

ICANN

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

Leon Sanchez: Okay so people might be still coming in but let's kick it off. So good morning, everyone, welcome to the CCWG on Enhancing Accountability Working Session Number 3 on October the 22.

Please remind you to state your names when speaking for the transcript purposes and of course for the benefit of our remote participants. And today we have a very useful session, a very important session ahead us and as always we encourage you to have an open mind and willingness to compromise.

And I will now turn to my co-chair, Mathieu, is that right? Or is it Thomas? Thomas. Thomas.

Thomas Rickert: Good morning. I'm Thomas Rickert for the transcript. And I hope everybody is feeling good today. Kudos especially to our GAC colleagues who have been burning the midnight oil to get the communiqué written up. And I'm sure that a lot of you will join me in saying that what's in the communiqué is very encouraging for our work so that's much appreciated and please so do convey that to your GAC colleagues.

We know that you've spent hours and hours discussing this. We said it's a discussion that needs to take place inside the GAC this is taking place. And what we're reading in the communiqué actually shows that we might have a way forward which is very, very positive so that's much appreciated.

The reason why we brought up decision making again is twofold. And maybe we can bring up the slide with the escalation path if we could? There has been some discussion, as you know, about the allocation of thresholds for the initiation as well as for objection levels and support levels when it comes to the consensus based decision making. And we would like to get back to that point.

And we think that the item is twofold. And we should be very clear in our discussion as to what item we're talking about or what we're speaking to. I think after the second public comment when the community pushed back quite unambiguously on the notion of voting, we've developed a concept that got broad support on how we come to consensus decisions with the community.

This is the escalation letter that you know with the multiple stages of a petition, then we would have the precall, we would have the community forum where everyone chimes in, the SOs ACs would take decisions after internal deliberations and then specify the outcome of their internal decisions. And then either a community power would be voted down or, you know, there would be consensus on the execution of the community power or not.

So we would just like to confirm that this methodology of community decision making stands. We have not heard anyone who took issue with that

as an escalation path. What we need to discuss though is, or what there have been requests to discuss - I'm sorry?

((Crosstalk))

Thomas Rickert: The slide is not yet there so - but I'm sure that you will remember having seen that over and over again. That's the escalation letter, the staircase, you know, with the different phases of consultation. And we would just like to confirm that when we're discussing who, you know, how many SO ACs are required for petitioning or for carrying sufficient support or objection, we are not questioning this methodology of decision making.

Right, we would just like to confirm that. We've discussed it a couple of times and the group really liked this notion of coming to decisions. However, we think what needs to be discussed is the way - is the exact balance of SO ACs required to chime in, right. And let's be specific, not to mix the two. This is something that we can lean on. This part is not moving anymore, right. So we're going to have consensus based decision making. The question is what are the niceties.

And we know that SSAC, for example, has discussed this at length. And Julie Hammer is with us today. So why don't we kick off the discussion by inviting Julie to the microphone and allow for her to share SSAC's views with us?

Julie Hammer: Thank you very much, Thomas. Since becoming a chartering organization following Buenos Aires meeting, the SSAC's been closely monitoring the evolution of all these proposals for enhancing accountability. And in particular, as members of the CCWG, we've been reviewing the various options under consideration for accountability structures and the processes within ICANN that will be considered.

And SSAC's been considering how it might continue to contribute effectively in any new accountability framework. Sorry, I might just sit down if that's all right. We recognize that - and we very much applaud the significant progress that's been made in recent weeks and in particular during the CCWG working sessions this week in Dublin.

And during the past few days, as the CCWG's works move closer to consensus on the Work Stream 1 proposal, we in the SSAC have taken advantage of our opportunity together here to carefully review the issues and discuss the implications for the SSAC and for ICANN as a whole.

And as the result, the SSAC would like to reiterate and reaffirm the advice that we provided in SAC071 and that is that the SSAC is a purely advisory committee with the mandate to provide unbiased expert advice to the ICANN community and the ICANN board on matters relating to security and integrity of the Internet's naming and addressing allocation system. That's per our charter.

And in fulfilling that mandate the SSAC doesn't seek to claim any special standing for its advice other than it be considered on its merits. We believe that this model, in which the SSAC advice is provided and received, in a completely independent and unbiased manner, provides the greatest value to the community.

With respect to the current CCWG discussions, we believe that the appropriate role for the SSAC with respect to accountability is to continue to serve as a timely and reliable source of independent expert advice concerning security and stability.

That advice may then be incorporated into any community deliberation to which it might apply including those that involve the community's exercise of accountability mechanisms. We don't believe that the SSAC should be involved in any other way in the exercise of those mechanisms but we do believe that we need to be engaged in the process.

So we hope that clarifying the SSAC's position regarding its participation in accountability structures will give the CCWG the opportunity to formulate a consensus proposal that the SSAC as one of the chartering organizations will be able to support. Thanks, Thomas.

Thomas Rickert: Thanks very much, Julie. Any other contributions to this item? Malcolm and then Robin. And can I encourage you to use the Adobe to raise your hand, it will make it easier for us to manage the queue. Malcolm.

Malcolm Hutty: Thank you. Malcolm Hutty. This is more a question for clarification with the previous statements. I understood - some of what stood out there was the idea with the advice being considered on its merits. And I wanted to understand how that would work within the community decision consensus making bit that we are formulating.

So I'd like to pose a scenario. Yeah. Suppose that it is proposed to use a community power and that our rules say that that community power will be exercised provided there are, say, four SOs or ACs in favor and no more than one opposed because that's what we have on the table at the moment.

And suppose that we have four in favor and we have one AC opposed that is not the SSAC. Suppose that the SSAC gives advice expressing concerns with this. Would you wish that to be only considered as being relevant to the decision of those others as to whether they - still wish to go ahead? Or would

you wish that to be counted as being a second advice against such that that threshold of no more than one against was not met?

Thomas Rickert: Thanks, Malcolm. And Julie.

Julie Hammer: The answer is a very clear no, we would not wish it to be considered as a second objection.

Thomas Rickert: Thanks, Julie. Robin.

Robin Gross: Hi. This is Robin Gross for the record. So I wanted to address the issue of the role of the ACs and particularly with respect to the SOs and the public comments that we received. And if you take a look at the paper that the group that was developing the public comment analysis on this issue said there was no consensus about the role of the ACs. So I think that we need to discuss that. I think we need to consider that it just be advisory perhaps with the exception of ALAC.

And I also think that this switch from - or supposed proposed switch from a voting model to a consensus model, if you really think it through we're still voting so it is - we're still in a voting model. And I think we need to think it through and understand that simply calling it consensus doesn't change what happens at the end of the day when the different SOs or ACs vote on the exercise of a particular power.

And so we got a lot of public comments that the concern that a lot of commenters had was the shift to a governance structure that provides GAC with a power. And we heard from the board before that that kind of a shift isn't something that they would be willing to accept with respect to a

membership model so it's unclear how they would accept that under a designator model if we go that way.

I think it raises significant concerns with NTIA and congress, if we suddenly switch to a model in which the GAC has a vote that is equal one vote to all of the SOs - excuse me - to the GNSO, to the ccNSO, to the ASO, etcetera, we've just gone from a five to two scenario to just a one, one, one scenario.

And one of the dangers of that is that we lose the granularity that we had before. We lose the opportunity for minority views to come out and be attached. So I think that I wanted to urge people to consider these issues that have just really been raised in the last few days, this idea of switching from voting to consensus and really think that through that it's just - it's kind of an illusion, if you will. We're just changing the word.

And so we really need to understand that we are still voting but we're changing the number of votes and in a way that goes against public comment and in a way that discourages minority views in the overall mix. Thank you.

Thomas Rickert: Thanks, Robin. Before we move to Brett, let's just be very clear, the notion of voting is off the table. Some are calling this voting, and I think that's plain wrong because voting is up or down. What we're coming up with is more nuanced because we have expressions of support, expressions of objection and that is distinctly different from voting. You know...

((Crosstalk))

Thomas Rickert: It's not majority voting. And I guess that's the word that you've been using, Robin. I think we should be using the microphone please so that everyone in the room and outside can understand. But...

Robin Gross: So at the end of the day we've got the SOs and the ACs that reach their decision within their own - within their mechanism and their position counts as a vote. I mean, we don't have to - we're not - we're deciding not to call it a vote but it has the exact same effect as the vote, it's just a different number of votes that we're talking about now. But I really have to urge people to think this point through because we are still voting even though we're calling it consensus.

Thomas Rickert: Robin, I think we should make this a discussion amongst ourselves. Maybe we should take that offline. But the...

Robin Gross: You said come to the mic.

Thomas Rickert: The - I'm just trying to caution us with the language that we're using. If your approach is - were correct then you could call each and every consensus based system a voting system. But the mechanisms are different. The process is different. And I think if we want to communicate with our community it's important to get that nuance right. We have different definitions of consensus. We know the GAC consensus; GNSO has a different version of consensus. And we are defining consensus with two qualifying parameters and that's the level of support and the level of objection. But yet it's a different approach.

I understand your point that basically we're counting the objections and that has a certain effect. But I think we need to be clear in our communication with the community what the approach is.

Robin Gross: Even our own lawyers in the memo on this issue said it's basically the same thing, it's just changing the words. And I'm confused by how you said that voting is off the table. When was that decision reached and confirmed and that

process gone through? Because I think we just sort of talked - started talking about this this week, switching to a consensus - to calling it consensus.

Thomas Rickert: Actually we...

Robin Gross: Under different numbers.

Thomas Rickert: We started the discussion on that in LA and had a subteam making great progress on that. I would need to dig out of the archives exactly...

((Crosstalk))

Robin Gross: Yeah, I think it's too premature to say that issue is off the table. I think that's still very much up in the air. It hasn't been - there hasn't been consensus reached on that. That wasn't what's in our draft report. And so if we're going to switch I think we need to have some discussion about that and maybe more confirmation of that.

Thomas Rickert: Whether it's been discussed or not might be an area where we can agree to disagree. Shall we move on with the queue? Brett.

Brett Schaefer: With the announcement by SSAC here, and I believe that RSAC has a similar view but I don't want to speak for them since they haven't spoken here. I wonder if it's, you know, right to consider what Bruce has mentioned in the chat. We're going to have to rejigger the numbers in terms of how, you know, how many numbers are - how many communities - constituencies or whatever are required to activate a community power or to block a community power based off of two of the ACs pulling out, I would think.

And I wonder - I spent last night looking over some of the GAC communiqués, which is obviously very entertaining and very interesting. And last night I was looking at the comments from July when the GAC was asked if they want to exercise community powers.

