

ICANN

**Moderator: Brenda Brewer
October 13, 2015
8:00 am CT**

Coordinator: The recordings are started.

Leon Sanchez: Thank you very much. Hello, everyone, and welcome to the CCWG
Accountability Meeting Number 59 on October the 13, 2015 at 12:00 UTC.

We will be having our roll call as usual with those attending the AC room.
And at this point I would like to call for anyone that is on the phone bridge but
not on the AC room to please state your name so we can add you to the roll
call. Okay so no one on the phone bridge that is not on the Adobe Connect
room.

I remind that you haven't filled in your Statement of Interest it would be very
useful of course urgent to fill it in. Please kindly approach someone from staff
if you need any kind of help on filling in your Statement of Interest.

And I note that Kavouss, you have (unintelligible) to the list with regards to
those comments that you want to make. We will be of course addressing those
issues that you care to raise in the list, as (unintelligible) and that you are
pointing in the chat box in the any other business section.

So at this point I would like to turn to my co-chair, Thomas, for agenda item Number 2. Thomas.

Thomas Rickert: Thanks very much, Leon. Good morning, good afternoon, good evening everyone. This is Thomas Rickert speaking. And we are now going to discuss work party status updates. And I should maybe take this opportunity to speak a little bit about how we are going to proceed. First of all let me say that it's been so encouraging to see all the hard work and the great progress that's been made in the subteams. I think that's been awesome because I think this is exactly the diligent preparation that we need in order to make the Dublin meeting successful.

And let me also say that I'm impressed with the engagement of several board members that are now taking very active roles - more active and more board members than before in order to work on reconciling the differences between the commenters, not only the board has been a commenter but many other community members as well, and the second report issued by this very group. So I think that's all very, very positive.

You will have seen that I circulated a link to a group of documents shortly before the call. That is more or less in response to the question that has been asked by some of you on where we stand. And some of you said that - or I think it was Kavouss that said we are lost. And I think that what's happening at the moment is just a lot of work taking place in parallel. So we have all these subteams working on the analysis of the public comments.

And this is what we needed; this is what we promised to the community that we would take seriously each and every comment that was made, that we

looked at the relevance of the comment that we look whether the comment requires our group to refine or change our approach.

And what you see in this document is basically a walk-through all the areas of our report, all the areas that we are working on with our enhanced accountability concept and the status of where we are. So you see some green areas and that's something that has been supported, according to our current assessment. We will surely need to reassess this. But then we only have a few points where we have disagreement. And I guess the most visible area of disagreement at the moment might be the community mechanism.

But then you also see a lot of yellow areas. And the yellow areas are those areas where we just need a little bit of tweaking, a little bit of refining before we can present the - a final recommendation to the community.

So as we move on to Dublin and as we will conduct our sessions in Dublin, I guess what you will see there is a lot of yellow turning green. Hopefully a lot of, you know, the few areas that are red turning yellow needing just some more refinement. And the to-be-considered areas which are now flagged in orange to be (mature) for a consensus call.

So I think, you know, with this we see that we've really come a long way, that we've made great progress and what we now - what we now need to do is stay focused, try not to get distracted from all the pushing and pulling that's happening through, you know, from everywhere, and concentrate on our work. Look at the comments. Look at the analysis that has been provided by the subteams and then focus on answering the specific questions on the options presented by the subteams and try to move them forward to resolution and a single option apart from many options in front of the group so that we have reference options hopefully for all these areas over the weekend.

So this is just to set the scene that, you know, we have - we have an overview of where we are in all areas and we're now going to turn it to the individual rapporteurs to guide us through the status of where they are. We're going to aggregate a reading list for everyone by tomorrow so that everyone can read the document that they've prepared on their way to Dublin unless you followed closely the introversions or some of the documents are actually final. And then have an informed discussion when we all meet - or hopefully we will - most of us will meet face to face in Dublin.

So with that I think we can hand it over to rapporteur for Work Party Number 1. So, Jordan, are you ready to rock? But before we move to you Sebastien has raised his hand. Sebastien.

Sebastien Bachollet: Yes, thank you very much, Thomas. Sebastien Bachollet. I have a question. I have - how we deal with what's happened in our first report and the comments made and the - this agreement of the first report. I have the impression sometimes that we are going back for some items to ideas were discussed in the first report and we are trying to reinvent the wheel. We may sometime go back and see if there are some things useful for us now to be taken into account in all the documents set up for the first report. It's a question mark at the end. Thank you.

Thomas Rickert: Sebastien, so just to understand your question correctly, so you are worried that the comments that have been made in response to our first report or that these diverging options publish - or visible in our report are not sufficiently highlighted for the community suggestion. Can you maybe try to clarify?

Sebastien Bachollet: Thank you, Thomas. Sebastien Bachollet. Yeah, I have the impression that in the report and in the dissent opinion and some other places were not

repeated in the second report because we were somewhere else. And we are going back for some item to, I would say, where we are in the first report or it could be interesting to pull up what could be useful.

I, for example the question of removing the whole board, removing one board member, it's still a question but we have moved from the first to the second report and I have the impression that we are going back but we don't choose what was produced at that time. I hope it's clear. And if not...

Thomas Rickert: Okay.

((Crosstalk))

Thomas Rickert: Yes, yes, now it's clear and...

Sebastien Bachollet: Okay.

Thomas Rickert: ...and I'm sure that everyone else on this call has understood you straightaway so thanks for bearing with me and thanks for explaining this again. I think we should take your suggestion or your concern as an encouragement for the rapporteurs of the respective subteams to dig out the historical documents on what discussions we had.

I know that in part that this has happened, that people made reference to discussions that previously took place. But I agree that we make better use of the documentation and the arguments that have been previously shared in this group and inside the subteams. So maybe that's the best way to bring back some of the original thinking to the surface because the rapporteurs and the pen holders of the respective sections of the report are the ones who can best

decide if and when to bring up links to or excerpts of the document that we previously produced. So thanks very much for that, Sebastien.

Let's now move to Work Party 1.

Jordan Carter: Thanks, Thomas. Jordan Carter here, dotNZ, rapporteur for Work Party 1. And can you hear me?

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

Jordan Carter: Great. It's nice to have a call in the daytime, I'm in Europe already. Thanks, Thomas, for the introduction. And Sebastien, to your comment as well because there are indeed ideas that have been dealt with a few months ago coming back at least at the - some of the public comments. But the important thing to remember an historic document (unintelligible) may historic.

In terms of the Work Party 1 stuff, the process that we followed was to analyze all of the public comments and to do reports on those for our sections of the report. And in some more than others we incorporated more recent discussions that have happened either at the LA face to face or among members of the work party on list and the public comments that were closed.

And we tried to sum up a summary of the comment areas of agreement, areas where (unintelligible) and areas of divergence. And then (unintelligible) an option for the CCWG to consider. We didn't parse those options by significance so some of them are big deal issues and some of them are less big deal issues. But we didn't have time to sort of make a judgment about exactly which ones the CCWG (unintelligible) in Dublin and which could be resolved later.

So we produced two papers for you. One of them is the full list of (unintelligible) that I just said, the areas of agreement, the areas of clarification (unintelligible) and the options. And then we did a second paper that just (unintelligible) the options for CCWG discussions. And within that paper I highlighted some areas that I thought were the key issues to focus on in Dublin because there were, I don't know, 40 or 50 things to resolve. But they don't really need (unintelligible) on other issues.

And the summary sheet that Thomas spoke to (unintelligible) in front of you does sum up the key things. Halfway down (unintelligible) the first page is clearly empowerment and there's (unintelligible) represent the community (unintelligible).

Anne Aikman-Scalese: Jordan, I'm sorry to stop you. It's Anne Aikman-Scalese. But there are at least three comments in the chat that we cannot hear you. I apologize for interrupting.

Jordan Carter: Okay. Thank you. I wasn't looking at the chat. I'll try and hold the microphone by my mouth.

Anne Aikman-Scalese: Perfect. Thank you.

Jordan Carter: ...it's a little bit louder.

Anne Aikman-Scalese: That's perfect. Thanks.

Jordan Carter: ...and speak a little slower. Sorry. It's easy to get off on a (unintelligible) and then just go. So to just recap briefly, there are some areas of disagreement that we need to resolve that will then help us resolve all of the other outstanding issues in Work Party 1. And if you look at the chart that's in the Adobe room

now that's something that Mathieu prepared, it's the mechanisms to represent the community. And if we - a decision making (unintelligible) enforceability questions (unintelligible) people at other points (unintelligible).

And there are a number of things being done to (unintelligible) the community mechanism as sole member model that we came to in our last proposal. And there was the suggestion by the board of an MEM, which now seems to have translated itself in something called the community IRP process (unintelligible) bylaws.

And there is the notion of designator which I believe - or others will be more authoritative on the question is (unintelligible) Plan B work that those of our colleagues have been doing (unintelligible) and I guess will be reported on a little later.

And with all of those there are strengths and weaknesses. With all of those I don't think it's sort of apparent where we can find consensus but we have to. And so that's the one thing that I would absolutely plead with the group that we do resolve in Dublin if we can because that will give us the clear run with all of the to her issues that we need to resolve.

