

**ICANN**

**Moderator: Brenda Brewer  
November 2, 2015  
9:00 am CT**

Coordinator: Your recording has started.

León Sanchez: Thank you very much. Welcome everyone. This is Working Party 4 meeting number nine on November 2, 2015. I believe that we have Kavouss on the line but he's not in the Adobe Connect room. So could you please add Kavouss to the roll call?

And is there anyone else on the call bride that is not in the Adobe Connect room at this point? Okay. So I don't seem to listen to anyone else in the phone bridge that is not in the Adobe Connect room. So let's begin.

As you know, we have to actually finalize our work to date in order to forward to the CCWG and have them take a look at what we are trying to propose be included in our part of the proposal hopefully our final proposal. And Greg and Tatiana was taxed with advancing the work on both the comment assessment, which I believe was already closed, but there was also oh and Niels too there was also another document that was supposed to be drafted, which is the one that I am displaying in the screen right.

And this is of course my approach to what our deliverable could look. And what it does is that it takes what we have in our second draft proposal and of course it puts in the input that we received from the second public comment period. You can see the changes after the bullet on the NTIA criteria. All the section beneath that is new, and I would like to review that in this call.

So if we are in agreement, this could actually be our deliverable for the CCWG. So I'm not sure if Greg, Tatiana, or Niels could give us an update on where we are on finalizing our document. And I saw David McAuley's hand was up but it was then lowered and it's now back again. So I would go with David, then with Niels, and then with Greg. So, David?

David McAuley: León, thank you. David McAuley here. Actually when I saw that Niels put his hand up, I thought I should go after Niels and after Greg. I really have a question, but if they're going to give an overview, that's preferable right now. So thank you.

León Sanchez: Okay, David. Then we'll go back to you. Niels.

Niels Ten Oever: Hi, León. Thank you very much and hello all from evening in Japan. León, I have to say I'm a tad bit surprised about the document that's now on the screen because in my maybe limited understanding, we were working on one document and that was the document that León, Tatiana, and I were working now. So I do not completely understand where this document is coming from.

And then specifically I also do not completely understand where the new text in there is coming from, because I don't think that was the text that we were moving toward. So I think I would propose, and let me check with Tatiana and Greg and the others if they understood it as well that we would work on the

other document and that we would go through that and then if we analyzed that and agree on that, that would be our submission to the CCWG.

León Sanchez: Thanks, Niels. Yes this might seem surprising but I couldn't find another way to actually send this to the group in such a short notice. I don't mind working on the Google Doc that's been worked since I think since long ago. This is just, as I said, my take on how our deliverable could look.

But I mean just feel free to take what it is displayed on the screen as an input or you could also discard it I mean. It's just that I had my way of saying this is how I think it could look our deliverable to the larger CCWG no way an intent or a way of discarding what we have been already working on.

Niels Ten Oever: But this was also not how we agreed in the previous call how we would go forward, right?

León Sanchez: It isn't but since we didn't have any, or at least I didn't receive any, input or further input on the document, I thought that maybe...

Niels Ten Oever: We had been working for three days on the document. We have been working from the moment directly after we ended the call. We have been working on the document. So I do not completely understand where there has been no input or there has been no work (unintelligible).

León Sanchez: Well I'm sorry but I didn't receive any input or any updates on that work, and I apologize if this sends the wrong message, but I really haven't received anything, Niels. So that is why I put this up.

Niels Ten Oever: No but we can go back to the notes on the previous meeting and there we agreed we'd share it to the list (unintelligible).

León Sanchez: I'm sorry, you're cutting off. Niels?

Niels Ten Oever: Sorry my connection dropped. Am I back?

León Sanchez: Yes you're back.

Niels Ten Oever: So we shared the link. We shared the link explicitly, and we agreed that we would work in that document. So I'm very surprised that now all of sudden there is a new document presented with new text, whereas we have been working on a document as agreed. And I would be a bit surprised if we would deviate from the process as we agreed.

León Sanchez: Thanks, Niels. I want to more emphasize that this is not intended to deviate any of the work, it is just an update that I was proposing, as I didn't receive any updates on the work that you've been doing on the last three days. That's it. I mean you can throw it in the trash if you want, I don't care. I just want to actually move forward. Greg? Greg, might you be on mute?

Greg Shatan: Thank you. Sorry about that. Yes I was on mute. León well first, Niels, I admire your diplomatic restraint and I will aspire to it. León, you seem to have become disconnected from the work of this group and from the working method that this group agreed to on its last call.

We agreed to work on the Google Doc on the last call. The link to the Google Doc was shared with everybody, including yourself, on this call, and that's where the work was taking place. And you should have gone back to that document as we agreed in order to move forward in this work.