And some countries said yes, some countries qualified yes on some, no on others, and some countries said they would not like to exercise community powers, Denmark in particular with Egypt said, “Participating in the forum of a membership-based community empowerment mechanism would change the role of governments in ICANN from being advisory to taking part in decisions carried out by voting, which we would not support, for instance.”

Last night the GAC communiqué said that - and I’ll quote this in regards to the CCWG work. “In assessing the specific accountability recommendations put forward so far by the CCWG Accountability, the GAC considers that whatever the final outcome in this process may be the new accountability framework to be agreed upon must preserve the current role of governments in ICANN.”

Now in considering that I wonder if it’s worth considering Bruce’s proposal which is to have the SOs and ALAC be voting and to have SSAC, RSAC, and GAC be advisory in the process. And I just want to put that on the table.
Thank you.

((Crosstalk))

Thomas Rickert: Steve.

Steve DelBianco: On the point of voting, Robin, it’s correct that the first step is to ask each AC and SO what is their preference. And the way they express their preference is

they get to say I support or I object, and that feels like they voted, I get that. But the way in which we determine whether we reached a consensus is completely different than voting. So we should say, if you wish, that they vote whether they support or object but we don't measure the outcome based on 2/3 majority; we don't measure it based on simple majority or percentages.

The outcome of whether we have consensus is the presence of strong support and the absence of strong objection. It's very different than, say, a 2/3 majority threshold which you and I know is the way we do some of the things we vote on in GNSO.

And a 2/3 voting threshold, in a traditional model of super majority model, doesn't actually care how many objections there are. See that's the difference here. We are - or how strongly held they are. So for instance if four of the six ACs and SOs said they supported exercising a community power, if they quote unquote voted to exercise, in a simple 2/3 majority model of voting it would carry. But in our proposed model if two objected of the four, 2/3 wouldn't be enough to carry because two objections would kill it.

So you're right, we should be careful about our vocabulary so we don't stir up unnecessary objections. I think that we do allow people to express their preference but the way we measure the outcome is not the typical measure of voting. You're smiling as if you're not quite agreeing, but this is not just semantics, do the math. A 2/3 majority in a voting model would carry but not as the model we propose because here two objections would kill it even if you had 2/3 in favor. Thanks.

Thomas Rickert: Thanks very much. And next is Jordan.

Jordan Carter: The theology about the use of the word “voting” is somewhat distressing this early in the morning. So I won’t go there. But I will say that when we had our initial discussions about this mechanism the whole way along we’ve said that no single SO or AC should be able to block the use of a community power. And if we’re down to four decisional bodies, whether you call it votes or not, if it isn’t one, it’s two out of the four.

So you have a situation where two say yes and two say no and then you’ve got a tie so you don’t have an outcome. So there is a, even if it’s not voting, there’s a mathematical problem with that number of decision makers. And as you may recall, that is why we evolved our system of notional votes of the SOs and ACs. They didn’t have to put entirely yes or no. And so there could be a way of assessing the strength of their preferences.

So if we’re going to go from - with seven it just about works. I can see how it could work with that table in front of us. With four we’ve got a lot of work to do.

Thomas Rickert: Thanks. Kavouss and then Pedro.

Kavouss Arasteh: Good morning, everybody. Good morning, eight-wise (unintelligible). I’ve not spoken of the GAC but as a member of GAC I think you should distinguish two issues. One is how you make the decision and the other one the role of the GAC. Our communiqué as it stands is quite clear. You want to preserve the current role of GAC. What is more than that do you expect from GAC?

From my point of view, personal, you should remove this distrust to the GAC forever. GAC made a lot of positive contributions toward the CCWG but I hear again and again people fingering to the GAC. We have not decided yet participation in decision making or not. We want just to preserve our current

role, that's all. Now it depends on you, the CCWG, how you want to make decision.

My understanding is that you would have a consensus. Whatever way you want to reach that consensus, rough consensus or any other thing or full consensus. But this consensus must not have more than one advice against. So why you pushing to the GAC? Why you pointing to the GAC? Advice from the advisory committee, that's all. So the ball in your camp but not in camp of the GAC. So you should clarify how you want to make decisions.

For me, as a participant, I am against the so-called voting, counting so on so forth. We discuss and we continue this international practice of the consensus. However, according to what we received from the ICANN board, according to the discussion, we believe that we should continue to have consensus. But this consensus should not have more than one advice against. So please kindly put GAC out of the discussions.

You have to decide what you want to do more than one advice, more than two advice, more than three advice so on so forth. But consensus is the center of the decisions. So you have to clarify that. But please kindly don't point to the GAC always. Thank you.

Thomas Rickert: Thanks, Kavouss. And certainly there is no pointing to the GAC intended. I think we need to have a discussion about how we evolve this consensus building model that we've been working on for the last couple of weeks. Next is Pedro and then although he's not in the Adobe Thomas had indicated he wanted to speak and after that Alan please.

Pedro Ivo Ferraz Da Silva: Thank you, Thomas. Let me just briefly clarify that this issue of GAC participation in the decision making process it has simply been - has

been raised in the GAC but it hasn't been fully discussed. We were concentrating on I guess...

((Crosstalk))

Pedro Ivo Ferraz Da Silva: I think we have made quite a good progress on that as you could see. And - yeah. Thanks to all GAC colleagues here. But well my take on that is that we haven't discussed it, you know, in detail because of how we think that the discussion is here in the CCWG needs to be more mature so that the GAC can - then let's say give its position on it.

My country specifically has endorsed the consensus paper of the GAC to the - to this second public comment period in which the GAC has, let's say, indicated of course based on the voting system that it would like to have the five seats reserved but initially the GAC wouldn't participate, would like to have this possibility of opting. So this I think needs to be considered. And also its initial considerations within my government we think that the GAC should participate in the decision making process here.

And on a case by case basis possibly let's say indicate willingness to participate, to indicate support or objection. And in some cases where the GAC thinks it doesn't have something to say then basically not saying anything. So basically that's our take on that. Thank you.

Thomas Rickert: Thanks, Pedro. I was quite amazed when people stopped you from saying what you had concentrated on discussing, the word that must not be said, the S-word. Thomas.

Thomas Schneider: Well good morning, everybody. I have missed the first few interventions I think but since people are looking me so I thought maybe I should say hello to you so hello.

Thomas Rickert: Thank you. Next in line.

Thomas Schneider: Hello, Thomas. With regard to this discussion I can confirm that first of all the GAC I think has delivered or proven that its intent to work on consensus is meant very seriously even if that means staying on until late at night in a room and asking for it to be open and not be closed at 10 o'clock because otherwise we - well we finished at 10 minutes past 10 but we would have been thrown out of the room if we hadn't made it clear that we will not cease to talk to each other until we have a consensus. We had a consensus last night on what you see this morning. I think you can all - you have all read it.

With regard to the GAC's intentions, first of all I think I want to stress that point that we are doing our best to understand what the actual current almost minutely-changing state of the mechanism is. You see in that communication of yesterday that we basically send a positive note to the development of that model because we think it is less oriented now to what's confrontation than the previous model or the reflection.

So it's more striving with these escalation steps towards getting back in case there's a threat of divergence. It helps us as a community to get back together on a consensus basis and only at the very end some decisions will be made. So this is something that we strongly support I think the notion of trying to work together and find solutions and not in a divisive way.

And as it has already been mentioned by my colleagues you have our GAC input to the second public comment period where we say that we haven't

decided yet and this is still the case because we're still trying to - we're waiting for something that we can actually decide on and that's, you know, if we take our job serious as government persons, we don't defend our own special interests, but actually supposed to consult with our citizens and our businesses and try to defend national interest which then is integrated or aggregated into something like a global public interest.

And we will wait until the final model is there and then we will come back with a position. But it will not be completely different from what you have from the consensus you have of September, i.e. what has been said that we will in any voting not intend for the time being to participate but the opt in option will remain.

But from what I understand, this issue of voting is less of relevance now with the new model than in an earlier model because as I said, it's - all its stairs, all its steps, are meant to go rather for consensus for getting people back together than for dividing us. So we are looking positively forward. We continue to engage on a consensus basis in the GAC but also we try to reach a consensus with the rest of the community always bearing in mind our role which hopefully will not change which is we are giving public policy advice, public policy input into the community.

We have now 155 members of the GAC, i.e. from 155 countries. I think we have the greatest diversity in terms of representing people or trying to represent people in this institution. And I think this is something that also adds to the balancing and to the bringing together of all people in the world into the ICANN system. Thank you.

Thomas Rickert: Thanks so much, Thomas. And at the risk of repetition, since you were not in the room when I last spoke to this, please do convey to your GAC colleagues

our appreciation for the progress that you've made. And I said, please convey to your GAC colleagues the appreciation of the progress that has been made. This is really outstanding and I'd also like to comment your chairmanship and your co-chairs, you know. Although these meetings have not been open we see the results and we would also like to go on record thanking you for that personally.

Next in line is Alan.

Alan Greenberg: A couple of thoughts. I realized as Thomas was talking that the position the GAC is giving is almost identical to the ALAC in that we have always said we will participate but in any given case we may choose to be silent. You know, that's an option we always have. So we're saying in any give case we may opt out. What I hear Thomas saying is in any given case they may opt in. But since that's a sole decision of the body they map to the same thing.

The real quandary we have is with the comment from the SSAC to use one of Kavouss's comments of, you know, we'll use humming to judge the tone of the room. If some people refuse to hum then we have a problem. We can't tell the tone of the room from that. And it's a real quandary. And we heard from Kavouss that if something - if some group advises against then we should treat it as it advises against. And, you know, it's a negative from this point of view. Other people have said advises against is not a negative one.

And we have really different definitions and different implications from different people. And our challenge now is try to make something that works out of that. Thank you.

Thomas Rickert: Thanks, Alan.

Alan Greenberg: I wish I had an answer.

Thomas Rickert: Chris.

Chris Disspain: Thanks, Thomas. Good morning everyone. So just a suggestion for thinking this through. Obviously we're not going to solve this today. But we have a base of - if I understand it correctly we in effect have a base of five with one of those five saying probably most of the time, you won't hear from us, the second most likely thing is you'll hear from us with advice that we have a problem. And the third is that we may decide to actually be positive. And that's not meant to be derogatory in any way, those are just the way it's likely to be.

So if we can come up with something that works if you just ignore that for a minute and say you've got a base of five, if we can come up with something that works if one of the five is out of the game, because it wouldn't necessarily be the GAC, I mean, the ASO may decide that they don't want to play in a particular arena.

So what we need to do is to fine one that works with a base of five where one is missing. And the challenge is not so much the how many support, its how do you deal with the one - you can't break one objection down below one objection. So that's the real challenge is it's not so much how do you get agreement, it's what's the weight of somebody saying no if it's only one.