The only other one I'll draw your attention to at this point is the (unintelligible) document. Quite a lot of work has gone on in teasing out the areas of concerns. Board members have engaged really thoroughly with Work Party 1 on that. I'd like to particularly thank Cherine and Asha and others for adding some new perspectives and being very kind of cordial and constructive in the way that they've done that so thank you to those board members. And to everyone, of course, you've been doing the heavy lifting there.

But aside from that I think what we're waiting for now is the overall architecture (unintelligible) flesh things out. And the last part of the report back I think would be the bylaws changes that are indicated by the stress test. And I'd like to call on Steve DelBianco to speak to that part of this. Steve, if you're able to do so that would be good. And then once you've done that we can deal with any kind of combined questions or thoughts.

Steve DelBianco: Thanks, Jordan. Steve DelBianco. Cheryl and I are heading up the Stress Test Work Team. We've had two calls and we have another call today at 1930. And the elephant in the room for stress tests is Stress Test 18. And the bylaws change that arises from Stress Test 18 is something we are discussing intently with members of the GAC to try to work out a rationale for why the stress test was created and why it's necessary to support the bylaws change.

There is wide support from the public comment round for the bylaws change suggested by Stress Test 18 but there's also an intent to try to clarify the rationale and to make sure that GAC takes no offense or are unnecessary concern from a stress test that really doesn't affect the way the GAC makes decisions but only the board.

So we'll circulate that, Jordan, later today once the stress test team finishes our call where we have several GAC members present. And I believe that both of the bylaws changes suggested by stress tests, that's 18 and 14, they will be - they will be supported through the public comment although there will be some clarification. Thank you.

Jordan Carter: Thanks, Steve. And so that's - Thomas, handing back to you, that's our Work Party 1 update I think. Happy to take any questions or whatever.

Thomas Rickert: Yes, I think we should open it up for questions from the group. There are no questions at the moment. Actually we're not going to have a substantive discussion on this now but rather explain where we stand. It's imperative for you to come well prepared and go through the document, look at the options displayed in the document so that we can then make a suggestion - make a consensus call or straw poll to see where we stand and look for a preferred option for the group to continue to work on.

So that's been great. Thanks very much, Jordan and team. So we can now move to Work Party Number 2 which is led by Becky. Becky, over to you.

Becky Burr: Good morning, everybody. Thank you. And thanks for the great summary, co-chairs. As you can see the issues for Work Party 2, which are largely the principles in the IRP, really involve refinements. We are a little bit late on circulating our papers but hope to finish them up shortly.

Probably the most important paper for all, however, is the comparison chart of the IRP and the MEM that was circulated by the lawyers. You know, that's one of the topics that we will need to be discussing. Again, I don't think that there are huge gaps. I think in our case we're very fortunate really to have issues of implementation and nuance to work on. There are some issues with respect to the mission, commitments and core values. Again, largely issues of getting the wording right to make sure that everybody's - that the consensus the we've developed has been reflected.

I think the one issue on which, you know, we have options but no clear consensus is retention of the language that exists in the current bylaws regarding private sector leadership. We have clarified that when we refer to private sector we are talking about business users, businesses involved in the DNS business, academia, the technical community, end users, civil society,

etcetera. But we have retained the private sector leadership concept and some members of the GAC in particular have articulated the position that that language which dates back to 1999, may perhaps have been overtaken by events.

Other than that, I believe that we have come up with options for dealing with all of the issues and we will be providing those in the documents to be circulated. But, again, entirely my fault. We're a bit behind on the circulation.

Thomas Rickert: Thanks very much, Becky. Any questions for Becky? Kavouss.

Kavouss Arasteh: Thanks very much for your hard work. And I don't think that there is any agreement on this private sector root. It was private sector rooted many years ago but today is multi-stakeholder rooted. Is not putting emphasis on any group. Is not singling out group. ICANN it will exist would be on the multi-stakeholder probably with equal rights so there is no need to emphasize on particular group.

I know the push and pressure of the private sector. I have all respect to them. They contribute sufficiently, effectively and very useful. But multi-stakeholder is multi-stakeholder. We should not put emphasize on any group never say target sector (unintelligible) so on so forth. We should change the language and we have proposed that so we have no agreement on that. That would be two option going forward. Thank you.

Thomas Rickert: Thanks, Kavouss. Next in line is Tijani and after we heard Tijani I suggest that Becky responds to both of them. Tijani.

Tijani Ben Jemaa: Yes, do you hear me? Do you hear me?

Thomas Rickert: Very faintly. Tijani?

Tijani Ben Jemaa: Oh. You hear me now?

Thomas Rickert: Yes, this is much better. Go ahead.

Tijani Ben Jemaa: Okay, thank you. So I'd like to support what Kavouss said. I understand very well from where it came this notion of private sector led. It came from the beginning because in the United States you are either government or private sector; there is no other choice. So I understand it. But now since we are making the accountability - the new accountability and we are drafting something new I do propose that we use the multi-stakeholder rather than the private sector. Thank you.

Thomas Rickert: Thanks, Tijani. Becky.

Becky Burr: Thanks. I want to first agree with Kavouss that I raised that issue because I do think it's an issue on which we do not have consensus. So I completely agree that there is no consensus there. And I appreciate Tijani's input in this. And I think that is one of the things that we will really need to, you know, discuss fully and see if there is a consensus that can emerge in the discussions.

I would just point out that, you know, in - I would just point out that Work Party 2 has struggled with this issue about sort of the role of the - of governments. And we made significant changes to the first draft report to respond to and accommodate concerns raised by governments about the role of governments and the role of the GAC and not changing the status quo.

And I think the Work Party 2 is still comfortable with that. But we got significant pushback in the comments on that. So we are working on a delicate

balance and we just have to see if there is a way for consensus to emerge. The current, you know, the current posture of the second draft proposal essentially retains the status quo both respect to how ICANN responds to GAC advice and to the private sector leadership concept.

And so I would just pose that we have sort of two sides of this coin to resolve and if we, you know, change one we get - may get more pushback on the other.

Thomas Rickert: Thanks very much, Becky. This clearly shows that there is some more discussion required on that point. And I think the number of interventions and comments in the chat clearly suggest that we don't have consensus on that point yet and that maybe some tweaking of the language is required in order to reconcile the different views.

Any more questions for Becky at this stage? There don't seem to be any which allows us to move to an update on Work Party 3. Over to you, Leon.

Leon Sanchez: Thank you very much, Thomas. This is Leon. Can you hear me well because I am aware that I was not being quite heard before so can you confirm that you listen to me all right?

Thomas Rickert: I can hear you perfectly.

Leon Sanchez: Excellent. Thank you. So on Working Party 3 we are analyzing comments on diversity, SO and AC accountability, and staff accountability. And we circulated to the group - we have circulated to the larger group our draft documents that have been added to the reading list on these three topics. And on diversity there are of course many aspects that have - that we still have some divergence. And we will be putting into consideration for the larger

CCWG aspects like diversity of registries and registrars and maybe considering adding some NETmundial references.

On staff accountability we also worked with the working party on the comments. We found that there is small divergence and there are many areas needing refinement still. And we will be of course also putting into consideration of the group at least four different aspects that we want to flag to the group and that should be discussed in a larger scale I think. And this aspect deal with measuring and ensuring staff accountability maybe wanting to clarify that any issues with staff accountability should be addressed to the ICANN board. And any action should be taken through ICANN CEO.

And there has also been some comments on clarifying there is (unintelligible) between (unintelligible) staff members. And although it has already been listed as Work Stream 2 issue to address the ICANN board that the CCWG could clarify that this work will not hold up the IANA stewardship transition.

And lastly, on SO and AC accountability, there were many comments also from the community regarding SO and AC accountability. And we also analyzed the comments on this topic and we will be posting for consideration of the CCWG seven different topics on this. And I will not go through them all now but I'm just advancing the discussion on topics like who watches the watchers, of course, and whether more diversity runs the risk of more conflicts of interest and topics of the like. So that is where Working Party 3 stands.

And I don't know if you have any questions on Working Party 3?

Thomas Rickert: Leon, there don't seem to be any questions at the moment. This is Thomas. So why don't you just continue with Work Party 4?

Leon Sanchez: I will do so. So in Working Party 4 we are discussing the topic of human rights. And we have some meetings - two or three meetings. There was of course an issue on the topic what to discuss. There was a lot of work made by the working party. And we just received the final version of these public comment analysis. It reflects not only the different areas of consensus, refinement and divergence but also the different actions that we took within the working party in order to try to reach consensus on suggested bylaw language and also the different points that need to be considered by the CCWG.

So we will be putting four different options in front of the CCWG to consider and to decide whether - which one of those would be the most appropriate in order to be included as a bylaw amendment in regards to ICANN and human rights. And that would be the update from Working Party 4, Thomas.

Thomas Rickert: Thanks very much, Leon. Any questions for Leon? There don't seem to be any. I'm sure that we will have more discussion in Dublin on the subject though which I'm very much looking forward to. And that allows us to move to the Stress Test Working Party. And for that I'd like to hand over to Cheryl.

Cheryl Langdon-Orr: Thanks, Thomas. The Stress Test Working Party has had a couple of meetings. Our second one - sorry, since we've reported last. At last week's one we've discussed all of the public comments that came in. And with the exception of Stress Test 18 which we're continuing to work on have completed our analysis of that.