The document that is up on the screen now appears to be a clean version or some I'm not sure what this is either. Maybe this is a document that I sent around but if so, then it's been sent without all of the marked text, which is also incorrect. So I will need to send a proper copy with the markings.

But the document that was displayed up in the screen bears no relationship to the work that the actual working group has been doing for the last three days though. I don't appreciate the fact that that now appears to have been discarded. So I will make a new PDP that we can put on the screen, but probably from the point of view of utility, it would be better if everyone went back to the Google Doc where the working group has been working and if we work through that document. Thank you.

León Sanchez: Thanks, Greg. And once more, I haven't discarded anything. This document that I put on the screen at the beginning of the call, if you remember we agreed to work on two documents, the first one being the comment assessment, which is the document that has been being worked in the Google Doc and that has all our work that we have carried out through the assessment of the second public comment period. And there is also another document that we need to deliver, which is the actual text that we will be forwarding to be included in the third proposal.

What I displayed in the screen was my approach as to how the deliverable could look, but it doesn't any way discard any of the work that...

Greg Shatan: León, with respect, the word document that Tatiana and Niels and David and (Matthew) and I had been working on is not the public comment document. We were working on the deliverable. The public comment document has been close. It's been delivered. There's no reason to work on it. Nobody was working on that. You seem to have misunderstood.

And the document, this one-page document, is not the work of this group and frankly appears to be a top-down attempt to co-opt the group, which I'd like to assume is entirely inadvertant because otherwise I would be completely shocked. So I say once again that we discard this one-page document and go back to work on the deliverable the five of us have spent many, many hours working on for the benefit of this group and for the benefit of the CCWG and the ICANN community.

León Sanchez: Yes, Greg. It isn't a top-down decision and I am, as I said, very happy to go back to the document that you have been working on, but I do encourage that we have closure on substance because we do have a deadline. And we already extended that deadline. We were supposed to deliver yesterday and I mean if we could close the work on this and have a clean version of the document so we can deliver, that will be perfect. Are you okay with that?

Greg Shatan: Well let's go to the document that we're working on and work through the issues and then after this, we can I'm happy to take some time in the course of the day and along with anybody else who wants to to finalize it based on our discussion.

León Sanchez: Good. Let's do that then. Could you take us through the document?

Greg Shatan: Sure. Do we want to go over to the Google Doc so we can work on it there?

León Sanchez: I would suggest so, yes.

Greg Shatan: Okay. So I'm now over in the Google Doc, and I see a number of anonymous animals over there. So let me just kind of start talking through it.

As we all noted, or at least Niels and I noted, we worked through this document and a number of comments were made. What I did after several other members commented was to try to resolve any writing or drafting issues that were not substantive and accept those and left the remainder of them for the discussion that we're having now.

So the first page of the document doesn't contain anything that needs to be reviewed, although of course it can be read. But as you can see, it appears, you know, to be clean. Basically the first section elaborating an ICANN commitment to human rights revises the section in the second draft in order to create an updated section. Then the next section is an abbreviated version of the public comments discussion. So it would go in the actual report rather than in the public comment deliverable.

And the first point in that comes on Page 2 in the two paragraphs of highlighted text, which were in the public comment report but which in the rushed work in Dublin we did not actually discuss either of these points in their entirety, or really at all.

And the first of these points is a suggestion by this group that the CCWG consider the level of support, to consider how to analyze and interpret the level of support we found, and whether this and how this should guide the CCWG's further work on the subject, and that's specified in the first couple of sentences, which is that out of the 23 comments that supported that out of the 23 comments that commented on the human rights bylaw, 10 of them supported including it in Work Stream 1 as a bylaw, five comment did not support including any human rights bylaw, two additional comments did not support addressing this issue in Work Stream 1.

So the question is whether this should be seen to change our the CCWG's approach or commitment to putting this in Work Stream 1 since 10 out of 23 is not an overwhelming ratio, but of course the public comments are being considered and taken into account but they're not dispositive of the work of the group. So the question is whether anybody has any comments on this section and how we would if we should change or recommend any change to the CCWG in our approach to it.

Niels?

Niels Ten Oever: Hi, Greg. First of all thanks very much for working on this in the last day. So yes, we put in a lot of time in this, and I think the document is really getting somewhere. And I by no means would disregard any comment made in the comment period, it's extremely important, but I think we should also make use of the public comment period ahead of it and build on the very fruitful, constructive discussions we've had in WP4.