But one is very - is one more powerful the fewer there are or less powerful the fewer there are. It's quite a challenge. But I think we need to work on a base of five and just say how can we build it so that if only four out of the five actually participate what can we do.

Thomas Rickert: Yes, please do some scribbling. And before we move to Malcolm let's just be very clear that even if we're talking, you know, Chris has talked about five, we're down to five now. It is my understanding, and I guess this is important, also following up on Kavouss's point, we will have seven in the process that contribute and inform the decision of the whole community. So it remains to be a community decision making process.

And this decision is being informed by advice in the subject matter area that SSAC is offering. It may be informed by advice from the GAC. So let's be very clear that we still have the whole community at the table with the opportunity to chime in. It only comes to the level of objections and support that we're now trying to get our heads around.

So I think, you know, when communicating with our peers in the community let's not give the impression that with SSAC pulling out we're having something that falls short of the whole community.

Malcolm.

Malcolm Hutty: Okay, firstly I don't think that we should describe what we just heard from SSAC as pulling out.

Thomas Rickert: I wanted to emphasize that point.

Malcolm Hutty: Yeah, it's a important and meaningful participation that they're offering. But we still need to understand, you know, how to deal with advice that we receive from each quarter. And SSAC have just been admirably clear so that we absolutely know how they wish to use our advice. It's advice into each of us as we think whether or not we wish to object to a proposal on the table, we

have the SSAC advice before us to guide us in that. But it doesn't contribute to an objection itself.

Now we also need the same level clarity with regard to all the other participants. Yeah. So we need to know if - with regard to the GAC as well, when the issue their advice does that act on us in the similar mode that the SSAC advice does? Only to guide our own decision as to whether or not to object but does not itself contribute to the number of objections or as - does it follow the mode that I understand ALAC to be proposing for itself which is that advice could contribute to the requisite number of objections so as to prevent it.

Both of these two are possibilities. Personally, in terms of interpreting what I - what the GAC would want, I look at the previous comment from the GAC and the previous proposal that they want - would want five votes. And I would use that to imagine that that would imply that they would want their advice to contribute towards one of the requisite number of objections.

On the other hand, the GAC communiqué issued today says that the GAC expect and require that the existing - that the proposals that we make preserve the existing role. And I think that could be - I would tend to think that the existing role is more similar to following the advisory mode that the SSAC have put out.

So either of these I think are possible. But, fine, if that's not the way it's going to be then that's fine. But what I would say is this, it is absolutely crucial that we are clear - crystal clear at this stage - as to which of these two models we get. The advice in the event that this actually is used, we have a community forum. If we have advice from the GAC and it is nuanced and it does not say

no, but it expresses concerns we need to know how we would treat that in that case.

Would we treat that as being something that we take into account and that we might go ahead but do other things to accommodate it? Or would we treat that in the mode of an objection counting towards a more than one objection? It is important that we know in advance how we would approach that situation. A GAC advice may not say no, don't do this. It might well say we are concerned that this will have these consequences. And whether or not that counts as an objection may be a matter of interpretation and we need to know how we would approach that.

And if it's not capable of amounting to an objection that counts to it then that's one thing. If it is capable then maybe we need to say we need a clear statement in that advice to meet such an objective, to counters being qualified as an objection, we need sufficient clarity to know it is intended to amount to such. Clarity, more than the decision as to which way we go on this, clarity as to how we're going this is crucial to avoid a crisis at the time.

Thomas Rickert: Thanks, Malcolm. And I'd like to close the queue after Olga. Next is Kavouss.

Kavouss Arasteh: Yes this time I speak as a participant of the CCWG. I think this situation is not clear. GAC advice could be taken into account in two different ways. One, count it advice that has impact on that not more than one. Or advice as an input to help and to contribute to those people who decide against or in favor.

Suppose GNSO, ccNSO, ASO, and ALAC discussing something and then there are an input from GAC and advice which usually should be taken before because GAC advice would not be at this part, it should be discussed among the GAC to have a consensus before and giving that authority to the person

delegating or delegated by GAC, presumably the chairman of the GAC. So the chairman knows the position of GAC.

At that meeting chairman of GAC perhaps announce that this is our view with respect to this particular case. That could influence the discussions of those SOs and one AC to formulate their contribution and decisions. This is uncounted advice.

Counted advice would be that when you have that not more than one objection that I add the other day and Mathieu perhaps forgot to put it. Or not more than one advice against. So this is counted advice. So now you have to discuss within your community whether you want the advice - it is not GAC agree or not but whether you want the advice of the GAC should be an input or should have an output affecting the decision making. This is two different things, independent whether GAC agree or does not agree with that.

We have to clear that. Both is positive. The first one is positive that AC, ALAC and three others know that GAC uses this one. So they may change their mind when they decide to meet the requirement of that community, governments. Or you want to count the views of GAC but in the form of consensus advice. That means GAC has come to the conclusion with the consensus whatever consensus be carried out in the GAC, each community has its own way of consensus making. And GAC has its own and we are working on that. Currently we have something, very probably we may take it, continue that.

So it is now up to you to discuss counted advice or advice as an input in order to facilitate discussions and decision making of those people who directly have impact on the decision. So this is a point that we have to discuss. Thank you.

Thomas Rickert: Thank you very much, Kavouss. I had closed the queue after Olga. Since Jorge is not in the AC I understand I've added you. And Alan, if you can be very brief you can also speak. After that we really have to wrap up. Izumi is next.

Izumi Okutani: Good morning, everyone. Izumi Okutani from the ASO. I very much like the basic framework that is being presented in the decision making process where it gives the basic threshold on how to start the process but are focusing a lot on the discussions among the SOs and ACs. And I think this will actually allow the participation of those ACs or possibly the SOs who have made a decision not to participate in this basic threshold of expressing support. But we can actually listen to what exactly those SOs and ACs are saying even they may not necessarily join in this - what you call it - this expression of support.

And regarding how we handle the advice of the SSAC or the GAC I think by basing it on the discussions will actually allow us to have engagement on how we would, you know, take into the advice the strength of it because many of these issues it depends on case by case basis. And it's a little bit difficult to just to know make a perfect framework at this stage without considering the details.

So having this framework that is based on discussions and consensus will accommodate many of these - each of the different cases and possibly corner cases that we might want to address. And so I'm very comfortable with this basic framework of the decision making process.

Thomas Rickert: Thanks, Izumi. Chris next.

Chris Disspain: Okay so just as a sort of starting point, if you take two columns and you have the advice column and the decision column, the SSAC and the RSAC sit in the advice column permanently. The GAC straddles the advice column and the decision making column because they require the ability to do that. What you need - what we need I think is two things. We need a quorum in the decision column which will allow for - allow for - to make sure there's enough people involved, enough of the SOs or ACs are involved.

And you need two processes. You need - if the GAC is on the advice column side of the column then this. If the GAC is on the decision making side then this. So I don't think you can make one process because I think you probably need to think about if the GAC - and so it's on a decision by decision basis. If you've got advice from the GAC - I know that sounds complicated but I'm - I can't - I mean, I'm not saying that I'm the be all and end all on this but having looked at the numbers it's almost impossible to come up with anything that stretches to having enough flexibility to work but I'll keep going.

But certainly if you do an if this then that and if this then that, that gives enough flexibility for it to work.

Thomas Rickert: Thanks, Chris. And maybe you can write it up for the list to digest. But thanks for that. Steve is next.

Steve DelBianco: First to respond to Chris, the notion of quorum is a very difficult one because participation might be that the GAC or any group stayed involved in the discussion all along, didn't feel strongly enough either way to express their preference and they get to the end, they're in the room, they're completely engaged and participating but the SSAC or the GAC or anyone just looks at both sides and said, I see your point and why the three of you feel strongly.

And I see your point as to why you object. But I'm willing to let that three and one, two - I'm willing to let that guide the decision. And I'm just going to stay quiet because I think that's an appropriate outcome. Well they've participated but under a mathematical quorum rule, we will have failed to meet quorum. And there's a lot of nodding heads right now. So that's why I don't think that forcing quorum to be based on whether they indicated a up or a down - it won't work.

Well even so, if it's quorum for four and we have a couple in here that say three and one, is fine, three and one and the GAC could sit there and say I'm comfortable with that three for, one against, it carries. I'm not going to vote either way. So I'd just - I'm just asking, let's run the math on quorum.

My second point is very brief and clarification. When people talk about their current role you know that that's with respect to the current ICANN structure and bylaws where all the advisory committees provide their advice to the board of directors of ICANN. In the current structure there isn't this thing called the community mechanism. It doesn't exist. It doesn't exist.

So when the GAC says we preserve our current role, the only thing the GAC is describing is that they advise the board of directors and the board has certain obligations with respect to their advice. And that was the subject of what we shall not be talking about. And that role is preserved.

It's a separate question is to say what do the advisory committees want to do with respect to this new collection called the community mechanism, the one that is in - on the screen and we described it in the stair step. So they are separate. When somebody decides to participate as a decision making body in the community mechanism it has nothing to do with their current powers they

exercise in the bylaws with respect to the board of directors. So let's just keep that distinction in mind.

Thomas Rickert: Thanks very much. Next in line is - Izumi, that's an old hand I guess. Bruce.

Bruce Tonkin: Thanks, Thomas. And I certainly like the direction this is heading. And I think Chris's hopeful way of thinking about, you know, the different columns. One thing I think Izumi mentioned was context. And I think it's important to understand that each of the advisory committees actually has quite a narrow charter actually. So RSAC is really just advice on the root servers, SSAC, security advice, GAC is, you know, advice on where policies might conflict with national law or international laws and also on public policy issues. So they're quite narrow.

And then if you almost align that with the left hand column you'd see that, you know, recalling the board of directors isn't really the role of SSAC, it's not in their charter in any way. They're not a governance body. So it's something you might also want to think about is some of the combinations on the right hand side when you're talking about what consensus support is required, you might need to think about what's in the left side.

And I'll give a specific example. Number 3, block changes to regular bylaws. Probably the only part of the bylaws that SSAC would care about is the actual bylaws that relate to SSAC. And if SSAC objected to changing those bylaws that's probably a pretty significant objection. So currently just said no more than one objection is like, hey we object because you're changing how we operate, you know.

So you may need to think about that particularly with changing bylaws is that there are bylaws that relate to a particular SO, maybe they're policy

development process or an AC that might relate to how they operate. You may well need to take that into account when you're looking at the thresholds because that's where I think it is in context. But some of these other powers are not in context really for quite a few of the advisory committees.