With Stress Test 18 we had an excellent turn up of government representatives at our last meeting and at our next meeting, which is 1900 - 1930 I think it is UTC today we will be focusing on some newly written rationale and seeing if we can progress further on Stress Test 18. And obviously we're hoping that at

least in some time in the Friday face to face we may be able to move into (unintelligible) upcoming meeting. I think that's about it.

I'm still not in Adobe Connect room. I apologize for that. So I can't see if there's any questions just relay those to me. Thanks.

Steve DelBianco: Cheryl, hey, it's Steve DelBianco. I can add a little more detail...

Cheryl Langdon-Orr: Please, go ahead, Steve.

((Crosstalk))

Steve DelBianco: Great. Of the 20 comments most were on Stress Test 18 which we covered earlier in the call and you just discussed. There was also one item for refinement. It's for Stress Test 35. It's from the NTIA. And then there are three stress tests about which we had a divergence or a concern. And the stress test team will try to confirm today what our recommended modification to the stress test would be to address the divergence on Stress Tests 29 and 30, Number 21 about ccTLD redelegation and revocation and Stress Test 33 from the NTIA.

We had one request for a new stress test, which we will add. And then finally, if we as the CCWG propose something less than the membership model for enforcement purposes, something other than the community mechanism as single member, well then the Stress Test Work Party are going to be very busy since we'll have to rerun all 36 of the stress tests by adopting the new proposed mechanism in considering whether it still gives the community the ability to challenge the corporation's actions and hold it accountable. Thank you.

Thomas Rickert: Thanks very much, Steve. Are there any questions for Cheryl and Steve?

There don't seem to be any at the moment. Kavouss.

Kavouss Arasteh: Steve, (unintelligible) Stress Test 18 I think we need to discuss it in GAC to have a clear position even with respect to the latest version of the Stress Test 18 still the language is not satisfactory and the few people on the (unintelligible) could not speak on behalf of the GAC and we have to discuss that to see what the GAC could live with that or whether GAC would not like any change at all and would like to have the status quo as in current bylaw without any stress test which is wanted by one single government. Thank you.

Thomas Rickert: Thanks very much, Kavouss. I guess this is well noted by Steve and Cheryl. So unless there are more questions or comments from the room I think we can move on to the third agenda item. But before we do let me thank again the hard working rapporteurs, Jordan, Becky, Steve, Leon and Cheryl, I hope I haven't forgotten anyone.

And the teams I guess there's no one who can say that this is not short of brilliant what you're doing at the moment. You are really keeping this running. This is very important. And I think with the documents that we're going to put on the reading list in the next couple of hours we will have an excellent basis for fruitful discussion in various sessions in Dublin in a few days.

So thanks again. And over to Leon for the update on the legal requests.

Leon Sanchez: Thank you very much, Thomas. This is Leon Sanchez. And we have several issues to update you on legal requests. First, the legal cost that you have received (unintelligible) have received you should have this information in your inbox. We received the overall legal costs information from

(unintelligible) earlier today. And I have circulated them to the list. So please kindly review that information.

We take note that we are being requested this information from the beginning of the process so we will be requesting most of this information since the beginning. And of course concentrate all this information in a place that is handy so that anyone can of course go through the numbers that have been requested.

Next we also want to update you on the outstanding legal questions. And for that I will turn to Grace to provide an update. Grace.

Grace Abuhamad: Thank you, Leon. This is Grace Abuhamad. So I've put on the screen a summary of outstanding legal requests. All the legal requests are tracked on the wiki and I'll post that link into the chat room in a minute. But this is basically just a copy paste of the wiki to sort of outline which legal requests are outstanding and which ones are still being worked on.

And I'll walk you through it quickly. I did this yesterday for the chairs. And I since submitted it to them there have been some changes so I'll walk you through those changes as well and some of the outstanding items have actually been completed.

So let's see, I'll unsync the document but I'll just speak to it. So there were nine outstanding requests when I put this document together yesterday. The majority of the requests were within a week timeframe so they were very short. There has been very good turnaround on the requests.

Since yesterday request number 71 so the question from Izumi has been completed as well as -- well requests from - Izumi's request is request number

81, I'm sorry about that. And number 71 which is also on this list was a fiduciary duties question and that has been also completed so both of those requests are now closed.

In terms of the other requests there is a possibility that number 68 that was a question Mathieu had asked a while ago has been answered with a response to one of the later requests that came in this week. And Mathieu has confirmed that that's actually the case so we could consider number 68 closed as well.

Number 69 is almost closed. There is a missing list of the reference of memos and that will come in at some point so that's the sort of provisionally closed one. Request 70 was for a meeting summary between the - Sidley Adler and ICANN Jones Day meeting. And it's quite old now and the chairs have suggested that we go ahead and cancel it because it's too far back that we initiate that practice for the future.

Request 76 is complete. The only thing that was missing in request number 76 was sort of a -- an estimated delivery time frame but it was delivered really fast and so the chairs have considered that complete at this point.

Request number 82 which is the latest one or the second to latest is the results of the Plan B call that happened last week to discuss some options for Plan B and basically the outcome of that meeting was just for the counsel to provide a table describing the three models in quotation marks so the MEM proposal from the board, the designator model and the single-member model.

And to provide information on the enforceability of those models in different powers. And that request was made a top priority request so I haven't highlighted the priority necessarily in different sheets but it's important that you know that that request 82 has taken priority over other requests.

And I think that's all I have for an update. I'll take any questions if you have any. I see Kavouss has his hand up.

Leon Sanchez: Thank you very much Grace. Kavouss.

Kavouss Arasteh: Yes, I think I mentioned in that if it is not yet done it would be useful that to have a consolidated document, all of these questions and the answers to them which is given and if there is any other answer missing that would be blank, that will be done as soon as possible.

And recently there was another question - very, very important and that is the expenses of - the costs about the entire process, one, CCWG and ICG, CWG staff and travel funding and so on so forth in order to examine the responsibility of those people who perhaps not intentionally but implicitly or (unintelligible) to throw into the basket all the work that has been done up to now. Thank you.

Leon Sanchez: Thank you very much, Kavouss. If I understand well you are requesting that there is a single document that concentrates all the answers and all the advice that we have received from our legal advisors. And that is not something that we have at the moment. And I'm not sure that's concentrating all of these advice into a single document would be the best way to go because of course there have been many questions in very different topics.

So I think we could think of a way to concentrate replies and answers maybe by subject or by topic something that could be easier to read through in a way. But I don't think that having just a single document would be the best way to go as it would be quite lengthy and may be hard to follow because of the diversity on the topics.

But, yes, this is definitely a good suggestion and we will think of a way to actually have a document that is kind of a quick reference and is easier to read through. Thank you very much.

On the cost issue as I said earlier, we have circulated the latest information we received from Xavier Calvez on legal piece from the three law firms which is Sidley Austin, Adler Colvin and also Jones Day. And we would be requesting the rest of the information that has been highlighted or flagged in the mailing list. And this refers of course to as you said meeting costs, travel costs, staff costs, etcetera. So we will be requesting that information too. And we will come back to you as soon as we get it from ICANN.

And I note that you also made a comment on the list in regards to some questions that you raised in regard to the MEM and that haven't been replied. And I just want to make sure whether those questions are being raised to board members because you signaled to Steve Crocker and (unintelligible) and or whether those questions are being raised so they can be certified to our external advisors.

Because as things stand I thought that those questions were addressed to board members. And that is why no certification has been made. But if you could please clarify then I think we wouldn't have a problem on certifying the questions that need to actually be certified.

So I see that Malcolm is on the queue but I would like to ask Malcolm if we could have a quick reaction from Kavouss on this clarification that I requested. So, Kavouss, could you please clarify?

Kavouss Arasteh: Yes, thank you Leon. All those 11 or 12 questions was addressed to Bruce and was addressed to the board and we need some reply from them with respect to the all deficiencies problem question and the (unintelligible) or clarification on the MEM. And we need to have it for the (unintelligible). Thank you. From them, from Bruce and or from the board or on behalf of the board from one of the board members. Thank you.

Leon Sanchez: Thank you very much, Kavouss, for this clarification. And I will, if you agree, send a follow up email to Bruce in order to ask him to please forward your questions to the board and of course hopefully have a reply from them. Next in the queue I have Malcolm Hutty.

Malcolm Hutty: Thank you. It's a quick question for clarification on that report we've had about how the questions have been disposed of. We were just told that Question 68 it was suggested that that had been dealt with on a previous occasion and that therefore we were going to mark Question 68 as closed out previously. And looking at the Website there's a reference in the table to a previous discussion of some discussion. So I assume that that's reference to that.

However, yesterday at 1232, Holly forwarded a memo that although it doesn't explicitly reference Question 68, I believe was intended as the answer to Question 68. Its memo on default judgment and arbitration which is plainly directed to the question that was posed in Question 68. So I don't think that Question 68 - ought to be closed out as having previously been answered. I think in this memo it should be cited as the answer to Question 68 and it should be closed out for that reason.

Leon Sanchez: Thank you very much, Malcolm. And we will review this situation. And of course if it has been addressed then we will come back to you with an answer.

And if it hasn't well we will follow up with the lawyers to get the information that could be pending. So yes please, Grace could you - or staff could you please mark that as an action item to check on whether Question 68 has been already properly addressed or if there is something missing that we should be asking from the lawyers.

Malcolm Huty: And for the record, Holly's email dated yesterday at 12:32 is my reference. Thank you.