So I think we should put this text in this document to show that we're transparent, but it also shows our line of thinking and how we come to the conclusions that we reached further down. So I think that this document really clearly, both systematically and historically, shows how we developed our thinking in the group.

Greg Shatan: Thank you, Niels. I would tend to agree. I think that we should note that, you know, some, you know, the comments were a bit all over the place on including this but that overall the CCWG has supported this. So I think we would, you know, make some change. Eliminate the first highlighted paragraph and change the document so that it kind of reflects what you and I are saying.



But of course there are others in the group, so if they want to comment, I'm more than happy to take comments. You know, the idea in this call is to have an active discussion of this document so that those who do work on it afterwards can be guided, unless everybody on this call and on this mailing list is going to comment on it. So.

Anybody else have any thoughts on that approach? Oh, seeing no further comments I'll take that as assent to the approach that's just been outlined.

Moving on to the second highlighted paragraph, which is need for more detail, I think we have in fact dealt with that in the remaining pages of this document. So I would say that we have responded to that and that we can again just remove this highlighted paragraph too and replace it with, you know, basically a sentence that says we have responded to the criticisms and it's consistent with our work plan has developed the document below, something along that line. I think we already have some text in here that tends to go there, I think.

So that really takes care of that point as well. I'm sorry I can't really talk through the document and walk through the document and actually make live changes at the same time. I would actually have to have more brains and more hands than I have, but at least as long as we, you know, talk through it, we should be able to make the changes either now or as we move along (unintelligible), you know, certainly appreciated. But in this case, I'm just going to take these sections and delete them in favor of comments just discussed, or the approach just discussed.

Then in the next paragraph there's a comment from (Matthew) who wasn't logged in but appears as anonymous, but all the anonymous comments I believe are (Matthew)'s, that a poll was an interesting exercise but suggested perhaps we not discuss it here. And I do tend to agree that we don't have to.

The point there is kind of a tendency in this group and in the larger group to discuss process rather than results, and I think it's good to be transparent about process but I'm actually losing your results in the sea of process of discussion. So I think that we don't need to have the highlighted language here. It's enough to state that we revisited the language and considered alternative formulations and forwarded alternative solutions, which would essentially just mean removing this highlighted text right here. And I think the remaining paragraph flows quite nicely.

So these were sections, the alternatives that were released. They were forwarded to the CCWG but again, given the compressed working style of things in Dublin, I don't think we did not actually discuss any changes. And the working party was sent back to quote, unquote refine the language of the bylaw itself.

David, I saw a hand up but and then it went down again. So...?

David McAuley: Greg, thank you. It went up when you suggested deleting the need for a more detailed paragraph. And I simply wanted to say rather than I said it in chat but I wanted to say it also online because I recognize how hard it is what you're doing, trying to juggle watching chat, making these comments, et cetera, that I just agree with that. I thought that was a good idea. And the follow-on comment you just made I thought was a good idea too. So that's all that was. Thank you.

Greg Shatan: Right. Thank you, David. I'll also note that everybody has suggesting rights, in other words the ability to make marked changes like I'm doing. So everything will appear as work in progress. And I'm doing, although I have edit rights, I'm not going to use them at this point because I don't want my

changes to take any or my suggested changes to take any precedence over anybody else. Plus we'll need to go back to the document and formalize changes and pick up any, you know, errors.

So in any case, that brings us to the next kind of real discussion point and maybe the key one of the key discussion points that we need to cover on this call, which is what the suggested bylaw language will look like when we send it back to the CCWG for what is likely to be kind of the final consideration.

Although given that we need to make decisions over two calls, I guess the final consideration will take place over two calls, but the working party doesn't I think need to follow that (unintelligible). Plus we don't have the time to. So we need to consider what our actual bylaw language suggestion will look like.

Number one is the one that seems to have, you know, taken some it was the winner of the two in the in our second report, but again only a small minority of comments actually approved it more than the comments that liked the second one. But there were more comments that rejected or did not approve or did not support this version of the bylaw of the other version of the bylaw.

So clearly we still have work to do, and in spite of the small amount of time we have, we can't avoid doing it. So the question is what, if anything, should we do to revise this language.

Niels Ten Oever: Greg, can I...?

Greg Shatan: Yes please go ahead, Niels.

Niels Ten Oever: Hi, Greg. Thanks. We have made minimal changes to the text. And I would like to say there was I think that the number of people that opposed the text was not that large. But there were people who said that more details were needed.

And I think in Dublin there seemed to be the sense of the room was that this was the text that we would go with and that we would refine it. And that refinement, as you probably recall, was mostly asked for by James Bladel, or James Bladel. And I think his concerns, which we both discussed with him, has been addressed in the text of the analysis.