So I think Milton and others have made this comment before but I think actually need to start filling out the detail a little bit against some of these powers as to what specific SOs and ACs are involved in that particular decision making because I don't think it's the same for all of the seven topics you've got there.

Thomas Rickert: Thanks very much, Bruce. Olga.

Olga Cavalli: Too tall for me. I'm short. Hello. Good morning, everyone. Sorry for being a little bit late this morning. Thank you for the nice words about the GAC. And I would like to really commend our chair for a great job yesterday and also all my colleagues in the GAC, it was really hard work but I think we had a good outcome.

And I think it was already said in my other colleagues in the queue but I would like to stress the fact that what the communiqué is expressing is that the new accountability framework to be agreed upon must preserve the current role of the governments in the GAC in relation with the advice to the board.

About this new structure, we are working on it and we are still debating and we have to think about it and find a consensus eventually. But that's the role that we at least need to preserve. Thank you. Just wanted to clarify that.

Thomas Rickert: Thanks very much, Olga. Jorge.

Jorge Cancio: Hello. Good morning. It has been a little bit hard to wake up so early after the GAC advice yesterday. But we've managed to do it. So I think one of the effects of all this exercise is that we recognize that we are a community and that the GAC is not (unintelligible), is not anywhere outside there and is not part of this.

We are engaging. We want to be engaged and treated fairly by the other parts of the community. And we are talking about community positions. It's a point I've made I suppose a bit repeatedly. But community decisions have to reflect the community as widely as possible.

So don't put any barriers to parts of the community if we are still in an ongoing process and a work that is just - we have I think five days ago as Kavouss has said sometimes, we were almost nowhere, now we are in a place we had this excellent discussions with the Post-It's on the decision making process. It's been evolving and I think it's acceptable or it's much more acceptable to wide parts of the community. Don't put barriers to that.

And the GAC, well we always try, we strive to get back with consensus inputs. We did it before Istanbul. We did it before the - after - before the Los Angeles meeting and within the second public comment period. And that is the last input that really stands as a consensus. But the system has evolved so perhaps what was an opt-in now could be something more, I don't know. Because voting and this kind of divisive adversarial approach which was not intended but was behind some parts of the second draft, that's really draw many people back not only in the GAC but also in other communities.

Now we have a different setting. Let's have a stable draft on the table if we have the stable draft on the table we will surely try to come back with some consensus input from the GAC.

And whatever role in the end we have, which we have to decide, I'm sure that be it a counting advice or a not counting advice, it has to count because we are here. It has to count, although formally perhaps it won't count for some reason. But it has to be taken into account because we are part of the community. And while I disagree with Bruce Tonkin on this public policy is almost everywhere in ICANN. Thank you.

Thomas Rickert: Thanks, Jorge. Bruce and then Alan. Okay, Alan.

Alan Greenberg: Thank you. And I will be brief. Steve said a lot of what I was going to say that all of this is new so saying that we're maintaining our old positions really doesn't work. But it's not only for the ACs, it's the SOs also. The GNSO does not have in its mandate blocking bylaws, removing the whole board or any of the other things. These are all new things.

But the problem is we haven't at all talked about the concept of if the GNSO now chooses to vote, and I say the GNSO but it's the ASO or the ALAC for that matter, we are now supposed to not only present our view but factor in the views of the other groups. You know, the ALAC gives advice from our perspective as the representative of the interests of users. The ccNSO does something representing the ccNSO.

And now we're asking them to take on the role of the board and balance the advice from other groups. And maybe I'm being a little cynical, I think that's going to be a really, really hard thing for them to do. It's going to be a hard thing for us to do.

Thomas Rickert: Thanks very much, Alan. I think in summary what we can say is that there needs to be further discussion. We don't have a solution for that one yet. I

think we've learned a lot about the parameters to take into account when having such discussion. I think also we have some concrete proposals on the table. Bruce Tonkin mentioned the idea of engaging or entering into an engagement process on the advice received. Chris proposed two different alternative scenarios should the GAC wish to chime into the decision making formally, if you wish, or not.

We need to be nuanced about the power concerns. And all this needs to be thought out a little bit more. And I'd like to offer a prize for someone who proposes something which is easy to understand. I think, you know, if we follow through Chris's proposal we might end up having two alternative paths for seven community powers. That would make 14 different decision making regimes. I mean, that will certainly be good for the lawyers in terms of billable hours to write up the bylaws. But to convey that to the rest of the world will be quite challenging.

So I think we need all of us, all SOs, ACs, that are affected by this I think need to consider what impact their stance on this has on the overall outcome of our discussion. So we might be in a situation where we say well the number seven is needed. There might be - it might be that we end up saying a lower number is needed. So I suggest we all try to think through the consequences.

We would like to task WP 1 to look into this further. I think support from Xplane would be greatly appreciated in order to maybe visualize and make it easier to understand what we're doing. This needs more discussion. We're not going to take more stock than this. But it think this has informed our thinking hugely. And let's take this to the next level after we all get home and rested a little bit.

And with that I'd like to hand over to Mathieu who's going to chair the next section.

Mathieu Weill: Thank you very much, Thomas. Hello everyone. I'm seeing some quite tired faces in the room. I have no idea why. Probably none of us on this table look tired.

((Crosstalk))

Mathieu Weill: Thank you. There was some hesitation in this answer which I find quite surprising. And, yeah, we're all tired but we have a lot of work ahead. So moving on from yesterday's discussion on the work plan. Yesterday we've heard a number of positions on how to move forward. There were I think we acknowledged widely the need for - to check our latest developments with the public to get - collect public input on it. I think that was an agreed point.

We heard about the timeline pressure and the risk of delaying for actually the outcome of our work. And the risk that there would be basically no transition if we move - delay too much or at least not for the next few years. That was an argument that was offered. Others were I think rightfully concerned about our ability to deliver in very short timeframes as well as the risk of getting pushback if we did not get this right in terms of messaging, in terms of details, in terms of documentation at this point.

And that translated into different perspectives for the timeline. There were people arguing in favor of a shorter public comment, others suggesting, for instance that we publish only a summary of the changes in the report. We have suggested a process where we would go ask for public input at the same time as we would move for SO AC - we would submit the draft - the final draft to the SO and ACs. And that attracted diverse feedback.

So we have tried to take stock of some of the comments - obviously we couldn't take stock of all. There was some that were contradictory so it was obviously not possible to take everything on board. But we'd like to suggest a little refinement of the proposal we made yesterday. Alice, if you can move to the timeline.

So the idea is still to have a public comment period at the same time as submitting to the SO and ACs. Obviously we haven't had time yet to liaise with the SO and AC leaders. I'm just putting that clear. Apparently some were very busy last night. So our suggestion would be that we actually would issue two - have two rounds of publications. One would be a summary of the - of the overall proposal, an executive summary, written by professionals so that it's really very really accessible and focused on the essential of our recommendations plus some details on the latest changes.

At the middle of the public comment period we would be able to provide a more detailed report for full consideration by the SOs and ACs. So that would - the comment period would actually be a little longer than 30 days, 35 here, but with two different steps.

Of course we'll, I mean, there's still a lot of work to be taken on during the holiday seasons. That's the truth. I won't deny it. But that would still enable us to deliver a final proposal to the ICANN board. And Kavouss, we just did the timeframe at the end as per your request.

With the possibility for chartering organizations, if they needed to organize an intercessional face to face for their organization we know the ICANN has offered to facilitate that if that's requested. And obviously we're not pushing

for that. If it can be done in the - in AC room meetings, that's perfect. But it might be needed at some point.

So that's the refinement we would suggest for the timeline. And this is really something that we need to have a conclusion on in order to get clarity right after we leave Dublin so that everyone can prepare in this room obviously but also in the other groups and in the public in order to be able to provide the public comments.

And that is our suggestion so I'm now going to the queue for comments, suggestions. And Alan is - was that an old hand or - okay. Avri then.

Avri Doria:

Avri speaking. I think it's actually a good plan though I do despair of the fact that every time we look at the plan we slip by another week and every re-thinking of the plan is. I think it makes sense to send it both to the chartering organizations and to the wider review at the same time as long as the chartering organizations know that this is a pre-review and not their final review and they're going to get something that indicates whatever changes do get made later so that they can see.

My one issue is with the - getting the professional writers. It's a great idea but are we getting the professional writers, it's a great idea. But are we getting the professional writers from within among people that already understand the subject matter or are we reaching out to a bunch of professional writers who will have to spend far longer than that understanding what the issue. And that is my main concern.

I like the idea of professional writers. We have bunches of them, you know, policy staff is full of really fine writers that understand the world here. But to reach outside - and I know we're not that special but the nuances are indeed

that peculiar - that that would concern me in terms of trying to meet that schedule. Thanks.

Mathieu Weill: Thank you, Avri. You are reiterating a comment that was made yesterday. And I think this is very good one and I know ICANN is currently trying to locate some resources within a pool of expert matters - expert of our matters. And maybe if there's, I mean, others volunteers who have the skills we can arrange that.

But our goal would be to be able to present more details both on the resources as well as how we will interact with this group because obviously our group needs to stay in control of the content of our proposal and be enabled to check whether the writing is actually meeting our requirements. That is extremely important so that we avoid any bias into the writing. And that's - so that's the kind of writing a (unintelligible) process that we need to be very clear about very soon. And it's actually on top of our priority list for consideration probably at the next call on Tuesday. So that's - but I think your point is well taken. Thank you very much.

James.

James Gannon: Thank you. James Gannon. So two points. So first to Avri's point I think I agree with most of what Avri has said. I think it's incredibly important that we understand the audience that we're bringing this professional writing team in to write for. I don't believe policy staff and technical writers are what we need. We need creative writers who need to sit down with us and build off of what we can tell them. I think bringing in a technical writing team would be incorrect, we would end up with similar documents to what we have now.

On the second point I want to reiterate what I said yesterday, I don't believe we should be doing timelines until we have the facts on which to base timelines on. I think it's - we're doing things backwards here. I understand the need to have some form of framework on what we will do which I think is quite good on the board right now. But I think the dates that we have in here we don't know how we're framing those dates. We don't know in the chartering organizations if they are even going to be able to meet intercessionally.

So I think we're kind of doing things backwards. I think the framework is excellent and I fully agree with it. But I think locking in dates here now this week until we've heard from the chartering organizations on their process for approval is backward (unintelligible).

Mathieu Weill: Okay so indeed there's an amount of tentativeness in this which is, yeah, a number of things need to be checked with the chartering organizations. But if we could agree on the framework and on the first steps that's giving us a baseline for discussion with the outside world. Because obviously we're not the only ones deciding on this, that's correct.