Leon Sanchez: Okay thank you very much, Malcolm. Are there any other questions in regard to the legal update and the different legal issues that we have just spoken? Okay seeing no questions I would now turn to my co-chair, Thomas, for the update on Plan B discussions.

Thomas Rickert: Thanks very much, Leon. And my duty at this point is just to hand over to Steve to give us a quick update on where things stand with Plan B.

Steve DelBianco: Thanks, Thomas. It's Steve DelBianco. Plan B is the sort of code word we've used for a proposal that Jonathan Zuck and I and Kavouss Arasteh had put out a week ago and discussed on last Tuesday's call. It's essentially a concept that looks at the enforceability that we require for the community powers that we require and assessing if we are going to slide that enforceability down to something below the statutory powers of membership that we would at the same time consider a post-transition mechanism that would allow us to do a governance review of ICANN based on a consensus of the ACs and SOs that could recommend a move to membership along the lines of what we've been planning in the CCWG.

And that recommendation might meet opposition from the board and then a consultation but if it encountered a second opposition by the board of three

quarters then it would go to - they would go back to us and we would have the enforceable power to remove the board if in fact it was blocking a move to membership that was supported by a significant consensus of the community. So all of this is about a belt and suspenders approach that suggests giving enforceability may or may not work without membership we will have the opportunity to go there in the future.

It's not a restructuring of ICANN, it's not destabilizing, it simply activates the membership gene that's inherent in the ICANN DNA it just has to turn it on if the need arises. And it may never arise.

So the assignment for ICANN Legal was to assess the relative enforceability of the three models on the screen in front of you across the six different powers that are listed. So we tasked Holly and Rosemary to fill in the boxes on the grid. And they've already finished a second draft and I bet will have it completed by the end of today.

There's a seventh row that's been added which is to reconsider or reject a board decision relating to a review of the IANA function and that includes the ability to trigger a separation of PTI, the post transition IANA, so that is a seventh row in the table that you see in front of you.

And then in addition our counsel would then turn to what I call Plan B when we described it last Tuesday. Plan B is the part what happens 2 to 3 years after transition if it turns out that designator or even just the MEM are unsatisfactory to the community in terms of enforceability of community powers. And that's when you activate the Plan B.

Holly and Rosemary are working on the language to put into the bylaws now that would set up that mechanism for the governance review that I described

earlier with the board's opportunity to disagree and reject and then putting it back into our laps as the community to decide if spilling the board, the so-called nuclear option, was called for at that point in time.

So I expect a 3 to 4 page document from Holly and Rosemary that we could distribute in the next couple of days. Happy to take questions.

Thomas Rickert: Thanks very much Steve. And Holly has raised her hand. Holly. Holly you can be heard, maybe you are on mute. And while you're unmuting (unintelligible) has placed a question in the chat and maybe you can already respond to that. So Holly has lowered her hand. I'm not sure whether I can be heard because I couldn't hear Holly so maybe somebody can confirm whether I have lost audio or not.

Woman: I can hear you.

Thomas Rickert: Thanks.

Man: We can hear you.

Thomas Rickert: Perfect. Thank you so much.

((Crosstalk))

Thomas Rickert: I think we should spend a few minutes I'm getting some instant reactions to Plan B now. So if there are -- you have questions on this or comments on this or maybe Steve can answer (Mike)'s question on the audio. Steve would you like to do so?

Steve DelBianco: Sure, I did it in the chat, Thomas, as well but (Mike) (unintelligible) suggested that this was a self-contradictory plan because if enforceability can be shorted out membership than a move can be enforced. But in fact under MEM, under designator or member it's my understanding, and I'm no lawyer, but it's my understanding we would have enforceable powers to do the one thing which is just spilled the entire board of directors and elect new directors.

And if that power were enforceable and that becomes sufficient to remove the board and elect new directors who would approve a strong community consensus to simply activate the membership model at some point in the future. I realize that all of that is full of the word assumption and I have to wait for Holly and the gang to clarify that's one of the reasons why we've put it to Holly and Rosemary to come up with an enforceable mechanism to spill the board even if we don't go with a membership model today.

Thomas Rickert: Thanks Steve. Anne. Anne, you can't be heard. Maybe you are on mute.

Anne Aikman-Scalese: Okay trying again. Can you hear me now?

Thomas Rickert: Now we can hear you perfectly.

Anne Aikman-Scalese: Thank you. Sorry I was on mute. This I think will be very helpful, this chart that Steve has requested. And I am hoping that when Holly and Rosemary respond with the chart that one of the items that is evaluated and focused on is what I would call the time to result or the time it takes to enforce. I've tried to raise in the chat my questions and perhaps there are those who think I'm jumping to conclusions. But to me there is a very significant difference in terms of when the community achieves the enforcement result and how long it takes to do so under each of these models.

Sometimes we talk about enforceability just in terms of can you ultimately get a certain result for example in -- with respect to whether binding arbitration orders can be enforced. And yet there's actually, to my mind, a very significant difference as to whether something happens right away when the community takes the action, takes the enforcement action or are we looking at a period of 2 to 3 years before the community has an answer to its enforcement action.

And at that point in time you introduce a great deal of strife and settlement discussions and things that we've seen in connection with certain proceedings such as dotAfrica while you go through an arbitration process, for example. So I would very much appreciate his counsel could identify what I call the timing elements of each mechanism of enforcement. Thank you.

Thomas Rickert: Thanks very much, Anne. And I guess that Steve has an answer for Anne already.

Steve DelBianco: Yeah, thank you Anne. Mathieu, as well, asked the question of enforcement, degree of enforcement. So each box in the table above, each box there is being filled in by Holly and Rosemary and their teams to indicate the degree of enforceability as well as practical difficulties in enforcement.

Let me just give you an example, Anne, under the IRP, Power Number 6 in the table what they've indicated is that a lot of the timing difficulty comes about whether or not we have a standing panel that's already erected to do IRP.

Another element would be whether the, for instance, the MEM issues group in the case of that column, that if it has to suddenly come into being and create

legal personhood that will be more troublesome or difficult and take more time than if it had already been in existence.

So Holly and Rosemary are looking at the issue of practical exercise of the powers. And of course the table that they're giving us will be much longer than the little white squares that I have on the screen above you.

And, Anne, Malcolm is asking about the fact that it's not purely a legal determination. And of course it isn't. The point of this table is to give all of you in the community the ability to pick where on the left to right between MEM and membership where we need to be as the community, as the CCWG, before we do the IANA transition.

We may determine we're sticking with membership. We may determine we will compromise and go down with designator or we may determine that MEM is the right path. Whichever one we pick if it's less than membership that's what Plan B is supposed to ensure we can get to if we need to.

Thomas Rickert: Thanks very much, Steve. I guess this is very helpful. And before we move on with the queue I take this effort by Jonathan, Steve and Kavouss as an attempt to help come up with a middle ground proposal that makes it easier for our group to deliver in time. We will discuss the timing of this whole project in the next agenda item. But we have to be very conscious of time. So the more complexity we put into our findings and our work results the higher the chances of us are failing our and not meeting the time span until the extension or first extension of the IANA function contract expires.

Let's now move to Jordan...

((Crosstalk))

Anne Aikman-Scalese: Thomas, I have a very quick follow-up question.

Thomas Rickert: Please do.

Anne Aikman-Scalese: Sure. Thank you so much, Steve. And I think that's terrific that they will be looking at timing. Earlier you mentioned, Steve, in your report that gives the community selects some model other than single-member that the Stress Test Working Party will be very very busy because they will then need to apply the stress tests to that particular model. And that actually made me think that the application of the stress tests to these other models might be a very good analytical tool to determine -- to help that choice rather than an after-the-fact tool.

Now, you know, that's obviously a ton of work. But based on how you describe it the question occurred to me whether the stress test should be applied to the same type of chart. I'm sorry is that clear?

Steve DelBianco: It's clear and it's obviously a good idea, Anne. I just don't know how it's humanly possible to apply all 36 stress tests to MEM and designator before we convene in Dublin. I will bring it up on today's call. Cheryl also on the line and we have a stress test call today and we will discuss it...

Anne Aikman-Scalese: Maybe pick three or top three. Top three stress tests. Sorry...

((Crosstalk))

Cheryl Langdon-Orr: It's Cheryl here.

Anne Aikman-Scalese: I'm not trying to be...

Cheryl Langdon-Orr: The practicality of that, Anne, is extraordinarily low with a 60 minute call and a commitment to work with our government representatives on that call with Stress Test 18. So I think it's a matter of timing. Should it be done? Absolutely. Will it be done before Dublin?

Anne Aikman-Scalese: I wasn't suggesting before Dublin, not at all.

Thomas Rickert: Okay this is Thomas. I guess that, Anne, your point is well heard. I think that's conducting stress tests on all scenarios in the discussion would be guidance for discussion, whether it's possible or not we should leave to the discretion of the rapporteurs. If they find some time to do that in the foreseeable future I think we will not prevent them from putting their time on that effort. Jordan.

Jordan Carter: Thanks, Thomas. If I may I'd like to defer to Holly first and hear her. She's back in the queue. And then regain my spot after that.

Thomas Rickert: You are a gentleman, as always. I should have made the same suggestion, so I apologize that for that. Holly, your line was dropping. So, Holly, the floor is yours.

Holly Gregory: Yes, I'm proving myself to be totally technologically incompetent. I went to take myself off mute and hung up the phone so. I wanted to comment on a couple things about where we are on the chart and how we understand the process that Steve was describing.