So if the analysis and the transition on bylaw I think should be able to take away the concerns that were there. So I see the transitional bylaw, as suggested by León, actually as the refinement that we promised in Dublin which would help us deliver on our promise and that was that we would refine it. So I would say that the refinement is analysis plus the transitional bylaw that we've been making, that we're proposing here.

Greg Shatan: Thank you, Niels. Tatiana?

Tatiana Tropina: Hi all. Tatiana Tropina speaking for the record. I actually agree with Niels and I want to say more of the same thing. There was only party, James, who raised this concern, and I think they mostly refer to the alterations to the language related to the work of duration.

And I think this is likely to be addressed in the rational, in the explanatory notes, and also, as Niels told him, in our commitment in transitional bylaw to implement the framework, which will cover everything, kind of how this bylaw will be implemented internally into this process and framework and so

on. So I think this is already a major refinement that can be submitted to the CCWG back and for public comments. Thanks.

Greg Shatan: Thank you, Tatiana. I went back and looked at the transcript for the meeting on Friday at the face to face, which is the only time when we actually discussed this. And I have to say that I had a different view based on the discussion, based on what I read in the transcript, which was that the majority of it was, you know, seemed to be kind of León leading us through discussion and that the discussion of what was to be the assignment to what was to be refined was the language of the bylaw, not merely to create additional explanatory text.

And that the there was, you know, really very little discussion one way or the other of the actual text. So I'm trying to pull up the transcript now, because I think that, you know, we kind of need to work in further in to where we stood in Dublin. So if we have a divergent understanding of where we were in Dublin, that's a problem for moving forward.

So in terms of comments from the floor I'm looking at this now, so there are comments from James, who discussed concerns with the text of the bylaw, also Malcolm Hutty discussed concerns with the text of the bylaw. Alan Greenberg. Let's see. I'm trying to read this on the fly.

Man: Greg, while you're doing it, Tatiana's hand is up.

Greg Shatan: Yes okay. Tatiana?

Tatiana Tropina: Tatiana Tropina for the record. Greg, I think we had so little time in Dublin for any kind of meaningful discussion on human rights because we didn't have much time. So I would of course love to see us all on the same page, but since

no decision was taken in terms of what should be refined, no tips were given, so we basically have to, you know, kind of move blindly and just intuitively see what can be refined.

But I think also that we are a bit on the safe side because there would be a third period of public comments. So if anything has to be tweaked or fine tuned, we can still make it. I mean I'm not trying to perform this job. You see that I was working on these documents as well and they are all thank you again for getting us through this doc trying to do our best, but I believe just this position right now of trying to find any decision while a decision was not made, it's not actually a constructive approach because I don't believe any decision was made or any proposal was given concerning what kind of refinement should develop.

And of course refinement was not the source of the explanatory notes. But I believe that in terms of refinement and in terms of any kind of proposals, the fact that the transitional bylaw suggests bylaw is there and the fact that we I think refined the language a bit is already kind of enough to call it refinement and agreement within the group. I'm not sure. I mean if someone has anything to say against this, I would gladly listen to any arguments. Thanks.

Greg Shatan: Thank you, Tatiana. In the interim, I did find the language in the transcript which I was recalling which is on Page 175 and 176 where it says León says, "So I guess my take from the discussion is that we obviously need refinement.

"I would just call for refining point number one because that is the one that I think is actually have more traction and we would take that language and refine it and from there we would, of course, come back to the group. Is that something we agree on? Yes, applause. Perfect." Then there's an intervention from Eberhard Lisse and then León response, "Thank you very much."

Eberhard, “Okay. So we had an action item which is refining point number one of this language and coming back and come back to our group.” So that closes the discussion on human rights. So that is what I’m referring to.

So the question then is how do we define the language of point number one which is actually the number two in from the second report which is the within its mission and its operations, ICANN will be committed to respecting internationally recognized fundamental human rights.

So I think we have refined that already to some extent which is on which is a document in the document is point number one where the anonymous (go for) is (marked as) sitting right now.

So the question is, you know, and it’s still you know, somewhat unclear how do we take the comments that were made from before and refine this? And or do we come back and say we considered it and we had no changes to make to the language in point number one (itself). I’m not sure which is our new or old. I would take my own hand down. Niels, if that’s a new hand, I’ll call on you, otherwise, León.

Niels Ten Oever: Yes, thank you, Greg. Well, I think what we are doing right now, I mean, so we can now have a cemented discussion about whether refining is commenting, explaining, having (unintelligible), but I really think that the analysis and the transitional bylaws to provide the refinements that are asked for.

