cavalli.

Olga Cavalli: Thank you, Leon. Gracias, Leon. This is Olga Cavalli. I am okay with continuing in the same way that we have been working with groups open to everyone that's interested and lists that can be accessed.

My only concern is that at least from my side, I can focus in some part of the work. I cannot be in every group and in every discussion just because my time is limited.

And what we found at least from the GAC's perspective is that there was text developed by some groups and then it's kind of written in stone and then it kind of became again.

And all the comments that are done are almost ignored. So this is my concern. If groups are going to be prepared to draft text, which I think is practical in the sake of time and conclusions.

Then those texts should be open to comments to the whole group and to the community and those comments should be considered because if not, we will have the same situation as Stress Test 18 that it's developed and then all the comments and all the suggestions of changes are at least comments, some comments are not taken in a draft. Thank you very much.

Leon Sanchez: Thank you very much, Olga. I just want to note that I have closed the queue after Thomas Rickert but this is a topic that seems to be very important to all the group I will reopen the queue but I'm reclosing it with Cherine Chalaby. So, please let us continue. The queue is now closed with Cherine and next on the queue I have Thomas Rickert - Thomas.

Thomas Rickert: Yes, thank you very much Leon. This is just an attempt to maybe illustrate what the idea of this group mentioned in 4.2 would be. I'm sure that some of you have ultimately experienced in your life but you talk to a group and you come to an agreement.

And then you say okay, now let's all move forward. And then people start moving forward. But forward means a different direction to everyone. And I think that we need - we're at a critical point in our work and we need to ensure that there's a high probability of us developing things that are likely not opposed by any singular - any single group.

That is not to say that people on that group represent their respective organization but they know their respective organization and will likely be able to chime in and form in case there's a risk of friction.

So this is why the words on the slide were chosen carefully. Does not mean eliminate the risk of friction entirely but reduce the risk and that's what we think we need to be doing at this point. Thank you.

Leon Sanchez: Thank you very much, Thomas. Next on the queue I have, Kavouss.

Kavouss Arasteh: Thank you Leon. I think you meant something but perhaps we should do it in different wording. I have no difficulty if you have a working party. We should call them reflection group or compromise group but like other working party totally open to anyone - member, participant, observer.

It may be good you have a limited agenda of that. An agenda or mandate of that will be to search for some compromise. But after we analyze the public comment and find out where are the areas that we need to have compromise.

Then establishing a group, a working party - whatever name you give them but open to everybody. My problem is not the title of the group. My problem is open to everybody.

When I heard of this group, I told that there are key board members - seven of the head of the SO and ACs and few others. So for me, that was a closed group.

But if you establish any group open to everybody with a limited agenda, with limited mandate, with a view to arrive at the consensus of all it's to seek whether there are consensuses that would be good.

But please don't call them focus group and so on and so forth. Make it clear that the group, whatever name, is open to everybody. Thank you. And don't break the ICANN inclusiveness, openness and demographic way and don't do what some international organization they doing that they go to the closed door and they provide something and come to the (unintelligible) that is that, we don't have time to discuss and push it through. We have very bitter experience of some of the work in some of the working parties that it was limited to few people.

So we don't want to do it again. Please kindly consider we want to work with you and we spend our time and we continue to contribute and to add whatever we can but not in a closed work. It should be open - open - -O-P-E-N - - thank you.

Leon Sanchez: Thank you very much, Kavouss. And for the last time I will repeat all our work is open and will remain open. Thank you. Next on the queue I have Cherine Chalaby.

Cherine Chalaby: Thank you, Leon. I just want to inform everyone that the board is ready to engage in whichever form you would like. We definitely agree with whatever group you called. No decisions to be taken there.

And we have - Steve has nominated three members of the board to coordinate our effort. And those three members are Bruce, Renalia and myself.

We would appreciate as soon as you decide how you want to work, to inform us of any schedule, any meetings, any calls and we'll be ready to engage with you. Thank you.

Leon Sanchez: Thank you very much, Cherine. And the first thing I would encourage you to do is to subscribe to the different working parties. So I would kindly ask staff if the board members Cherine has just mentioned would like to subscribe to the mailing list. Please kindly add them as soon as possible.

Finally, I have Roelof Meijer for our last standing man in the queue. So, Roelof, I see that you lowered your hand, Roelof. Is that correct?