We are going to add - we're adding one more column into the chart which is sort of the current state of affairs because we think it's important to see where we are currently in terms of enforcement and things. So we hope that you'll agree that that makes sense to do that.

Another point that we wanted to note was that Mathieu had circulated also a chart that had some more granularity around some of the kinds of issues that we've been discussing on timing and enforceability. And we wanted to get your sense as whether we should incorporate that information into the chart. In some ways it makes the chart lumpier. What we're actually thinking of is maybe we need the great big lumpy chart in the background and then we can have a summary chart that's much shorter. But we wanted your guidance on that.

And finally, Steve, you mentioned that we were drafting bylaws. We are not drafting bylaws. We are trying to draft a description of how this would work. We would need more time to really dig into that level of detail on this particular - on this particular model. But we can certainly provide I think enough information so that we can have a good discussion of this proposal. Thank you.

Thomas Rickert: Thanks very much, Holly. Jordan has been patiently waiting so, Jordan, the floor is yours. And just for everyone to note I'm going to close the queue after Malcolm because we have some other areas to discuss.

Jordan Carter: Thanks, Thomas. For the record it's Jordan Carter here, dotNZ. Steve and co, thanks for this work. I've got just a comment and a question. The comment is that I've written some stuff in support of the idea that (unintelligible) being an answer here given the bizarre concern that some stakeholders thought was membership which I think are overwrought and wrong.

But anyway, the comment is that we need to - the answers to this might not help us very much because they are, if you want to put it like this, there's going to be some elements of depends. So how do we - how long will the

table be and how crisp will the answers be I guess is the comment which now is turning into a question.

The other question is that in terms of the overall model for (unintelligible) we need to be sure of the CCWG - the CWG's proposal, the ability to deal with the IANA functions review and a special IANA functions review. And that's been kind of on and off our list now and again. Steve or lawyers, do you have a view about whether that should be on here as well? Thanks.

Thomas Rickert: Thank you. I'm almost sure that there will be more comments with legal implications so I suggest that we move to Greg, Kavouss, Malcolm and then give (Holly) and Rosemary the floor to respond to all the legal areas or legal questions that have been posed. Greg.

Gregory Shatan: Thank you. Greg Shatan for the record. Apologies if conversation moves slightly away from the line that I was commenting on. But in any case in the cycle of the concern of that the word enforceability or enforcement - that's also in my response to Chris Disspain's email, which is that to my mind at least enforcement is viewed that a power can actually be applied and be effective and that a - an arbitration proceeding such as a member in IRP is not itself an enforcement mechanism.

It's a dispute resolution mechanism. Once the dispute resolution mechanisms yield a result in favor of the community then, you know, that should be enforced without having to revisit the underlying decision.

And with regard to the other powers these decisions should be made by the community and then enforced so that they're effective without reopening the decision to do so.

To my mind that's important and that's all. Anything - everything before that that's bilateral or a dispute is just not important. Thanks.

Thomas Rickert: Thanks very much Greg. Kavouss is next. Kavouss are you with us? So there seems to be an audio issue with Kavouss. Kavouss we will get back to you if and when you are back on the audio.

I note that Malcolm has left the AC room but he wrote me a note that he's still on the audio and wants to speak so Malcolm over to you.

Malcolm Huty: Thank you and - having to drop the Adobe. I'd like to raise a concern about using these charts as a primary means of organizing our considerations, especially as we approach it in Dublin.

While I appreciate and thank the authors for the - their good intentions in trying to find a way of bringing us together, nonetheless I'm concerned that organizing our considerations around this here gives - it really disrespects the bottom up multi-stakeholder model to be giving in a sort of equal billing.

So the Board's proposal and the - any end proposal and to the CCWG's second draft report essentially is on an equal billing as if we don't have a baseline.

We do have a baseline. A great number of people worked on it and moreover the public have been - have used that as the basis for their comments into this process so far.

So I hope that when you think about how - dear co-chairs, I hope that when you think about how you organize agendas and discussions in Dublin, you will ensure that we provide an opportunity to review our proposal against all

the comments that come in on the basis of our proposal as the baseline so that we may continue to work upon that, maybe giving first place to the Board's comments in each section as we come to it by all means but considering our position as the baseline.

Now it may be that we then want to consider in the format that has been proposed, "Well are we all now getting towards the point where actually the Board's counteroffer looks very appealing?"

But I think that the way that - if we structure our discussions solely around the way that it has been presented and the way that we've just seen, it will feel too much like bouncing us into essentially abandoning our position and accepting a top down imposed one and that will look very bad.

So I hope that we won't do that. I hope that we'll have an open opportunity for discussion and that we'll give full respect to the bottom up process. Now I've mentioned this on the chat and a few people agreed with me.

And then there was another comment that said, "Yes but that's not helping us towards a conclusion." And I would like to point out that if we do suddenly pick on something that's radically different, not a refinement to our proposal but a new proposal like the Board's proposal, then we're going to have to go for a third public comment round.

And so it's going to be, you know, that in itself is not the easy or path of least resistance. It is a difficult thing to come to as well so I hope that we'll continue to work in the open multi-stakeholder fashion that we have done up to now. Thank you.

Thomas Rickert: Thank you very much Malcolm. And before I hand over to (Holly) and Rosemary for final remarks and a response to the - to Jordan's question, let me pick up on your point and remind everyone of the statement that I made in Los Angeles when I said that the Board has its procedures and resolutions on the basis of which the Board works.

And we also have our working methods and we were - worked out consensus on the basis of the approach agreed with the community, and we will continue to analyze and discuss all comments received.

I think it - it's a question of respect and appreciation for the community members that took the time and effort to read our reports and write reports that they are - all be given the appropriate attention.

So the - certainly the Board is part of this community and we need to look at what the Board did, but certainly there should not be any thought of priority to the Board's comment or in other words we should not prioritize lower comments coming from other areas of the community.

Having said that let me just remind you of the blog post that Larry Strickland wrote a few weeks back when he asked our group to properly document the options that our group has to enhance ICANN's accountability.

And since the Board has gone on the record with an alternative suggestion, we need to document that we looked at it and that we came to a conclusion on it.

Whether it's supported or whether it's going to be abandoned that's not for me to decide, but I think we need to document that we looked at all the options put in front of us and this can be the previous models that our group has been

discussing, variations thereof or the Board's proposal as suggested in the public comment period.

So I think this is just due diligence by our group and I think we should not see this as giving special preference to the Board's comments. However let's not forget the Board has put an awful lot of work and thinking into this and this also deserves applause.

And then I appreciate much that the Board has not confined itself to criticizing areas of our report that it didn't like, but it did as we asked them as we did other community members and added constructive proposals way forward to that criticism. So with that let me hand over to (Holly) now and afterwards to Rosemary.

Holly Gregory: Well thank you and I - my apologies. I was wondering if Jordan could restate his question for us.

Thomas Rickert: Jordan I think you're still with us. Could you be - please repeat your question for (Holly)?

Jordan Carter: The significant one was that we needed a row to deal with the enforceability of the special IANA functions review or the IANA functions review that's been a mentioned a few times as the community powers. Sometimes it's been there or not.

((Crosstalk))

Holly Gregory: We have added that column. We have added that column. Yes.

Steve Metalitz: No it's a row. It's a row.

Holly Gregory: And it's a row.

Steve Metalitz: And it's Number 7. I discussed it earlier on the call.

Holly Gregory: It's definitely there.

Jordan Carter: Okay thanks. Sorry. Sorry I missed that clarification Steve.

Thomas Rickert: Rosemary would you like to add to that?

Rosemary Fei: No I think - I don't think I have anything to add right now.

Thomas Rickert: Thanks very much Rosemary. And obviously Kavouss' audio is working again so let's move to Kavouss and then to Tijani and then we'll go to wrap it up and move to the next agenda item.

((Crosstalk))

Kavouss Arasteh: I just wanted simply to reply to Malcolm that no one is disrespecting the multi-stakeholder and no one asking that a particular group whether a Board or anybody should be given a particular attention.

We should treat everybody equally. However the issue that I wanted to mention that reply to Malcolm and many other colleagues' questions who really need clarified once this statement is completed. Thank you.

Thomas Rickert: Thanks very much Kavouss. Tijani?

Tijani Ben Jemaa: Hello. Do you hear me?

Thomas Rickert: Yes we can hear you now.

Tijani Ben Jemaa: Okay thank you. I would like to say that the Board is - it's sure a - one of the partners that made comments but don't forget that the role has special role.

Don't forget if we propose a proposal and the Board proposed one then they said they will not choose between them and they will not accept either. So we have to have this consideration in our mind and don't say that the Board is exactly like any other stakeholder that may comment. Thank you.

Thomas Rickert: Thanks very much Tijani for reminding us of this special role of the Board. And let me just emphasize that we're now at a stage where we need to work as a team and you see that a lot of Board members are taking very active roles in that team.

I think this deserves our appreciation. So whilst you are perfectly correct in stating what you just stated, I think it's also important to acknowledge that the Board being part of a community has a role to play in our journey toward consensus.

And I think that you are also right that we need to make sure that we come up with one unique proposal. And again let me say that with all the great preparatory work that's been done in the subteams as well as the legal support that the Board and we have, I think we've now set the scene to come to a compromise/to a solution that can help reconcile the differences between the community's views.