If you look at the comments and the comments I pasted in the comments that James Bladel made, that perhaps where we need a little bit more (expansion

on) item number one, which is my preference now, is expand what we mean within the mission of (global) operations.

We also need to know what it means to respect. Well, that's exactly what we've been writing about and we then build in the (extra) security that we would that this bylaw would not become effective until the framework is developed and implemented.

So that would should give everyone enough comfort that there will not be any unintended consequence of this bylaw, so at least we have something in work stream one which we've seen all to have that agreed on and consented in the group as they wanted to go ahead with that.

Greg Shatan: Thank you, Niels. That's a fair point. And I guess, in terms of the semantics, the discussion of the work refinement, probably the best way to deal with what was meant when León said refinement in the meeting on Friday in Dublin is task León since he said it, so he put his hand up. León.

León Sanchez: Thanks, Greg. I actually wanted to exactly do what you asked for. As far as I recall, when I said that we needed clarification, it came because we didn't really have closure as to whether make some kind of reference to the universal declaration of human rights or any other document.

And that is why I called for the need to refine the text the proposed text to go in the bylaws. And that is why or as far as I recall, that is why I said that we (needed) refinement.

But then for our discussion, it's been clear that we haven't come to any kind of agreement as to whether referring to a single or multiple document of human rights, and that is why a proposed the transitional bylaws which would



actually put the proposed tax on hold until this cross community working group (task) for developing (the interpretation) framework would actually develop the kind of document.

And then when we have that document and the bylaws on human rights would actually be become (inter force) so I would say that I could be in agreement with what Niels and Tatiana has said, that refinement could be seen as this transitional bylaws proposal. And that, of course, was what we have all the framework of interpretation and our work would be completed in regard to human rights. Thanks.

Greg Shatan: Thank you, León. Markus.

Markus Kummer Yes, hello. Just trying to find the mute button. I hope you can hear me.

Man: Yes.

Markus Kummer Well, thanks, Niels for your hard work and building on the discussion. But it's a at the last call that the board may come back with its (our position) and just to reiterate again, the board's commitment to upholding human rights as was stated at the meeting in Los Angeles.

One of our concerns is really within the ICANN mission, and this is not extended the ICANN mission and scope of responsibilities such as (unintelligible) content associated that (he made a Web site).

So (defining) the language on mission and operations, we clearly would like to have some language as specified but is limited to that upholding the human rights is limited to those within its narrow (technical mission) of the identified

of the (core parameters) and domain names, just to build a firewall around this.

And if you allow, as I have the floor, I can also be a little bit more specific on the general principles. As I said, the board is committed to including language as some concern remains.

The discussion also today is a difficult discussion. Human rights is never an easy discussion in my experience from discussing human rights and other (unintelligible) is exactly the same in (business calling some people) next to Internet governance, the most single controversial issue.

But our fear is a bit that we might be rushing it a little bit. The way to having (it down) in work stream two is find, that at the same time, you have some concerns that it may not have sufficient time to discuss the implications and by including it in work stream two, that it might (lead to) a patchwork attempt to address these issues.

So to cut a long story short, we're (permitted) we really do think that we do need some time for careful analysis of all the implications and the bylaws any provisions contained in the bylaws are clearly (bonds) an international human rights and specifically the broad principles we'd like to (use the HR), while at the same time, as I said, limiting and making it clear that (it's committed) to the very narrow technical mission of identifying proper parameters and its domain names.

So this is, in essence, the thinking the current thinking of the board. But again, let me reiterate our commitment to human rights, but at the same time, let's not rush it too much. And I think the discussion we have or on this call was

very helpful in this regard. And I'm fairly confident that we come up to a solution that is we will need to forward and is acceptable to everyone. Thanks.

Greg Shatan: Thank you, Markus. Niels.

Niels Ten Oever: Well, I'm I could say I agree very much with Markus. I completely think that we should have the firewalls and I think that the firewall here is placed in two locations as it has been proposed, namely, in the text itself of bylaw one let me call it that, that within its mission and its operations, ICANN will respect internationally recognized human rights.

So I don't think that, within its mission and its operations, leave any space open. But in case people it might still not be 100% clear. Now, we say in the transitional bylaws that we will work in work stream two or in any other cross community working group charter.

We will discuss and work on the framework and to develop, implement and interpret this. And the first bylaw will not become active until that process has been done. That allows us for two things one thing is have a firm commitment that this work will happen, but secondly, also that we have the time, the attention and the proper time in the community to thoroughly discuss, study and elaborate on the framework.

Greg Shatan: Thank you, Niels. I see David's hand but I'll just interject momentarily but I think, you know, that I agree with you, Niels. I did they are, to some extent, looking at tightrope here.