Roelof Meijer: Yes, sorry. That was an old hand.

Leon Sanchez: Okay, thank you very much Roelof. So, now I will turn it back to my co-chair, Thomas for our next agenda item.

Thomas Rickert: Thank you very much, Leon. And actually we discussed the first agenda item quite a bit because that was included in the slide deck that you presented and what I was about to discuss with you was exactly this group called 4.2.

So what I suggest we do now is actually discuss - I'm sorry, I'm now confused with this very slide because I wanted to rise AOB with you. There have been three topics that have been discussed on the list.

And maybe we can go through them and reach agreement or concern previous agreement in the group in the next few minutes. The first point was the discussion on inviting political advisors to the table.

This idea has got some traction on the group. Although, there were some that still thought that including a political advisors might not really be a position on our work.

You will remember that during one of our previous calls we have discussed exactly that suggestion. And at that time the group said that it does not want to engage with political advisors, that we should focus on our substantive work. That we should not rely on ultimately guesses or best guesses or experts in the field to make judgment on what is the best accountability concept for ICANN.

So, I just want to make sure that this position that the group took at the time does still stand. That at this very point in time it does not want to engage with political advisors. So the group two or three weeks ago left this open. And said we might consult political experts at a later stage but for the time being, we chose not to.

So let's just confirm with a show of red or green flags in the Adobe whether you think we should reopen that discussion or whether you think we should stick to our previous decision and not engage with political advisors at this stage.

So if you say we need to talk to political advisors, if you can use the green flag. And if you think we should not be doing that at the moment i.e. stick to our previous discussion, use the red flag please.

So can I please use the checkmarks to continue to leave it open for a few minutes - for a few more seconds. The question was would you like to include political advisors and talk to them at this stage, or does the work want to stick to its previous decision -excuse me and not engage with political experts at this very point in time. So, we have 11 in favor of talking to political advisors, 13 against so there's not a clear preference in this group in terms of which direction we should take.

So maybe by way of middle ground we would reach out to a political advisor and ask whether they could maybe provide us with some written input on the political scene that our - vis-à-vis our proposed models were envisaged - the different models so that the whole group gets some information but it does not have to spend hours with the advisors and have a discussion that might distract us from our substantive work.

So I would suggest that we do not open this up for discussion at this stage. We've heard the group's views this. Kavouss, you've raised your hand. Is there something inevitably required to say at this stage?

I think the guidance from the group has been quite clear. Kavouss says he disagrees with the ruling.

**Kavouss Arasteh:** Thomas, I don't understand political team, political advisor. You raise it in some other meeting ago? I asked you, you never replied to that. What do you mean to open a political issue here?

Let us work as we have worked now - technical and professional but not political. Leave the politic issue to the politicians in the United Nations but not in the ICANN.

Please kindly do not bring a new issue and I don't know how you come to the middle ground. Please kindly see that the people want to work as they have done before.

I don't understand this political issue here. Are you proposing something new? Let us not go to the political, let us have technical, professional and realistic views kindly.

Don't make decision because 3 against 11 and middle ground...

((Crosstalk))

Kavouss Arasteh: No he's not. There is no consensus. Please, there is no consensus. And that so don't take it kindly I request you. Thank you.

Thomas Rickert: Kavouss let me be very clear on this. This is not a matter of my personal preference. You are saying that I'm introducing this. Actually the group has said earlier that it does not want to talk to political experts.

And in the last 48 hours there have been substantial traction on the list that it does want to hear views from political advisors on what we're doing. And therefore, it is our role to ensure that the group's views are being heard. And therefore, you know, we've done this little exercise. Certainly there's no consensus required because that is not a recommendation by the group.

But still its important point that the group or least substantive parts inside this group do want hear what the consequences of our work at the political level might be.

And I think we have to accept that. We will try to formulate some sort of scoping from that and I will surely take to heart and remember that the points that have been made by, I think it was Jorge and some others who said that when talking about the political impact of our work, we should not solely focus on the US Government or Congress but also look at the wider implications with this and stuff like that.

So, thanks very much for that. You can remove your checkmarks or clear your status on this.

Now let's discuss the second point that was discussed on the group and that was an email from Kieren McCarthy who had suggested some ways forward and he made suggestions, which can be summarized. And I hope I'm not misrepresenting this by saying we should not - we need to up our game on communication.