And let's not forget it's not only been the Board that had concerns about some aspect of our report, but there were a lot of comments and questions from other areas of the community.

And we need to make sure that we come up with a cohesive proposal that reconciles as many concerns and differences as possible that we saw from the community feedback.

So with that I'd like to hand it back over to Leon for the next part of the agenda and that is timelines.

Leon Sanchez: Thank you very much (Thomas). This is Leon Sanchez and I am not very friendly with timelines but I will do my best to try to take you through the timelines that we have envisioned.

And as soon as we have them on our screen I will walk you through it but so far we have two possible scenarios. And here we have Scenario Number 1, which would be to finalize our current proposal and have no public consultation after that, assuming that of course we would be doing very little or no changes to our second draft proposal and we would only be incorporating the different comments received in the second public comment period.

So this would take us to of course concluding our meeting in Dublin to finalize our proposal by October 26. Then from October 26 to November the 2nd Working Parties would hold calls to reflect conclusions of Dublin meetings and then work.

By November the 3rd the CCWG covers call would confirm these conclusions made in Dublin, and from November the 3rd to the 10th we would have - drafting the report language.

And from - by the 10th of November the report sections would be sent to the CCWG for review and the CCWG call for (Robert) just to walk through different edits.

Then from November the 10th to the 17th we would be going to reading the sections and flag any concerns. It would be - this would be kind of a proofreading from - for this final version of the report.

And then on November 17 we would call for a final edits and from November 18 to 19 we would be finalizing the Workstream 1 report and the - on November the 20th we would be forwarding this to the chairs of the chartering organizations.

This would be Scenario Number 1 and of course this is a very tight timeline, but this would be as I said assuming that we wouldn't be making various change or big changes to our second draft proposal.

And hopefully we would be agreed on some way forward in our public meeting. Then Scenario Number 2 is where we have a public consultation and this would mean that we would be actually making different changes to our second draft proposal.

And in this case well the timeline seems very, very similar to the one in Scenario 1, but we would of course extend this after November because we would be finalizing the Workstream 1 report at the same dates by November 18 or 19.

But instead of forwarding it to the chartering organizations on November the 20th we would be publishing this third draft proposal for public comments, and these public comment periods would close by January the 1st and then we would begin analysis of the public comments.

And from January 8 to 19 we would organize again Working Party calls to analyze the comments and to tease out the recommendations. Then we would go for the CCWG call for Working Parties to report completion of the current analysis and pre-identify areas for further refinement.

And then we will - then we would have a call on January the 21st in which the CCWG would confirm these areas of refinement, and from January 21st to 26th the Working Parties would refine their language on their report.

And on January 26 report section would be sent to the larger CCWG for review, and of course should there be any edits this would be the CCWG call for (Robert) to walk through these edits.

Then from January 26 to 29 we would read the sections in the whole CCWG and flag any concerns. Again this would be kind of a proofreading of these third draft documents.

And on January 29 we would have the CCWG calls to sign off edits and on January 31 of - 30 we would be finalizing this Workstream 1 report. Then we would be sending this document to the chartering organizations by February the 1st and hopefully have it discussed in between this date and Marrakech - the meeting in Marrakech so we could have this final draft voted by the chartering organizations and approved by our meeting in Marrakech.

And I see that (Robin) is saying in the chat box that hopefully there is a Scenario 3 that allows us to have a life outside of CCWG. And yes that is actually a scenario that we were considering but we extracted from this Slide 3 because we didn't want to actually distract you with some hypothetical issues that won't be happening soon so first that (Robin). And I see Alan Greenberg's hand is up. Alan could you please...?

Alan Greenberg: Thank you very much. My comment has the same net effect of (Robin)'s but has a different twist to it. The Scenario 2 you're talking about essentially says we will not have a transition based on the timeline we've been given for what has to happen in Washington and the presidential election timing. Is that being considered and is there an in between one? Thank you.

Leon Sanchez: Thank you very much Alan. Yes this has been considered. We don't have the complete timeline that incorporates NTIA process of approval, and of course all the policy stuff need to go into the surface.

We will be updating this timeline with the corresponding information on this process but I - as far as I can remember there are different scenarios in which depending on when the final draft proposal is approved then it might not actually derail the whole process.

So as far as I remember this Scenario Number 2 wouldn't be derailing the process and would still make transition possible in time with or in line with the politic times in the U.S.

So yes we will be completing these scenarios and these timelines but we are also considering of course alternatives to avoiding derailing the whole process because of timing Alan. Next in the queue I have Jordan Carter.

Jordan Carter: Thanks Leon. It's Jordan here for the record. And I'm pretty concerned by the announcer's timetable concern that's flying around if that isn't repetitive. So the NTIA's renewed the contract until the end of September next.

The NTIA has said it will take them about five months to work through the DC process. I've seen other comments including from ICANN's outgoing CEO that suggest that there's some new deadline of the end of September for the proposal to be finished.

Can I - from my point of view that - based on what I see in front of us in terms of work and based on the two experiences that we've had of causing confusion and unclarity (sic) in the community, by rushing to an imperfect and not only imperfect but just not well written proposal in some respects, we've been creating problems for everyone and it's throwing ourselves down.

So we need to take the time to do it right. I think Scenario 1 can work if there's no substantial deviation from the second draft proposal. If there is I think we have to have a public comment period.

I think that the Scenario 2 timetable is the very best we could do and is heroic, and any idea that there is some break in the transition because we don't finish our work by the end of January I think is a very big problem for this group.

Leon Sanchez: Thank you very much Jordan. And yes there is a possibility that the NTIA would in fact need to extend the contract once again, but hopefully we can compromise and reach agreement in Dublin.

This wouldn't be necessary so let's make our best to try and reach this compromise so we can move forward and actually meet the first or the next

deadline, which would be of course September next year. Next on the queue I have Kavouss.

Kavouss Arasteh: Thank you very much. I think we are talking about transitions and transition has three elements. One is political and parameter. The other element is the numbers and third element is the naming and DNS.

And the two first - they don't have any problem. I thought they could even be - that during the transition a year ago and they are not really worried about.

The only thing is the naming and do you think that with any of these plans that you have the essential and fundamental and the required action of the transitions for the naming, which is because of the three other elements would be adequately and fully met without any difficulty?

That is one question. The other question that the NTIA never mentioned about the accountability as being limited to accountability for the transition. They were talking accountability in general.

If they tried to do it piecemeal job and just leaving everything to the transition of the other function, I would not talk about other responsibilities. Once the transition is done no one would listen anymore to the community with respect to the long-term accountability.

You should be sure that you will miss a very important point that now - either doing everything or doing nothing. Nothing is agreed until everything is agreed.

So your plan should indicate the situation that everything must be agreed.
Thank you.

Leon Sanchez: Thank you very much Kavouss. Are there any other comments or questions in regard to the timeline? Okay so having no comments we will update these different scenarios with the comments that we've received today, and of course with the different possibilities that we think that we might come across. And next I will turn to (Thomas) for the update on community leaders call. (Thomas)?

Thomas Rickert: Thanks very much Leon. And let me just try to respond briefly to a note from (Sean) in the chat whether we plan to have another face-to-face meeting in February for approval.

There are no such plans at the moment. I think we really have to count on and wait for the outcome of the Dublin meeting to then be able to flesh out a more complete plan as to what time is needed.

I think one thing for sure. The more we deviate, the more changes we make to what's been in the report and the second report, I mean, the higher the need for conducting another public comment period.

So this is where the few other changes and the less potential the changes to the - to our recommendations are the better could be justified not to have another public comment period.

I guess what's imperative is for the community to understand what we're doing, and for the community to be supportive of what we are doing. And that gives me an ideal opportunity to segue into the next agenda item on the update on the community leaders call, which has been announced on this accountability list.

So you knew that we would be participating in that call. It's been invited to by Fadi and ICANN Staff. David Olive was chairing that call and the - I can say that the - basically two topics have been discussed on this call.

We discussed how to potentially make more time -- excuse me -- for CCWG discussions and then we discussed a slide deck that Fadi produced on the basis of the slide deck that he presented to this group during the last - but one call where he threw up his current state of play of where the CCWG work stands.

So those were the two items that have been discussed. The first item already got some feedback from our group so there were questions about the legitimacy of this restructuring of the Dublin meeting.

Let me say that I or that we co-chairs appreciate the efforts taken by ICANN to have our group make more time for deliberations during the Dublin meeting, which is going to be quite decisive for our work.

So they have been invited as OAC chairs and gathered them to discuss basically three options. There was an Option A, an Option B and an Option C and some of you will have seen the material on that through your respective group leaders.

That has been sent to the groups in order to give the respective groups the opportunity to discuss whether they would be willing to sacrifice some of their valuable time to free up time for CCWG members, participants as well as other interested individuals to either engage with us or to sit in with us and maybe follow the discussions that we're having while we refine our recommendations.

So that was the intention behind it so this was by no means something that the co-chairs have dumped on the rest of the community. Let's just take this as a good faith effort of ICANN as the facilitator of this process to help us get more time for us to meet and engage.

The community leaders that have been present amongst others, the GAC chair, the GNSO chair, the ccNSO Council chair and many, many others - I think there has been a total of 30, 40 people on this call.

They have discussed this and specified a preference for what was called Option B, and that's what you see on this slide in front of you in the Adobe room.