And, you know, as any kind of good consensus process does, we end up with a result which reflects the inputs of all, but not necessarily, the pure opinion or desire of any.

So I think that that's the approach we should take. I think in terms of how we bring this document back to the larger group, I think we should come back to the group with, number one, on the screen, as the refinement, but note that there are, you know, potential suggestions to include to refine, to modify mission with narrow technical.

And you know, also make reference to the UDHR, but that it is the recommendation of WP4 that the bylaw language remains as or the suggested bylaw language remains as it is an option one and that the clarification of the meaning of mission and the clarification of internationally recognized human rights be made not in the text of the bylaw.

But, rather, through the work of the that's a done in work stream two which conceivably could end up recommending a modification to the bylaw itself but that the recommendation of the group is that there be essentially, you know, rationale and the framework of interpretation that would indicate how, you know, those the bylaws should be interpreted, including without limitations.

The two key phrases of, you know, mission and human rights. So I think that kind of, you know, would bring back the pure number one to the full CCWG with the recommendation that the refinement be in an underlying document and not in the bylaw itself. So that, I think, kind of then used to walk the tightrope that we have. David.

David McAuley: Thanks. David McAuley here. I think what I'm going to say is largely what you said, Greg, so thank you. But I may just state it's a little bit differently. And I'm reacting to some notes in the chat from Avri think, you know, in sort

of getting back towards you used a month or two ago, Greg, saying, a bylaw should not be a note to (self) for future work.

And maybe the way to do that is come I think what you are just saying is, leave number one as it is. Within its mission, et cetera, ICANN will respect internationally recognized human rights.

But then we go on to say a second sentence this is respect for human rights, not protection of human rights, and we slam the door on enforcement somehow. And if third sentence says this can be enlarged upon in work stream two.

Or as you said, maybe that's not in the bylaws itself but some other document. And it seems fairly clean, fairly simple, fairly short. Maybe that's the solution. Thank you.

Greg Shatan: Thank you, David. I'm going to try to note that in the document (called a) as a comment and so I..

((Crosstalk))

David McAuley: I can added as a comment later when we're done with it.

Greg Shatan: Okay, I'm just going to put David's comment here. Note to the group or note to self so that I don't have to type that up, but the point is that I take the point and it's, you know, protect does not equal (enforce).

And I see Avri's comment and we get I think we can kind of come back to that will me get to this section on the transitional bylaw. One thought I'm just

going to mention it now in case it comes out of my head later to have a hard stop for the document to for the bylaws to become effective.

And perhaps you know, we say that we want the group for the work to come back with a framework of interpretation within a year. But if we were going to say that, you know, within, say, 18 months, the bylaw will come effective with or without a framework of interpretation, that might have the point of putting a real deadline on any framework work and hopefully will result in good faith work to complete it will be for 18 months.

Hopefully it will not inspire people to somehow filibuster so that the bylaws become effective without any interpretation. But I agree that, you know, signing something to a work stream that could conceivably go on in perpetuity is would be appropriate.

So that's something I'd like to control for as well. I'm trying to find, you know, away between, you know, various discussions of putting everything into work stream two or and putting this in or leading the bylaws go live without any interpretation.

That seems to be the middle approach. And I intend to try to go for mental approaches personally. In spite of being named for a Russian (antergist), I prefer the middle approach. So Markus, is that a new hand?

Markus Kummer: Sorry, old hand. I'll take it down.

Greg Shatan: And, David, is that an old hand as well?

David McAuley: No, Greg, that's a new hand. I just when I heard you talk about a deadline, 18 months, I would caution us against a deadline. And let me just mention that

we have a fairly small group in WP4, less than 20 people, and we wrestle with this.

Human rights is incredibly difficult. If we have a deadline of 18 months, we won't meet it. That's my prediction. The other thing I would like to say is don't minimize work stream two. I'm going to channel an email you put, Greg, on the larger list and the last couple of days and that is what's reject this idea of the process of continuous improvement and let's remember there is a work stream two out there and it is something that we should embrace.

It's important to us. It's an important part of what we do. So I'm with you on that. I hope we continue to keep WS2. So I would just caution us against the deadline like that. Thank you.

Greg Shatan: Thank you, David and I think those are all points that are well taken. And my suggestion was just one suggestion. And I think we do need to find some way to respond to Avri's point I'm sure Avri will not be the only one to make it once this becomes live.

So we need to find some way to make it clear that we're pointing toward a result and towards an effective bylaw and that somehow, you know, it keeps us off the rocks of continuous non-improvements by consigning something to an endless work stream.