Kavouss, you're next. And I would close the queue - I will close the queue after Kavouss has finished his intervention.

Kavouss Arasteh: Yes, thank you very much for defining the timeline, yes, last night was quite difficult to do something (unintelligible). Last night we have discussing GAC and it appears in the communiqué that after a very extensive and tough discussions finally we have decided that the further work on famous Stress Test 18 and provide input to CCWG within the timeline. Could you kindly clarify what timeline you expect that you receiving input, whatever that input would be?

I don't believe that the timeline on 20th of November would be possible for GAC. So the next timeline would be what that you receive that input? I personally think that that input should receive before finalizing the report to sending to the ICANN board. So the end of the timeline is clear. But what is the timeline that you expect at the latest to receive that input because the GAC need to organize how to proceed with the matter and so on so forth. So that is important point.

And this is my personal view, purely personal, has nothing to do with my government or any member of the GAC. Without clarifying the situation of Stress Test 18 the whole transition is at risk. Thank you.

Mathieu Weill: Thank you, Kavouss. I guess based on this timeline, I mean, public input would be expected by December - mid December. But if it could obviously be much earlier because if it's only mid-December then obviously we might need to revisit a number of things. That would need some further thought and discussion. I hadn't really considered it like this so I don't want to rush into an answer.

So I'm closing the queue after Thomas Schneider. Erika, was your hand lowered or okay I'm just checking. Roelof.

Woman: (Unintelligible).

Roelof Meijer: Yeah, you thought I need some exercise, right? Roelof Meijer for the record. I like the plan. I think it's the only pragmatic possible way out of this lock jam with the deadline. Two remarks, I suggest we start communicating about it as soon as we have a decision so that the community knows what is coming.

And secondly, I would like to repeat my point that I made yesterday that if we get a lot of negative sentiment about the fact that we have a shorter comments period and that we are combining the comments period with the period with the supporting organizations that we can always extend. We will miss the deadline but that will be the way out. If we get the signal from the community in a serious extend then I think we should do that.

Mathieu Weill: Thank you, Roelof. Good points. And I think as I said, we need to communicate about this timeline very soon and right after this meeting. Athina. Where are you, Athina?

Athina Fragkouli: From the middle of the room.

Mathieu Weill: It's amazing how this room is filling up.

((Crosstalk))

Athina Fragkouli: Good morning. Athina Fragkouli. ASO, for the record. So we believe that this timeline is indeed pragmatic. We like the combination of public comment period with the evaluation of the chartering organizations. SOs and ACs have seen this report before and with a proper summary of all changes it will be easier for them to evaluate within the (unintelligible). So I think - we think is that good balance between sticking on the timelines and having a proper evaluation. We like that we see January as a deadline.

We would prefer of course to have this a little bit earlier. Initially it was proposed from the timelines we've seen before December was proposed but, okay, we understand that okay certain concerns need to be addressed so it has been stretched, fine. And we trust and we expect that this deadline will not be compromised. Thank you.

Mathieu Weill: Thank you, Athina. Alan.

Alan Greenberg: Thank you. Two brief comments. On writers and technical writers and editors and all of those, I've had a lot of experience working with people like that. I've had technical editors who will find discrepancies in a very technical document, you know, 150 pages apart and note that we have a conflict and are really good. I've also had people who in trying to get clarity completely changed the intent of the statement. So the right person is absolutely critical.

But the related thing is what are we trying to get out of this rewriting or writing? We need clarity so no one says what we're doing is complex. On the other hand we need preciseness because we're going to expect people to write bylaws from what we're doing. And there are certainly cases in the CWG report where it's not 100% clear what we meant. And that's also critical. And I'm sure how you get the two at the same time. So it's something to think about. I don't have a magic answer.

In terms of the timeline I've never participated in anything related to a business decision or perhaps a personal decision where I had all the facts. You simply have to make decisions and timelines, if nothing else, impose deadlines which motivate people to get things done. So I suppose what we're doing.

Mathieu Weill: Thank you very much, Alan. And just to add two things about what we need to set up very clearly now is the report structure. It's what exactly is the level of detail we're expecting in each section. How - there's certainly a lot of documentation to be provided on the processes. That's something that we can standardize in terms of level of detail to make sure we have the right level of detail. And then move to the technical writers or at least the editors.

But let's move - let's keep that discussion for next week. Our focus now is can we agree on this framework? And I'm speaking of a framework of timeline. Next is Sebastien.

Sebastien Bachollet: Thank you. I do like this proposal. I think it's very good way to go forward. I really think also we need to stress again that we discuss yesterday that if comments can be made for the people who are participating to an SO and AC directly to that SO and AC and not to the public comments will be a good thing then it will diminish the number of, I would say, outside public comments of the ICANN arena. And we'll be able to find a way.

My second concern, and I see that there is possibility of intercessional meeting. But I really feel that maybe we will need to get together. I know that it's - we don't know where we are and how the things will go. And I am not sure that just having possibility for each silo to get together that will be the only way to go and the best way to go at the end. I am not saying that we need to have it but we need to consider to have the possibility to have it. That's my point. Thank you.

Mathieu Weill: Thank you, Sebastien. I thought you were mentioning a CCWG face to face in the North Pole on the 24th of December.

((Crosstalk))

Mathieu Weill: We'll see.

Sebastien Bachollet: Sorry, I would like to suggest no, we need to go to south hemisphere because they have not the same holiday period than us and we can work more in the south hemisphere than in the north.

Mathieu Weill: Yes. And it's summertime there. And it's summertime there.

((Crosstalk))

Mathieu Weill: I know Namibia is volunteering. Thank you very much, Eberhard. Next is Alissa.

Alissa Cooper: Thanks. So just wanted to say that looking at this from the ICG perspective I'm quite happy that people seem to be supportive of this. And that the commitment to get the work done on a short timeframe is there. I would also say, you know, I liked what you had yesterday because the actual very last date wasn't actually written down and that gives some flexibility such that the chartering organizations don't take those full two weeks at the end, do not delay in sending that proposal forward because every day will count I think for this.

Just one thing that you didn't say, Mathieu, that I wanted to emphasize is I think the other important piece of this is to be very clear in going to public comment what you are seeking comments on and what you are not seeking comments on in particular all of the parts in the proposal that have previously been agreed, we did this with the ICG and I think it worked quite well because it essentially gives you the leverage to say afterward even if you get comments about things that have been hashed out for months and months and previously agreed you can acknowledge them but you don't have to deal with them in any other way. And I think that will be very important for this process to succeed.

Mathieu Weill: Thanks for the wise advice, Alissa. I have Thomas and Steve will close.

Thomas Schneider: Yes hello again. This is a very useful discussion as of course we also in the GAC will need to somehow manage to organize ourselves in the coming period. So actually what I like best is that we will receive a Christmas present in the form of a paper so I hope that if we open it up as a PDF it will play Jingle Bells on the 24th. That would be really a very nice signal.

But with regard to the timeline I want to follow up on actually on Stéphane because of course we may need - we don't know yet but we may need to meet as the GAC. But I think it may actually more helpful if there be a chance to not meet in silos because in case that we may have to continue to talk to each other that we try and meet at the same place at the same time. I don't know whether this is feasible. I guess nobody knows. But I would like to give you the signal that if we manage to meet together those who feel like they have to meet, I think that would probably be a benefit.

And just for your information, I think it looks like this meetings will probably happen in January if I get this table right, which is good for us because as some of you may know, we have a rather large meeting that we may have to accompany our ministers and other high level officials in New York in December so December is quite a heavy month shortly before Christmas. So to get a confirmation so these meetings may take place in January, this is what you think is probably probable. Okay thank you very much.

Mathieu Weill: Thank you, Thomas. And Thomas would like to answer to Thomas.

Thomas Rickert: Hello, I'm Thomas. Thanks, Thomas, for - what you're saying makes a lot of sense. Nonetheless I think we should be very cautious in how we communicate this. Making it look like an intercessional ICANN meeting where all the chartering organizations can come together to discuss what

we're doing looks like we're opening it for other opportunities of negotiation or further deliberations. This is far from the truth.

Our understanding is that ICANN would volunteer to facilitate meetings by the chartering organizations for them to discuss and approve the recommendations. So let's just be very clear, there shouldn't be any expectation in the community that such meeting would be the opportunity to, you know, to be sort of an end game.

They can happen at the same time, they can coincide. I think, you know, it will be a task for the co-chairs to reach out to the leadership of the various groups. The GNSO is in the position to do asynchronous decision making at the moment. I think we should be talking through the microphones. And I think that Chris's comment was sort of unqualified anyway.

((Crosstalk))

Thomas Rickert: I think I made my point. Thank you.

Mathieu Weill: Thank you, Thomas. All right, one more. Steve.

Steve DelBianco: Thanks. Steve DelBianco. Alissa, you said previously agreed, and you're right in that some things are previously agreed by the CCWG. But I don't think we have anything we can say has been previously agreed by the chartering orgs because to my knowledge none of the chartering orgs have officially come forth and said, we're good with pages 15-96. So we probably can't say for sure that chartering orgs have previously agreed even if CCWG has.

And second, Thomas, if we do meet for this chartering org intercessional, and again it's only if needed, it's possible the best Christmas present of all would

be that if the amended report, the one that incorporates GAC's chartering org opinion on the report and ALAC and SSAC, if we can meld that together and spice it up in the public comments as well from the outsiders, it's possible that all of the leaders of the ACs and SOs would come back and say, hey, we're good with this new amended report.

But if not, to facilitate a quick resolution of the remaining differences, there's an invitation to do an Adobe chat or meet in person. And while it wouldn't be siloed, you understand we'd have to have the ability to leave the big room real quickly and the GAC leadership meets in that room, GNSO over here, so that we can decide whether we're good and come back together. And that might take a day or two. So hopefully we don't have to do it but we need to be able to pay attention to the fact that only the chartering orgs, and not the CCWG, the chartering orgs are the only ones who could approve this.

Mathieu Weill: Thank you, Steve. And Chris asked for a qualified comment.

Chris Disspain: If I could make a suggestion that maybe during this comment period, right, I'm guessing that we'll do the usual thing of running webinars, etcetera, right? Can I suggest that you actually, instead of doing what you've done in the past, which is having the CCWG organize webinars, that we actually get the SO and ACs themselves to organize a webinar so that it's actually driven by them and then you participate in that.

Because that way it's - it's more - if Byron's - if Byron and Jordan and I actually going to bat and say, for ccNSO, you come to this webinar because it's a ccNSO webinar, then you'll get more people involved and you'll get more traction.