He also said that we should leave our current report as it is but that we need to have additional communication tools for the outside world. And I think that his suggestions are pretty much in line with our recommendations as co-chairs to this group to be working on a revised report, which is focusing at the outside world, which has the narrative that you will remember I drafted which explains in plain words what we are doing and what focuses on what we're keeping in ICANN and how Leon's - the changes that our group is recommending actually on.

So I want - so we wanted to flag this just to make sure that we do what you as the colleagues on the - in this group want us to put on the agenda. And therefore, I would like confirm with you that you are okay with the notion of leaving our current report as it is and not rework that.

And if you think we should do this, you know, Kieren's explanation for that was that our report was written for an ICANN community. And that, you know, this is just a report resulting from what we are doing.

So I think that it make some sense to keep this format because it basis on this group's work methodology. But then on top of that, we should be working on a different document explaining in much easier to understand language what we are doing.

So we are keeping the focus on that. I'd like to hear views on that if you have any, not a lengthy discussion but let us just know if you think that there are additional actions that we should take in addition to what we have planned so far.

James hand is up. James, the floor is yours.

James Gannon: And thanks, Thomas. So yes I agree that we should have a short form report. And written in plain English and put down to the bare basics of who, what, where, why, when and how.

And I think we also need to engage ICANN Comms and explain in a more detailed manner and to start having them work through the basics of our proposal and start looking at what graphics and explanations that we can put in around that.

Thomas Rickert: Thank you very much. So Steve and then Sebastien and after that we're want to close the queue in order to be able to end this call on time.

Steve DelBianco: It's Steve DelBianco with the CSG. I think one item we should do is try to capture some of the clarity that Fadi used earlier today when he explained

what he meant by concern over new structure with legal authority - the bottom three rows.

And if we capture the clarity of that discussion that it was really about disenfranchised ACs and SOs not having a voice. If that's truly what it is, we can react in a very constructive way to that and modify the proposal that the CCWG has.

However, that is an idle task if in fact Fadi's explanation doesn't match with the understanding of the legal team, Jones Day and the rest of the board. And I applaud Fadi for trying to be clear, he also is. And yet if he's clear, that doesn't have agreement we'll just waste a lot of time responding to those specific concerns.

So I ask the co-chairs to consider whether we could ask a quick follow up and it could be channeled through the three board members that have just recently been appointed to be our interface with Fadi's help. Thank you.

Thomas Rickert: Thanks very much. Sebastien.

Sebastien Bachollet: Yes, thank you, Thomas. It's in fact a question when you say we don't change the report. How we take into account the comments. We need to decide on that then the comments will need to be included in the report.

If I understood well, we want to write something in addition to be clear, easier to understand - plain English and so on and so forth then if it's really what you meant to not change the current report. Thank you.

Thomas Rickert: Thanks very much, Sebastien. I certainly can't speak on behalf of Kieren but my understanding is that he would keep, you know, the report as we have it with the updated recommendations following our public comment analysis And not rewrite everything that we have reviewed so far. Because remember, Sebastien, even if we respond to the commenters and make changes to certain segments of our report, the majority of pages will likely remain unaltered or just get some additions.

But we have a lot of support on many areas and I suggest that we build on that. And that we just have a couple of documents, you know, explaining in more plain language to the outside world what we have achieved.

And maybe let's go off the historical data in there, the genesis of the recommendations. The wider audience might only be interested in the easy to understand summary of what we are doing and how it would work.

So, we have Theresa, Kavouss and then the queue is closed.

Fadi Chehadé: Hi, Thomas. Theresa, as she noted in the chat she raised her hand to me because I don't have - I'm not in the session. I wanted to thank Steve DelBianco for his comment and clarify the following.

The reason we hoped that a CCWG working group or team or coordination team - whatever the name of it is is established is precisely to address the kind of understanding and alignment that you are talking about.

I'm working my hardest to explain what I think are the various views. But if we had a small group of people whose sole purpose is to ensure that when there is even misunderstanding, it becomes channel.

I think all of you know that are tens of channels happening all over the place everywhere. Why don't we have open transparent team that is set by the CCWG under the leadership of the CCWG to precisely make sure that if I say something or you say something, that the leaders who have their hand on the CCWG, the board and the chartering organizations are together in this very last mile to make sure that we understand each other.