But I agree also that the work stream two has to be real and robust otherwise everything into work stream two has to come into work stream one which blows our entire plan because there is other stuff besides this and work stream two that can conceivably be done in work stream one.

So in any case so I think we need to find an alternative and I encourage, you know, all of us to try and come up with that, including you know, Avri, and I see Brett's comment as well.

So I look forward to an alternative that somehow that does meet the general idea of putting the bylaw itself into the bylaws in work stream one. So that is part of our challenge. Tatiana.

Tatiana Tropina: Thanks a lot, Greg. I would like to highlight that when (unintelligible) document we're also thinking about the enforcement of the actual process, you know, drafting frameworks and so one, in the work stream two because, I mean, some of the people are not insured that work stream two will ever happen.

So I think either we suggest to put it into the explanatory notes or into the transitional bylaws that the group, be it cross community work (and priority), or wherever, you name it, must be established to draft the framework for implementation of these bylaws and for assessment of these bylaws.

So I think this was as much as we could do on the drafting stage, but I also believe that, to make it actually happen in the work stream two, we need the bylaw language to be implemented in the work stream one.

Otherwise, I believe, that because we're a small group, because that could be a general lack of, you know, willingness to move toward human rights language, (unintelligible) towards the results, the bylaw on commitment to human rights, and as a result, the transitional bylaws which will oblige the (unintelligible) group, we will either end up with no human rights language in the bylaws if we just push everything to the work stream two.



Or we might end up just with this bylaw which is now being enacted. So as a safeguard, we're trying to put some language I don't remember, international bylaws in the explanatory notes just to safeguard this option. Eggs.

Greg Shatan: Thank you, Tatiana. David.

David McAuley: Thank you, Greg. I just wanted to state one thing further about the proposal I mentioned a couple of minutes ago, when we had. Number one, is the first sentence. Number two would be the sentence about no enforcement.

And that is when I say that, number one is the first sentence, would become (an active) bylaw as a consequence of work stream one because that sentence is there within its mission and in its operations, ICANN will respect I'm not saying to change that.

And so I think that gives us then the some flexibility that, in work stream two, if we want to refine that, we have sufficient time, that that'll easily (fit in). So and so to the (perplexion) that we don't have a bylaw we're giving a note to self, that solution doesn't do that. It actually has a bylaw that says we will respect this. It simply goes on and says it's respect. It's not protection. And so I think that's actually what we're looking for. Think you.

Greg Shatan: So, David, are you suggesting that there should not be the transitional bylaw or that the transitional bylaw should not have a should not say that the document will not be or that the bylaw will be effective until the framework is (issued)?

David McAuley: Yes. Absolutely. I'm talking about something to me, the transitional bylaw was hard to comprehend to begin with, to be honest with you. I mean, I understood why it was there but I just thought it never really clicked for me.

And so what I'm talking about is a solution where we would come back to the group and say within its mission, within its operations, ICANN will respect excuse me internationally recognized human rights.

But we would add another sentence and say this is simply a statement of respect and not protection. And that means nobody can use this to bring a claim against ICANN, anybody related, et cetera.

That's all. That would be active. And then, if we wanted to an explanatory document, we could say this also gives us the ability to enlarge on this, to refine it, to do whatever in work stream two where we have the time to do it.

And again, this is such a hard subject. I recognize the good will and that efforts of everybody else and I know this is tough, but that would be my suggestion. Thanks.

Greg Shatan: Thank you, David, and thank you for clarifying. Brett.

Brett Schaefer: Hi. Actually, I wanted to second what David said right there. As long as you have that protection clause in there, exclusively in the bylaws underneath option one here, I think that would be the optimal solution.

And that way you don't have to worry about work stream two. There's always an option to amend or to work on bylaws under the normal processes later on. And if we do end up going with the provisional bylaw option, I would much rather you Greg, you mentioned that you are looking for alternatives.

Instead of (deadlining) the community on its action and its deliberation, a better solution might be (deadlining) the time to act was the community does

take a decision. So, say, the bylaw must be either adopted or rejected within a certain amount of time what's the community does reach consensus. Thank you.

Greg Shatan: Thank you, Brett. Niels. Niels, you may be on mute. Is that an old hand? Tatiana. I see Niels has connection issues. Tatiana.

Tatiana Tropina: Sorry, I figure was an old hand actually.

Greg Shatan: Okay. Sorry, guess that revealed when Niels had connection issues. So...

Niels Ten Oever: Greg, I'm back.

Greg Shatan: You're back. Okay, thank you. Go ahead, Niels.

Niels Ten Oever: So even though I it's an ongoing to make an argument against myself which is probably the worst (kind of) negotiation process but I think we're here because we all honestly want to solve this issue.