((Crosstalk))

Mathieu Weill: I think that's an excellent suggestion. And will certainly take it on board. So this is the framework. We still have to reach out to the SO and AC leaders to, I mean, collect their feedback. But I think we've got sufficient traction to move forward with that framework in terms of timeline.

We - I took note of the comments that we need to be clear what we see comments on that are report structure and how we're going to write the report in order to get the messaging and level of details correct, are really very high on our priority list right now.

And that we need to communicate about all of this very clearly and probably as soon as in the public forum this afternoon and in the statement right after this meeting. And I think with that we can move to the next agenda item. And I'm now turning to Thomas. Thomas.

Thomas Rickert: Thanks very much, Mathieu. And this is to continue our discussion on the incorporation of the AOC reviews into the bylaws. And I suggest that Steve refresh our memory on that.

Steve DelBianco: Alice, I assume you'll bring up the same document we worked with yesterday afternoon. There were just a couple of remaining items that we want to put on a second read with respect to questions for the whole group. So, Alice its best if you scroll to the part of the document at the end where we have questions needing CCWG with options. I believe it started on Page 5. Thank you.

The first one is the notion of review recommendations on...

((Crosstalk))

Steve DelBianco: This one went with B. This was pretty strong for B. Good. Let's go to the second one. It's called the composition of the review teams. Again, there are four review teams in the Affirmation of Commitments that we're bringing into the bylaws. In our second draft report we suggested that the composition of those review teams would be taken from all seven of the ACs and SOs who could each offer a list of names for people that wanted to participate.

And in our second draft report we allowed the chairs of the respective ACs and SOs to jointly determine three from each of the ACs and SOs maximum, so up to 21 total participants on a review team.

We had public comments that suggested that that would be an inappropriate mix for certain reviews that looked heavily at something - let me give two examples. The review team on the new gTLD program is heavily focused on the gTLD space, so GNSO would have multiple individuals that would want to participate and give their respective on that review team, as with ALAC and GAC. The ccNSO might not be as interested.

And I don't know for sure if SSAC and RSAC and ASO would have a significant level of interest. But knowing the 21 feels like the absolute maximum that you could do in a review team. Many parts of the GNSO in the public comments, in the written public comments, suggested that we use some of those 21 slots if others don't want them, use some of those 21 slots for members of the community who feel very strongly about participating and something that affects their interests fundamentally.

So that if ASO, for instance, didn't want to use three review team slots on the review of the new gTLD program, then GNSO and/or ALAC and GAC could have more members on there. It also allows us to get closer to the aspiration

for diversity when we have a slightly greater number and there can be some discretion.

The key departure from the current AOC is the current AOC didn't have numbers in it and it didn't allow the community to do the picking of who goes on. It allowed the chair of the GAC and the chair of ICANN to approve the names that came in. You know, the good news is they always accepted the names that came in. But we still have this issue of representation.

So we have two options. First option was to preserve a hard limit of three from any given AC and SO with a total of up to 21. Option B on the screen in front of you creates discretion that if ASO didn't want all three that the chairs could allocate that to another group, another AC and SO who wanted more representation.

Again, all the ACs and SOs recommendations on a review team go out for public comment. And there's the consensus decision model that's adopted within the review team to be sure that somebody doesn't simply load up the review team with one particular AC and SO.

We had a relatively split decision. I would have said that Option B got slightly more support than A. And that was in the discussion yesterday. But I think that the chair would like to try to get a final view on that. The text on the screen has underlining in the very last sentence, I'm sorry, the second to last sentence, so that you understand what's different about B.

Mathieu Weill: Thanks. So I suggest, you know, just to take stock, we had Option B for the first topic. Option B is preference for the second one. So can you show us through the third one please briefly and then - on the fundamental.

Steve DelBianco: So you're not going to assess anything here but move on?

Mathieu Weill: No, we've discussed it yesterday, we would just like to confirm the understanding we reached yesterday which was Option B is preference for first item, which would be for this one. Let's now move to the fundamental.

Steve DelBianco: With all respect, are we going to say that the quiet in the room indicates that we have a confirmation for B, is that what you're suggesting?

Mathieu Weill: We're going to open it up after you presented the third item.

Steve DelBianco: But the third item is a little bit unrelated to this but happy to do that. Okay. Third item. I guess we're expecting Alice to scroll the screen to the third item. All right so brand new topic. This is a lingering question of fundamental bylaws of whether the commitment in Article 18 of ICANN's existing bylaws should be fundamental or not.

Article 18 in the current bylaws says, quote, "The principle office for the transaction of the business of ICANN shall be in the County of Los Angeles, State of California." That's existing bylaws.

The Articles of Incorporation separately say that ICANN is a California nonprofit public benefit corporation. So those are two descriptive statements. And they don't contain the word "shall be" right Kavouss, is a big one for "shall." They contain the word "is" and so they're meant to describe the situation.

Both of those are subject, under the community powers, to the approval or blocking of the community. I described it last night as belts and suspenders because to change these statements of California presence would require the

community to approve by 2/3 a change of the articles and to approve or not block a change to Article 18. There would be many other changes if ICANN were to pull up its roots and incorporate as a different kind of entity in a different - in a different country.

So we have two options in front of us. The CCWG's proposal in the second draft was to designate ICANN bylaws Article 18 as a regular bylaw. Option B, which was something in the public comment period many expressed strong preference for, and about the same number expressed strong preference against, and I'll note that governments were most of the ones who would favor A and oppose B.

And B would be to designate ICANN's bylaws Article 18 as a fundamental bylaw. And what would that mean? The difference is that if it's a regular bylaw the community power is to block it, if we had a consensus, you recall that from the char this morning, blocking a bylaw, okay.

If you make it a fundamental bylaw we move to the community power that says we must approve - affirmatively approve a change to a fundamental bylaw. Okay so moving it to fundamental is what I characterized last night as more than belts and suspenders its holding up your pants with super glue too. And I think that the sentiment in the room last night was difficult to assess. And I would gather that it was relatively split.

So, Thomas, I'll turn it over to you to decide how we confirm.

Thomas Rickert: Thanks very much, Steve. And just with, I think, you know, our group was leaning towards Option B on the first question. Option B for the second question. And this was still open. And we had a tie, more or less, is the outcome of the public comment period.

And let's just remind ourselves of the working methods that we've applied so far.

Looking at previous reports we made it very clear to the outside world that we have a finite list of what goes into the fundamental bylaws. That's the starting point. And it was our practice that we would change that if there is support - sufficient support for a change. Then we would refine. What I'm sensing here is that we have a tie on whether we should change or not.

And I would not qualify that from a chairing perspective as overwhelming support to move this question to a fundamental bylaw. Nobody has asked for adding that to the fundamental bylaws or in the fundamental bylaw section, as far as my recollection goes. So this is just to confirm that we are not - well we should not reopen this discussion from scratch but we actually have the history to this discussion which at the moment shows that unless this group with the broad support wishes to make it fundamental this would look like it's going to remain a standard - or remains as it is which is Option A on this topic.

So please bear this in mind when you speak. You know, I think we really need a lot of traction for us to move it to fundamental. I think Sebastien's and Thomas's hands are old hands so we can now move to Alan, Brett, Greg and then Chris.

Alan Greenberg: Sorry, I'm speaking on the AOC review. If we can scroll back to those options. Okay. I heard something different when Steve described it than what I see written there. Option A does not mention the number 21. You did when you described it.

Steve DelBianco: It absolutely does. Option A is to preserve what's in the bylaws and it is up to 21. In other words, Option A is to preserve the text in the second publication which says up to 21, Alan.

Alan Greenberg: Oh okay. Sorry. It wasn't mentioned there as 21 so I thought we were talking about omitting it at that point.

Steve DelBianco: No, if you scrolled up - never mind.

Alan Greenberg: Okay.

Steve DelBianco: I understand your point.

Alan Greenberg: That was really my point that I feel putting the number 21 there, which is not in the current AOC review, will set expectations and make it very hard for the chairs not to have that kind of size committee which means once we add in board, experts, we're talking 25, 27. Again, I think it's just too heavy.

Thomas Rickert: Thanks, Alan. Brett.

Brett Schaefer: Thank you. Mine is regarding the fundamental bylaw option. And the reason I'm concerned about this, we've just spent a year, maybe more, maybe a little less on the part of some people, talking about a structure for how we want to have this community mechanism work. And that has involved an extensive amount of legal advice, very expensive legal advice, and it's all based on the California code and California law.

If we change jurisdiction we are possibly opening up this entire process again to the community reengaging in everything that we have just gone through for the past year. And so if we go through this belts and suspenders, I understand

that that is the two-step process. But the super glue it requires the community to approve it. I think the community should have to approve going through this painful process all over again. And I think that we should consider this as a fundamental bylaw.

Thomas Rickert: Thanks, Brett. Greg.

Greg Shatan: Thanks. Greg Shatan for the record. I think it's important to view - and I'm speaking about the fundamental bylaw as well. I think it's important to view this in the context of the Affirmation of Commitments Paragraph 8 where there is a commitment to keep the - keep ICANN in the United States. And that's possibly the only commitment, and I believe the only commitment not to be imported back into the bylaws as a fundamental bylaw.

So that stands out to me so this can't be viewed just in the isolation of the choice within the document within the bylaws of the articles but also need to be viewed with regard to how we're dealing with the Affirmation of Commitments. And I think that anybody who does a reasonably good analysis will see that we've made a choice to downgrade that commitment. And I think we need to think hard if that's really the message that we want to send at this point in time. Thank you.

Thomas Rickert: Thanks, Greg. Chris.

Chris Disspain: I want to support Greg and Brett. I think unless I'm mistaken this - everything else from the AOC is in the fundamental bylaws or pretty much everything else.

Steve DelBianco: Not so. All of the reviews are in the regular bylaws.

Chris Disspain: Yeah, okay. But the commitments, okay. Well, look, I mean...

((Crosstalk))

Chris Disspain: I won't take up any more time. It should be a fundamental bylaw. We should be able - moving the jurisdiction should be a positive affirmation by the community rather than an objection. It should be in the fundamental bylaws.

Steve DelBianco: Chris, because it's in the Articles of Incorporation as well we already have a affirmative 2/3 requirement to change that. So our point in our second draft is that there's already an affirmative approval required by the community to change the Articles of Incorporation.

Chris Disspain: Then what's wrong with putting it in as a fundamental bylaw?

Steve DelBianco: As well - so Article 18...

((Crosstalk))

Chris Disspain: ...delivers an important message I think.

Steve DelBianco: So both to be affirmative, is that what you're suggesting?

Chris Disspain: Yeah.

Steve DelBianco: Okay got it.

Thomas Rickert: Pedro. Then Olga and Fiona. Mary, you weren't in the Adobe. Let's do Pedro and then Mary and then Olga.