The - they've also made very clear that they want to make sure that if they sacrifice some of their time they want to be certain that we are making good use of this time, and they want to be clear on what sessions are meant for whom and what the benefit of those sessions would be.

So you were - will have noted the email that was sent by Mathieu earlier today. He made a suggestion on how we could make use of this time but that's just a proposal.

So we do not have to use those additional time slots but we should take a look at the additional time available to us and discuss what purpose we're going to give to the individual sessions, who should be present, who should be contributing.

Should these be engagement sessions or should this be mere working sessions for our group? And I'm now trying to see where - or maybe Staff can confirm whether what we see on the slide - I guess that comment was what Mathieu

had circulated. (Beth) could you maybe help me with this? So I guess that I need to check now because the headings of this document are different from what was in the plain text of (unintelligible).

So this is option B and here you see the suggestions as such and (Matthew) has explained in addition to that that on Friday we should try for finalizing public comment assessment based on the work party's outcomes.

List areas of consensus and refinement, identify a candidate's way forward on outstanding issues. So I think that's undoubtedly the main mission for our Friday meeting.

So I would ask you to chime in with comments and criticism. If you don't like that (Allen) I see your hand is raised let me just briefly walk through this session and then I will turn it over to you.

And for (Jordan) I think that's an old hand and if not (Jordan) maybe you could send that to me. For Saturday we have breakout sessions facilitated by (unintelligible) to flush out the candidate's way forward.

So again on Friday we're going to identify candidate options, the preferred options from the options brought up by the sub-teams and we're going to flush that out on Saturday.

Then on Monday we're going to review and refine the outcome of the breakout session and make an initial assessment of the timeline for finalization of the report.

And for Monday that is something that (Matthew) has suggested for the session Monday afternoon. For the morning session we have an accountability

engagement session planned but again we're quite flexible on how to structure that.

It would have been my preference that on Monday we would try to bring the community up to speed with where we are after the weekend session and hopefully we will be able to present to and discuss with the community the preferred candidate i.e. not all the options available but the preferred options as identified by the sub-teams and then leave the afternoon session for work of our group.

But it's up for us to decide where we want to make that more open session not only for others to fit in with us but also have to an active engagement with the wider community.

(Unintelligible) the real scenery session on specific items is what Greg Shatan called yesterday an open mike on steroids. So we need to make sure that these sessions are not being taken over by individuals that want to make very broad brushed statements about their ideas on ICANN's accountability.

So I think that really needs to be prevented from happening and therefore we should discuss whether we should not be more specific and flag those meetings working sessions where everyone can sit and we can also have more structured debate with the community as we choose.

And then for Tuesday we would have as always the engagement and those would not be CCWG sessions as such as we have extended our invitation to SO's and AC's to come see them and explain what we are doing.

For Wednesday we planned to have a taking stock session after the SO AC engagement and work further on the assignment. And for Thursday it's taking

stock at the end of the week and finalize work plan beyond Dublin including a timeline.

So those are the preliminary planning's that we suggest to you and let's now open it up for your comments and suggestions and again let's try to specify first whether we think we need all these sessions.

Secondly, whether we are using this for the right purpose and thirdly whether you have any ideas on how to efficiently engage with the broader community on our findings. (Alan).

Alan Greenberg: Thank you very much. What you described is that in a chart form that we can actually look at because what's in the Adobe Connect pod right now is what was the staff proposed and what I heard you say was something quite different?

Thomas Rickert: Thanks (Alan). I took my information from an email sent by (Matthew). So that you already have and I'm sure that staff can put it into the Adobe so that you can also see that.

But basically I have now presented to you a combination of the time slots as suggested by staff with the content or the topics that (Matthew) proposed we discuss.

Alan Greenberg: Thank you that would be useful if we could see it but two comments. I think what staff did unfortunately was rather ill advised because the options they sent out to the chairs for further discussion within their group the chairs and AC', SO's, you know, stakeholder group and such listed all of the new sessions as these plannery sessions including a full one on Tuesday which clearly would have killed constituency day.

Because they called it the plannery session I suspect if they had called it a CCWG working session although it would have wreaked havoc certainly with ALAC because of the large number of ALAC members who are actively involved and would have killed our regular agenda it might have been a very useful thing and very practical.

So this was structured, the questions were structured poorly. Given that I think it's really important that if we have the engagement period or even one of the plannery sessions where we allow people to comment that the CCWG gets together afterwards and can try to process that and come to a conclusion.

The open mike type sessions if we could stop people from repeating the same thing they've said over and over again just so they say it once more and if we could stop people from making completely irrelevant comments that are out of scope it could be useful.

I don't think we have the ability doing either of those and therefore I question the usefulness. Thank you.

Thomas Rickert: Thanks (Allen). I think what we should do just thinking out loudly here, you know, we could use the town hall session on Monday morning and actually present the findings of the group so far, speak to what we have in the report and speak to the changes that we plan to make to the recommendations of the report after the public comment period.

You know, so that would basically be a presentation of the outcome of the weekend session. Apart from that we could or my preference, my suggestion would be that we dedicate these additional sessions except for one as being working sessions for the CCWG.

That we would invite other community members to fit in with us and we would reserve part of those working sessions to listen to observations and comments from the wider community.

We could for example use the session on Wednesday for a slightly different topic. We hope to be working very efficiently with (unintelligible). So hopefully by Wednesday we would have visualization of the updated recommendations produced by the CCWG.

So that hopefully we would have easy to digest material, supporting material so that we could maybe use that session for real engagement with an open mike part to it where we work the audience through the refined recommendations after almost a week works of work with graphic support and open it up for comment or statements of support.

And I guess that would be helpful in sensing the atmosphere of what support level we have for the outcomes of the work earlier that week. (Anne's) hand is up, (Anne).

Anne Aikman-Scalese: Yes thank you (Thomas) can you hear me?

Thomas Rickert: Yes we can hear you all right.

Anne Aikman-Scalese: Okay thanks. I agree with what you just said and I also think that at the beginning of any so-called plannery session it might be very helpful to display the CCWG scorecard that you put up at the beginning of this meeting.

And in order for people to understand that, you know, there is a lot of progress that has been made on a lot of issues and I suppose that scorecard could

change during the course of the meeting in Dublin and depending on what plannery session you're in.

But, you know, there seem to be a lot of questions coming from the community that, you know, they're unaware actually of our work so far and I am concerned that plannery sessions could simply contain a lot of quotes that, you know, might later be used.

For example in hearings in Congress and in a way that no one in the community currently intends. So everyone should be able to speak out but we should be very, very careful to educate them before those comments are made and I think that applies in each session.

We must not assume that the community knows of the work or understands the work. In relation to the CCWG scorecard I did have one quick follow-up question and that is with respect to 4, Item 4E and F in the last comment in the last column sorry of 4E and F.

I wonder if we are meant to have a reference to the CWG stewardship and right now it's not clear. Other columns seem to have a reference to CWG stewardship but 4E and F I thought maybe they might need such a reference but I don't see one and that's just a question for you as chair. Thank you.

Thomas Rickert: Thanks very much (Anne) and actually you're bringing up a point that I would have made at the end of this call and that is refresh your memory on my earlier plea to the group to send in suggestions for ratification or amending this Google document to what was stated.

So maybe we can note this as an action item for the whole group in the note section. Please do send us your comments or concerns by as I said 12:00 UTC

tomorrow so that we can wrap it up and make it ready for distribution so that everyone has a version that the whole group can agree with.

I take the point and let's - we may need to go back to something else that I've picked up in the chat and that is that it's important to educate the community. Again we are concerned that an open mike session might distract.

So I think we need to consider whether maybe we use the session on Monday morning to basically report about what we've done so that this is more the educational talks and that we maybe use the Wednesday session more for giving the community the opportunity to chime in and comment on the work results that by Wednesday we will have further refined.

So that Monday will be presentation and clarifying questions and on Wednesday if you agree we would have a session for the whole community to discuss and debate.

For the other sessions we might use the excellent support (unintelligible). Maybe we can ask them to facilitate the sub-team sessions also to increase chances of us reaching consensus.

I'm conscious of time we have 5 minutes left, let's move to (Allen) now.

Alan Greenberg: Thank you, just a very quick comment but I do have an AOB item I would like an opportunity to talk about. In terms of the sessions we're never very good at telling people what to talk about at open mike session and then having them do it.

But to the extent that we can restrict or ask for comments on sort of option A versus option B and try to get preferences of the community as opposed to

coming up with brand new ideas that we haven't thought of at all before that may be useful thank you.

Thomas Rickert: (Alan), a follow-up question. Would you do that on Monday only and drop the idea of a community wide session for Wednesday or would you do a combination of both?

Alan Greenberg: I'm saying any time we have an open mike we should try to make it useful. The open mike type plannery session was suggested because there is apparently a feeling among some people board members and/or staff that if we let the community weigh in we will get a different position than what is heard in the CCWG.

To the extent that we can have...

Thomas Rickert: Okay.

Alan Greenberg: ...explained what is going on to them well enough before. But if that's the case then we want to actually get that kind of input and not just rambling. Thank you.

Thomas Rickert: Okay so let's move to (Anne) and Roelof and then after that we have to close the queue. (Anne).

Anne Aikman-Scalese: Wait can you hear me now?

Thomas Rickert: Yes I can hear you.