That was the purpose of it. It's not to make any decisions. It's not to even craft any compromises. It's to ensure there is just understanding. So we don't spend three weeks thinking what might the board be thinking?

Well here they are the board asked three people to sit on that team and to work closely with the chairs and with the charting organizations, the SOs and ACs so all the people have authority over the final decision because the charting organizations will have a role.

The board will have a role and you will have a role, the chairs and the CCWG. No decisions but just coordination so we stop being ships passing each other in the night.

Thomas Rickert: Thanks Fadi. I think time wise we can't reopen that discussion. I think your arguments are well understood and heard. So let's continue the discussion on that on the list. Kavouss's hand is up.

Kavouss Arasteh: Thank you, Thomas. It seems to me that you or some of you have already made the decision to totally ignore the ICANN views saying that, I don't care what you said.

And we don't care what was discussed at Los Angeles. We maintain our report and that is that. So what does it mean that ICANN will send its comment

maybe more rigorously than they have now and what is the result of that on the NTIA?

We CCWG need to assume our responsibility. If because of the position that you announced, there will be a failure not to accept alternative proposal opposing each other that means the whole process has failed. So then we will be held responsible for that. And I don't understand why we exclude a channel of discussions making efforts to see whether there is room to reach some sort of agreement of consensus.

You are very openly either on behalf of few other or behalf of I do not know how many you said that no change - we don't care about the ICANN views. We take our own views plus public comments and I don't know how quickly you could summarize that public comment.

Who made the judgment of the public comment whether properly interpreted or not interpreted because we are not there. So we take a very risky approach. We will be responsible for that.

I suggest that we should not close the room of discussions and compromise and so on so forth. If you take that position means even these three board member is just formalities and they will serve no purpose at all.

Chartering organization I don't understand how between now and end of October any chartering organization could then speak on the behalf of the entire organization.

And the chief or head of that is not the representative of that. I see you putting on some mission impossible - impossible missions. Please reconsider your positions or positions that you are announcing. May not be yours. Maybe you

announcing some others, I don't want to name one or two people. But no one has discussed that. There is no voting on that.

One people propose no change and other people say it's plus one and that's all. I don't think so, please.

Thomas Rickert: Kavouss, I'm not sure if you whether were speaking to the idea of the introduction of this subteam or whether you were speaking to my latest remark on the format of the report but since you were addressing me personally and since I wasn't chairing the discussion on the subteams I assume that you were speaking and maybe misunderstanding.

Kavouss Arasteh: No, I'm not addressing you. You are doing your job very well. I'm saying that we have not come to that conclusion saying that no change to the report. We are not at that point yet.

((Crosstalk))

Kavouss Arasteh: Thank you very much. You are doing your job well. But I think - the announcement that you have made on behalf of few people does not seem that we have reached that yet.

That some people say no change and you announce that no change, no - the whole CCWG needs to pronounce that. Need to make...

Thomas Rickert: Kavouss.

Kavouss Arasteh: ...that is not possible to do it at this single meeting now. You put it to its reflection to see what is the situation...

Thomas Rickert: Kavouss, excuse me.

((Crosstalk))

Kavouss Arasteh: ...have that our not. It is too earlier to say no change. Thank you. I'm not pointing towards yourself. Thank you very much.

Thomas Rickert: Kavouss, I think you misunderstand. There has been no announcement that no changes to the report should be made in the sense that our group should not review public comments and make updates to our report.

We were discussing the format of the report. So, once we have updated our recommendations to include all the community feedback and reach a consensus position.

The question is then whether we want to rewrite the whole report or whether we want to maintain the report in its current structure and keep that for the ICANN audience.

And that was the suggestion that we do not do a concrete rewrite of everything that we have written but we would do extra documents reflecting it and then updated document in an easier to read narrative type approach.

I had closed the queue already and we are already passed the hour. I suggest that we are taking this discussion offline. So I see that the group wishes to maintain two sets of communication methods; one for the ICANN audience based on the current report structure and then an additional one to be a more easier to understand approach, more narrative type approach so that non-lawyers and non ICANN-ers can easily understand.

So with that, I'd like to end this call. Thank you all for a very constructive discussion and we're looking forward to working with in the next couple of weeks and to see you all again in Dublin. Thank you very much and bye, bye.

END