Pedro Ivo Ferraz Da Silva: Just for the record and I would like to reiterate the support of my country for Option A to keep it as a regular bylaw. Thank you.

Thomas Rickert: Olga. Thank you.

Olga Cavalli: Me?

Thomas Rickert: I apologize, Mary, please go ahead.

Mary Uduma: Thank you. I want to draw attention to the fact that the commitment made by ICANN was to the United States government. And now we're looking at the whole world. And we have the Internet community and everybody is now taking part in the Affirmation or the commitment we are making. And we are seeing, for that reason, it should be kept as a standard bylaw. And it should be Option A. Thanks.

Thomas Rickert: Thanks, Mary. Olga.

Olga Cavalli: Thank you, Chair. I would like to support what our colleague from Brazil said. Argentina also supports Option A, retain it as a regular bylaw. And I would like to make a comment about the other points about the composition of the review teams. While I think Option B sounds more inclusive, I think it could be a little bit complicated to implement. So there should be some - there should be some thinking about how to - because it sounds nice but then in practicality could be perhaps complicated. So we may think a little bit further how to implement it. I think Option B it's - could be fine but that should be taken in consideration. Thank you.

Thomas Rickert: Thanks very much. We have Fiona now. I'm looking for Fiona. Fiona is over there. Go ahead.

Fiona Asonga: Thank you very much. Fiona Asonga for the record. I think the fact that - not to repeat what Mary has said but just to emphasize ICANN is now wanting to make a commitment to the global community as we open up and try to show that we have a multi-stakeholder model that works.

In the interest of addressing that and in the interest of all the global participants that we are soon going to have coming in for the ICANN meetings as we show and demonstrate to the world that we are a global multi-stakeholder body, able to work together to get the Internet moving the direction we want to, it's important that that is not a fundamental bylaw that is be open and flexible to be ready if need be. We make one design.

Australia is probably able to give us a better arrangement than the US is giving us in terms of hosting our offices, tax issues and embargoes and relationships with the other countries of the world because that is also an issue for those of us who have to come in from our regions to participate in ICANN. Sometimes we don't get support because the US government has embargo issues with our countries. So let us accommodate each other here and let us be flexible and allow that to be an ordinary bylaw and not a fundamental bylaw.

Secondly, on the issue of participation on the ATRT, while we would want to increase the numbers of some of the groups, I think it's important that there is a clear guide on how participation is allocated. Let it be that if, for example, the ASO can only fill one slot for a particular area, let the ASO be asked to confirm they can fill that one slot and whoever is doing the selection can then see how to balance it out.

Then it should also be very committed to the fact that the review team is taking quite a bit of time and resources. And when they are too bulky they

become heavy in terms of ICANN being able to accommodate them in the budget.

And when you look at the reviews that are planned between now and 2019 there's going to be so many groups that it's going to be difficult for ICANN financials to manage the weight of moving all those review teams around across for face to face meetings on their own, for the ICANN meetings. Let us - if we want to really tie all that to the budget and everything else in the interest of running the organization properly let us keep the numbers low.

Option A, again, becomes the ideal to go with. Keeping the numbers at 21, that includes any experts that have to be brought on board as well as the ACs and SO representatives. Thanks.

Thomas Rickert: Thanks very much, Fiona. And the queue is closed after Bruce. Next is Rafael.

Rafael Perez Galindo: Thank you, Thomas. We are for Option A. It is pretty clear that the organization it's a stable and predictable (unintelligible) jurisdiction environment. And this requirement could certainly be included in the bylaws as a way to ensure compliance with the ICANN (unintelligible) defined. But prescribing a particular jurisdiction would preclude other jurisdictions in the future. They could (unintelligible) comply with those requirements in and out of USA.

On the other hand the jurisdiction is already a task of Work Stream 2. And enshrined in ICANN's current jurisdiction a fundamental bylaw would sort of preempt the future work of the Work Stream 2 in this regard. So in addition I would like to ask colleagues who prefer the Option B to sort of make a reflection on the message they want to convey the rest of the world. Thank you.

Thomas Rickert: Thanks very much. Jordan.

Jordan Carter: Thanks. Jordan Carter here, dotNZ just speaking as a participant in the group. I support - my organization supports Option A. We've got a careful balance going on here between the various symbolisms at play with these decisions. And we were able to consolidate in our report - our second draft proposal - around the idea that, you know, there's already provisions in the Articles of Incorporation and the in the bylaws around the location of the company.

We've got jurisdiction being down as Work Stream 2. You know, it seems to me that we've come to kind of a nice balance there. And I haven't heard anyone argue anything that suggests that we need to change that balance. So without a reason to change that balance in a way that will make it harder to - in a symbolic level harder to get a sense from one of our key chartering organizations but that would provide no practical benefit that would help other chartering organizations. I don't see the need to change.

And I think I risk seeing this as just another example of our constant desire to relitigate things because we can. So I support for Option A.

Thomas Rickert: Thanks, Jordan. Avri.

Avri Doria: Thank you. Avri Doria speaking. I want to join those that are supporting Option A. I think first of all with the rest of the AOC components going in as regular bylaws the fact that the only reason this is going in is because we might get in trouble if we don't put it in. And it isn't really necessary I think is another reason to not consider giving it even more value than the whole rest of the AOC that it was a component of.

I think we have to remember that a regular bylaw is still difficult to change. You know, we haven't just said that by putting it another bylaw it could be changed willy-nilly, it would still be tough. I think that also when you think about what it would mean people talked about the pain already of having to go through all this stuff again of how we rebuild all our mechanisms under some other law, unless of course we're moving it to Delaware.

And so - but there's also going to be a budget impact. The idea that we would do all this and that we would spend all these millions, so that means we really have two shots for knocking it out. We have the shot of knocking it out for changing the bylaw and then we have a budget that would have to take into account that decision. So it's already nearly impossible to do. And so putting it in the fundamental bylaws is really just a thumb in the eye to the rest of the world saying - and we really, really, really mean it so you guys don't even think about it. So I really - I think that we should keep it at Option A if we have to do anything at all.

Thomas Rickert: Thanks, Avri. Tijani.

Tijani Ben Jemaa: Thank you, Thomas. You remember very well at the beginning that there are people asking for moving ICANN from California to Geneva, etcetera, a lot of discussion about that. And we finally closed this discussion saying that we are not about jurisdiction or about location of ICANN, we are about making mechanisms of accountability for the transition so it is not our job to do it now. And we moved it to Work Stream 2 if you remember very well, the jurisdiction.

So my fear is that if we move it to a fundamental bylaw we will open again this discussion. And we may have pushback. And we have a problem of time.

So we don't - we have to come up with a proposal that are acceptable by everyone. Thank you.

Thomas Rickert: Thanks, Tijani. Bruce.

Bruce Tonkin: Just wanted to make - I'm a little lost because I think before you were talking about the numbers of people required in review teams so just a comment on that. Yeah. I think we should avoid trying to put too many specific details into the bylaws to be honest. And if I use the board, for example, we have board committees and those committees have different numbers of members. And we set that in the charters of those committees.

So what I suggest with the Affirmation of Commitment reviews is you leave it more general in the bylaws. But I assume that each of these reviews would have their own sort of set of rules and terms of reference and charters. And we evolve that over time because it's not a fixed number per issue so I don't think you need as many people on security review as compared to say the new gTLD review. I realize it's up to - but you might even want to be bigger in some of these reviews.

And also you're looking at - for the new gTLD process it's the very first review so it'll be a lot of different opinions there. You probably actually want to go a bit larger for that, that's a really major review versus something that is much more stable and is going to be sort of small changes you might want a review team of just six, you know. So I think we should not try and be too prescriptive in the bylaws and allow that to be set in charters in terms of reference for the individual reviews.

Thomas Rickert: Thanks, Bruce. I could see a lot of nodding from here just as a procedural point. I think our group is very much leaning towards Option B and is ready to

confirm it. So in order to make progress I would be inclined to tick that off the list and mark it green. What I suggest doing though is that, you know, from a bylaw drafting perspective being a lawyer I think it doesn't belong into the bylaws. Right.

((Crosstalk))

Thomas Rickert: The requirement is there. And I suggest that we take stock on that point settling on Option B in terms of substance. But we bring it up on the list looking for support to not write it up in the bylaws but put it into other documents. Right, so that we can take stock on the notion. But we can be flexible on where we put it. I hope that is an acceptable way forward. Chris.

Chris Disspain: Two things. One, just to endorse what Bruce said and what you said, maybe we should think about putting a bylaw in place - putting in a simple bylaw that talks about an operational procedures document and say the operational procedures document contains all the detail and the - and it sits underneath the bylaw. But it's just a thought.

But secondly and much more importantly at this point, I want to change my position. I'm -having thought about it and thought about the Articles of Incorporation I'm actually fine with it being a standard regular bylaw. So thanks.

Thomas Rickert: So you make it easy for me to segue into taking stock of this discussion. On the first two questions we did not see any violent opposition against moving away from having Options B as a result so let's confirm that. With respect to the third point of making it fundamental or not let's look at the mechanisms again. We would need consensus on changing what we had in previous reports. And I don't see that consensus emerging. And I'm not going to repeat

any of the arguments that have been made. But I'd just like to add one factor to it.

Even those that have really asked for the question of jurisdiction to be discussed wanted to look at it in a more nuanced fashion, not that much in place of - in terms of place of incorporation but in contractual matters legal recourse, what jurisdiction does apply to that. So it is more nuanced. And I would just add that I wouldn't want to be the manager managing the transition from ICANN into another jurisdiction. You know, other than the bylaw power where you just say, you know, we're going to need to change that.

Moving ICANN elsewhere would be an administrative and logistical nightmare. So I think we should pause here. Thank you very much for a very constructive discussion. And over to Mathieu.

Mathieu Weill: Thank you very much, Thomas. It's good that we're really keeping this constructive and engagement one all across the week. And what we want to highlight here is some of the shorter next steps. But starting with probably a little look a week back.

We've made tremendous progress. It's actually exceeding expectations. I expect - I suppose for many of you we are far beyond what we would expect. And that's - and that's certainly worth noting. I tried to recap a couple of the key decisions we've made to make sure we measure the progress we have been making.

Because obviously we are having a little problem accessing the scorecard. But you have the link in the chat on the scorecard and you'll see that basically we have moved all the items into a refinement stage at least if not already agreed all except for this one weighting item of which I will not pronounce the name

or the number or anything because it shall not be spoken of except at probably my understanding is that we will be now in a position to further the discussion about it may be without mentioning its name.