Anne Aikman-Scalese: I just wanted to comment that there are some folks who would probably skip the Monday education session and just want to come to the open mike to vent and also may just not even have the facts.

And so I do feel that we have to have as Greg said in the chat actual working sessions and that when we have an open mike session or a plannery session there has to be some small bit of education at the top of each of those sessions.

And I would suggest that your scorecard that is a very effective tool for this purpose. So I don't disagree with the idea of having a broader in depth education session on Monday and then inviting comment on Wednesday.

But I believe we will still have to educate on Wednesday as to where we are before people come up to the mike. Thank you.

Thomas Rickert: Thanks very much (Anne). Roelof?

Roelof Meijer: Thank you this is Roelof for the record can you hear me?

Thomas Rickert: Yes we can hear you all right.

Roelof Meijer: Okay, sorry to have missed the first part of the call. If I am repeating something somebody has put forward in the first half then just interrupt me. I cannot imagine that I am the only one who is really, really struggling to keep up with the incredible streamed emails that we're getting.

And it frustrates me because it makes it impossible for me to participate effectively. I've got other responsibilities too and at the moment these two just don't combine.

So the first thing I would like to ask to all of us is to show more restraint in what we submit in email and to show also more focus because I think we can all witness that most of the threats kindly evolve to something which has nothing more to do with the original title of the threat and like somebody else just said on this call I think it was (Allen) that we keep repeating ourselves.

And the second thing that I would like to put forth is that if we start rambling in this particular threat or if we go off topic or the exchange evolves into something we have on the list and we've seen it repeatedly the last few days that the co-chairs more actively interface because in this way I think we exclude quite a significant part of the working group members and the participants because they just don't have the time to go through everything.

So among all the rubberish that we are getting (unintelligible) out we also miss the things that we should (unintelligible).

Thomas Rickert: Roelof your line is breaking up on us. But I think that your points are well understood and I would promise to be more active in terms of sharing. I wanted to make a plea to the whole group at the end of this call anyway to get back to an atmosphere of neutral respect.

I've seen some posts on the list which I thought were inappropriate, they were not welcoming comments but they were rather disruptive. But you were also right with the discipline responding to things on topic and maybe resisting the temptation to respond to other things with emails sent that don't really add value to the discussion.

So all of your points were well made and well understood. Thank you for that. I think we now need to take stock of the - Roelof go ahead.

Roelof Meijer: Yes I just wanted to add that in fact it shouldn't be necessary for the co-chairs to intervene if we all act responsively and responsibly and maybe just in addition my call with (unintelligible) involved in the CWG.

I checked the total amount of emails he had to deal with and it was just under 3000. So I have just under 7000 on the CCWG and that is not counting the number of emails in WP1 for instance.

Thomas Rickert: Yes but I think we're going to potentially win a prize on most email exchanged on an ICANN project. Roelof thanks again, joking aside your points are well understood and you get a lot of applause for having made those comments in the chat.

We need to take stock on the meeting schedule. We're a little bit over time already so I...

Roelof Meijer: (Thomas) (unintelligible) I would like to be added to the speakers list thank you.

Thomas Rickert: For this item or for AOB?

Roelof Meijer: In general thank you it doesn't matter.

Thomas Rickert: So we note your intervention for AOB. I would like to conclude this agenda item on the community leader's call. So in terms of meeting schedule I suggest that we plan for the meetings to be working sessions for the CCWG except for the morning session on Monday and the session on Wednesday.

Both of those sessions will be engagement sessions with the wider community and we will ensure by way of presentation and sharing that we will do an

educational topic to this where we present the findings of the public comment analysis on the Monday session.

And then allow for comment chapter-by-chapter to reduce the risk of people going astray. And for the Wednesday session we're going to update the community on the progress made between Monday and Wednesday and also educate the first part and then allow for comment on items one-by-one to get feedback on the most contentious questions.

And the second part of the community leader's call, Fadi spoke to his attempt to capture the current state of playing with the accountability work. I have commented on those and this is maybe the reason why it hasn't yet been circulated.

That we felt that some of the presentations were not accurately reflecting the current state of support for certain areas and that they might also be misleading.

So we have promised to work with Fadi on an updated version of that which we're going to share with this group. So I have - Kavouss I'm sorry I have closed the queue we're already 5 minutes past the hour.

We have two items for AOB and for AOB I'm now going to turn over back to (Leon).

Leon Sanchez: Thank you very much (Thomas). And at this point we will race any other business and I am aware that Alan Greenberg had one other business and also (Thomas Schneider).

And we're 5 minutes over the hour so I would kindly request that you keep your interventions concise as possible. And I also see that Kavouss has his hand up so Kavouss I'm not sure if that is an old hand or a new hand and I am also aware that you also wanted to raise something in the any other business section. So Kavouss.

Kavouss Arasteh: I have an agenda item and you've told me that it would be covered under any other business and (Thomas) did not allow me, (Thomas) did not allow me to raise my voice. This is not a good way of chairing ability.

Leon Sanchez: Kavouss you are now able to speak please go ahead.

Kavouss Arasteh: No I am not going to speak when what I'm asking for is very important. I'm very sorry I was not (unintelligible) I'm very, very sorry.

Leon Sanchez: Okay I'm really sorry that you feel that and I will now go to Alan Greenberg.

Alan Greenberg: Thank you very much. In reviewing some of the documents I have I realized there is one issue that a very large difference between the board proposal and what we proposed that I don't believe is being discussed at all and I just want to raise it for people to think about.

The board has said that our proposal is not representative of all the stakeholders because we had a part of the process to ask the AC's and SO's ahead of time are you going to participate or not and we're expecting a moderately small number to say yes to that.

The board proposal in that it doesn't ask. That all AC's and SO's can at the time an issue is important one of the powers that any AC and SO can decide to

weigh in with a yes or a no including potentially ones that might have said no earlier if they were asked.

It strikes me that this is a relatively small change that we could implement that might bring the two proposals a lot closer together. Thank you.

Leon Sanchez: Thank you very much Alan for suggesting this and as we said it's something that I think would be best if we continue the discussion and think of it offline. And next I will go to (Thomas Schneider), (Thomas).

Thomas Schneider: Yes hello can you hear me?

Leon Sanchez: Yes we can hear you.

Thomas Schneider: I've been sitting through the whole discussion I haven't been able to participate on the Adobe because I'm driving my car. So this is why I decided to take the slow one.

So first a few comments. First of all I would like to thank you for sharing this I think you're doing an excellent job. I know how difficult it is to chair meetings with a great diversity of people and of views and history and background.

And just (unintelligible) Kavouss that don't take a small negligence to serious. I think that (unintelligible) but I think we have still a few minutes left to give you the floor because this is really difficult to chair these and everybody forgets one thing from time-to-time. So that was my first comment.

My second comment was I just wanted to make it clear to you that when we discuss these options A, B, C about using more time for the accountability work in Dublin.

Monday all is fine for us. I signaled as (unintelligible) leader's call that Wednesday 5 o'clock will probably be very difficult for the GAC because normally we are at the very peak of discussing our communique on Wednesday 5 o'clock and I have no reason to think that this time it will be different.

So I think we are faced that this will be difficult for us but the rest is basically fine. And then one thing that I would add to what Roelof just said and which is a talent of this whole process and of ICANN institution.

The way we work here are so intense and time consuming that ICANN working and ICANN in general but in this process in particular has the challenge of being inclusive because not everybody has the resources to follow this in detail in order to be able to feed into the comments in the right moments, you know, that you have an impact in the work unlike those who have the time and resources.

So my hope for Dublin would be that we use this to help others catch up coming, invite them to (unintelligible) in a guided discussion. So I would be looking forward for some kind of town hall meeting, planner whatever that would have some explanation.

Maybe in the beginning some education part but then try to get to those who haven't had the chance to come during the normal intense CWG work. Let those get a chance to speak even if it's that they haven't been able to follow and they don't really understand that's also something that you might try to open up the circle here.

Use Dublin to open it up because if we don't get the involvement of a significant - of the community particularly thinking about people from all stakeholders from Africa, from Asia, from Latin America and so on and so forth.

Not the insiders but others that are also part of the Internet community. And I think this is a fundamental - more use you make of this in Dublin the more support you may get in (unintelligible) afterwards.

And with regard to the public sessions or whatever you call it they shouldn't be a steroid open mike thing but they should be guided in a sense like along the lines that (Allen) has proposed by giving options or trying to get views on the most controversial items where you really need to have a decision or try to have a feeling where a consensus position may lie.

You need to guide this but you need to try and give the floor to those who have not been able to speak in the normal day-to-day (unintelligible) CCWG process. Thank you.

Leon Sanchez: Thank you very much (Thomas) for those thoughtful comments and for your kind words. And I think we should definitely consider what you just said and this will be taken into account when chairing the sessions in Dublin. So thank you very much for those comments.

Are there any other business at this point? Okay, so having no other business I would like to thank everyone for attending this call and safe travels to everyone who is going to travel on their way to Dublin and let's see if we can find agreement in Dublin.

Let's keep our minds open and our work in a collaborative way so we can find a way for work and deliver something of value to the Dublin meeting. Thank you everyone, talk to you soon, safe flight, safe travels see you in Dublin.

Woman: Thanks everybody.

Man: Thank you.

Thomas Rickert: Thanks everyone, bye.

Man: Bye-bye.

END