I hope there are not too many outside participants who are not familiar with our work because otherwise they're probably totally lost by now. So we will - well apart from this we've made progress in the mission and core values, we are currently ensuring that we can have - but we are in agreement with the requirement to have the contract enforcement clarified in this with the right checks and balances for registry and registrars.

We are moving on with general statement on the human rights which still needs to be refined. We are moving the IRP discussion into the implementation group phase and that is no small feat. I think that must really be something to emphasize in terms of achievement from this group. We have the sole designator model as our new reference model.

We are still refining the decision making mechanism but we have adopted a new approach of - which enables us to assess the level of support and the level of objection. We have found a very balanced process and approach for the one year operating plan and budget, which was an outstanding item coming into Dublin.

Same for the removal of individual board directors which were giving way to a lot of discussions and we found something that is taking every perspective into an appropriate balance. And I would really speak about a balance between the various aspects here. And I would call it the Tijani balance because it's certainly something that was highlighted by him in the Paris meeting.

We finalized some of the details of the AOC review in cooperation into the bylaws. We are absolutely - we are very close to be able to have this bylaws ready for our consideration in terms of implementation. We've adopted a focused list of Work Stream 2 items with transparency being one of the most prominent ones. And we know that we also have some transparency discussion to finalize as part of the discussion on the model.

And we have updated our timeline in a manner that I think is appropriately capturing the balance between the various constraints that we have, the timeline constraint but also the need for an inclusive and open and bottom up process.

So there's plenty of work ahead. No shortage of conference calls and work parties and drafts to be reviewed at the last minute. I can promise that. And I think that's extremely - that's - I mean, that's the best outcome we could have expected. And we really can be proud of this.

I'd like to highlight what we think are the key priorities now. We will certainly try and update the community at a public forum and publish a co-chair statement recapping the progress we've made as well as the timeline. We are going to actually work on defining this finalization of the report process, hiring the writers, that's going to be on our agenda in our debrief which is taking place right after this meeting. So you can expect this on the agenda for Tuesday's meeting.

We have to finalize the decision making discussions into Work Party 1. We also have to finalize the transparency discussions that were started yesterday. And those at the moment are key next steps. And before we actually close the meeting I'd like to check with the room and have a couple of remarks to make before we close the meeting. But check with the room whether we have

captured correctly what you think are the key priorities we need to focus on now and whether there are next - other next steps to be considered in this part.

And I guess the hands that are in the room are - were there before so they're old hands. And James, maybe the...

((Crosstalk))

Mathieu Weill: Yeah, go ahead.

((Crosstalk))

James Gannon: Thank you. James Gannon. So Keith Drazek made a very good point in the chat earlier and I'd like to kind of get a feel for the room. So could anybody's who's going to be at the IGF raise your hand? Yes. So...

((Crosstalk))

James Gannon: ...Pedro has said that - so Pedro from GAC has said that if necessary he may be able to organize a room for us in Joao Pessoa so I think that an official communication from the co-chairs it would be a useful exercise that if we try and organize some - even if it's just an ad hoc basis somewhere for us to work while we have some time for free where many of us are going to be together to an informal face to face so to speak while, you know, at least 40%, 50% of the group are going to be in a physical place together.

Mathieu Weill: It's a good point. And I think we'll need to think about how to best benefit from this physical proximity, maybe in reviewing some documents or something...

((Crosstalk))

Mathieu Weill: Yeah, definitely. I'm a bit confused with the queue in the room right now. I know Kavouss wants to speak, Mary and Tijani. Tijani, can you raise your hand in the room?

Kavouss Arasteh: Yes, two issues in (unintelligible) ICG meeting and I have to report to the ICG with respect to the process of the CCWG. I am not happy with the issue relating to the separations of the PTI. There is no enforcing procedures. The only thing that enforcing the process. And after that we have to go to the recall of the board, which is totally disruptive and impossible.

I don't understand why there is no possibility to include something as the intermediate (unintelligible) not to go immediately to the recall of the board. If the board does not approve the separations we have no means unless go to recall the board which is not a good process and disruptive. This is point one.

Point Number 2, decision making, is totally (unintelligible) clear - clearly (unintelligible). If SSAC and RSAC does not participate there may only five and within that five GAC is one of them. And if do not count GAC as a decision - as a counted advice then when and how these four plus one will be filled up because we have four in favor and one against. And that one if it is not counted so that column has no meaning. Please reconsider the situation. This is something very, very vague. Thank you.

Mathieu Weill: Thank you, Kavouss. I think the first point we need to investigate offline. Mary, Tijani and then Avri. Mary.

Mary Uduma: I just want to thank this group. This is the most intelligent group I've been onto since my life going to global meetings. And the takeaway is always when

there is cooperation, when there is collaboration, when there is balance, when there is consideration for other people's view. And at the end of the day let's have an ICANN that all of us will be proud of. And I'm proud of you guys. You've done so well. Please, can we clap for them?

Mathieu Weill: Oh you're stealing my words.

Mary Uduma: I'm saying this because I'm going away for ICG. Thank you.

Mathieu Weill: And thank you so much, Mary. And, yeah, we'll come back to that. Tijani.

Tijani Ben Jemaa: Thank you very much. I'd like to support the proposal of James regarding the IGF but with a small difference. It is good to meet and to discuss but it is better - it is more, let's say we can add to that a communication effort to show to the global Internet community that the multi-stakeholder model is working and then - and that it is not what some people are saying that it will not work and it is better to go (unintelligible), thank you.

Mathieu Weill: Thank you very much, Tijani. Avri.

Avri Doria: Thank you. Avri Doria speaking. I don't - I wanted to speak to Kavouss's issue briefly. I know you said we'd take it offline but I put my hand up to speak to it. I think that it's not quite as dire as Kavouss believes because if you look at the escalation letter we've got if the community mechanism and the board were to come to different decisions there is that dialogue between them before escalating further up the ladder. And then, you know, if that dialogue or mediation or some such doesn't work then you're at the nastiness of either spilling the board or going to court.

But there really is the opportunity for a dialogue phase after the community mechanism and the board have each made their decision on the outcome of the SCWG. And just wanted to put that into the consideration, that it's not terribly dire.

Mathieu Weill: Thank you, Avri. Bruce, you really want the last word.

Bruce Tonkin: Just thought, yeah, certain I endorse what Avri just said. I also just want to put a bit of context here. I mean, the IANA function today works very closely with the users of the IANA function. And every single one of those users have said the IANA function is performing its role to their satisfaction. The first escalation point is basically those users and they, you know, the whole point in the CWG proposal and all the other proposals is there's basically effectively a user group that's formed, I can't remember the exact terminology but I'll have a great acronym for it. It was basically a user group.

And by and large those things will be resolved. And this is well down in the organization, it's not even at the CEO level. And then the first escalation would be to take it up to the manager, which I think is Akram, and the next point is Fadi, as the CEO, then the next point is the board and we have board members that have come from each of the supporting organizations that relate to the IANA functions.

And then you get to the community mechanism and then we have a public forum. I mean, you're talking about so many points of escalation on a function that's just basically putting names in the equivalent. I could run it on my laptop. I think we're just, you know, why are you over-baking this. So, yes, if after all those mechanisms the IANA function is not working, of course get rid of the board. But the chances of that happening I think are infinitesimal.

Mathieu Weill: Thank you that's - I think I've heard this discussion take place before in the CWG a few times. It's actually interesting that we're closing a sort of loop at the end of this week with this particular point. But what I think we can take away from this week is the wonderful and amazing way we're bringing people together from the different groups into the same room in a collaborative manner actually makes a difference. It brings progress, it makes differences. And this is something that we need to go home with. This is our takeaway message that when we get together we can find a way.

And that's, I think, what we need to convey to our respective organizations and beyond to our respective communities that it's - this is what works. And this is what we are actually embedding in our accountability framework. We're embedding so many opportunities for the discussions to take place.

So that's really I think what we need to think back to. And we need to also acknowledge that it's a tiring, sometimes exhausting, often frustrating but also very rewarding experience when we do that. And actually this week has been, I mean, yeah, no sleep, the stress, whatever, it's over now. This is the time when we finish our sessions. It's going to be at least four days before we reconvene on the phone. I mean, that's great, right?

And I think we need to really say a big thanks to the meeting staff, they've been tremendous in adjusting all the times. And I know with them there's the IT team at ICANN, all the support in ICANN, the travel support have been, I mean, doing marvelous things for us with very short notice in the last few months. We have the wonderful creative team at Xplane who have been in front of you for the breakout sessions, yeah, including (Dave). I'm including you, (Dave).

Now we have - we're delighted to have (Tran) and the implementation team getting on board. And I think that is an extremely good sign that we need to bring them into the group and get them to familiarize themselves with our work. And I'm sure I'm forgetting many in the ICANN organization and I apologize for that.

I want to thank our lawyers for being quiet but also for being extremely productive all the week. You haven't seen that because it was in the background but they've been doing tremendous work on very short turnaround. But, yeah, the quiet aspect is quite an achievement.

Yeah, that was actually nice, Holly, in the French context. Consider it a cultural difference. I want to thank also our wonderful direct support team. I mean, Alice, Hillary, Bernie, they've been outstanding. They've been turning around agendas and slides in a few hours' time and I can tell you that they are all seriously behind on sleep. And yet they are still thinking about bringing me this in case, you know, I get to starve in the morning. So thank you for taking care of us. And you've been great.

Kudos as well to the rapporteurs. They always find ways to produce an additional document like this, like in two hours, they've been doing 10 calls a week. And yet they still bring us - you have no idea the insight they're providing us in these meetings and they're really, really challenging us into prepping better and I think that's making a very good - a very significant difference in the way the meetings are managed after that.

And I think we need to also acknowledge that they have been demonstrating leadership in their ability to go beyond their own personal views for the benefit of the process. And I think that needs to be stated, reinforced and deserves a big round of applause.

Oh special thanks to my fellow co-chairs, Thomas and Leon. You guys - it's inspiring and amazing to work with you. And I think we're a good team.

Leon Sanchez: And thanks to Mathieu too.

Mathieu Weill: And finally thanks to you because this is all your work. This is your report. This is going to be your report. And especially the remote participants who have been following, we haven't heard that many during the week but I know there've been a few. And well it's great to - well I'm learning a lot from you both in terms of managing the meetings because of your feedback direct feedback, honest feedback, blunt feedback sometimes.

But also because you're - the value of the knowledge and the skills that you have is what we have in the report. So that's something you need to be proud of and from the bottom of my heart it's a great team to work with so thank you all and I hope you are - enjoy the end of the meeting. Stay tuned for the public forum later today. And safe trips back because we have a packed agenda still for the next few weeks. Thank you very much, everyone.

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