So personally I would prefer David's proposal. I'm just afraid that it might not survive the public comment period and the issues that were raised in Ireland where we said that we would discuss a framework.

And I'm not sure. I'm willing to try that if we, in the analysis phase, as we're going to work on the analysis and the framework in work stream two that people would accept.

Because we do not been have the assurance that that will actually happen, right. So we need to now either choose the strategy, like we take the transitional bylaw and with that, we can enforce a work stream two or a

CCWG that will explain, or we will go without the transitional bylaw, but then there's the risk that people will say, well, it's all good and well that you have the (text) in the bylaws but in the analysis you say you're going to do more work but we're not assured that that will happen.

So we need to balance that somehow and I'm very much looking forward to hear how you people think we can assure the community. I think both possibilities would be agreeable for me, of course, (and we need to) work on this detail. But I'm very committed to work on you with this, that we lease get something in work stream two in the bylaws.

Greg Shatan: Thank you, Niels. León.

León Sanchez: Thanks, Greg. I really do like David's approach and I thank David for putting this on the table. I think that we could if we agree, we could actually have this as the way forward in regard to the proposed bylaw text.

But I would also suggest that as a means of ensuring that work stream two work will be actually carried out, we, however, remain with the (traditional final) option, of course, in a different wording that would only encompass the task of actually having these frameworks developed, but it would in no way make the bylaws (dependable) on operational operationalize it, because I mean, with the safeguard that David has introduced, I think we would be able to actually have a good proposal for the bylaws.

And we would also (in the transitional) bylaw, ensure that further work well would be actually carried out. So at this point, I would like to go back to my chairing position and I would call for any objections of actually moving forward with David's proposal. Are there any objections from I'm moving this way? And I see David...

Niels Ten Oever: León, can I ask one clarification question?

León Sanchez: Yes, of course, Niels.

Niels Ten Oever: Because there seems to be a big difference between what David said and what you said, because and what David said, there was no transitional bylaw and in what you said, there will be a transitional bylaw but that will only be to enforce work stream two, but there will not be the fact that it will only come into effect that when that work is done. If that is that my correct understanding or did I misunderstand?

León Sanchez: Yes, Niels, so let's do this step-by-step. First time, calling for whether we have objections on David's approach. And my suggestion is that once be (get that up), we would be calling for any objections on having a transitional bylaw.

That would ensure work stream two work, but of course, these transitional bylaws would not subject the operationalization of the actual bylaws. I mean, the bylaws would be forced as soon as it becomes inactive and what it depend on the any kind of framework of interpretation or anything else. I don't know if that answers your question.

David McAuley: León, can I make a further statement? It's David. Just make a little bit further statement about what I proposed?

León Sanchez: Yes, David. Yes, please do.

David McAuley: Thank you, León. Just to be clear, what I've I was suggesting as that you is that we would have a bylaw and that would be the sentence that's number one

in the list of alternatives and at that bylaw would have sentence number one and then we would add a sentence number two about non-enforcement.

And it would be, as I described it, a slam the door on enforcement sentence. I personally was against transition, but the way I saw that appearing was that when we do a draft proposal, it's a long document and it says, like, the second proposal said, you know, the group discussed HR. They did this. They did that. And they did the other thing.

And here's the text of their suggestion. And so I would suggest just those two sentences as text. But in the explanation, in the draft proposal, it would say this language would have a bylaw that is active, it requires respect for human rights.

And it would sort of elegantly, I think, lead the group, and this could be stated in the proposal as an explanation it would lead the group in WS2 to build on that. It would be an active, existing baseline human rights statement that the group could build on in work stream two.

There would not be a deadline. And they could build on it however work stream two builds on it. That's actually the way I saw it happening and I hope that's clear. If it's not, I'm happy to talk further about it. Thank you.

León Sanchez: Thanks David. Greg.

Greg Shatan: Thanks, León. I actually do have significant concerns about approach. First, I think that the respect, the enforcement issue I think is not the only issue that needs to be clarified with regards to the bylaws.

And I think that, you know, there is the definition of mission and there is the definition of internationally of what human rights will actually be referred to.

And there's really also aside from saying it's not enforcement what do we mean by respect? And that's in essence the operative word here.

And, you know, I think we've clarified in our in the draft document which I feel we're never going to get through on this call that respect is not in the telegraph that the (D Regi) principles will be lifted. But it's, you know, a more general word.

Without any place for without any interpretation my concern is that if this bylaw becomes effective immediately then everyone will be off to the races in trying to interpret and enforce it however they see fit based on, you know, wildly different views of what human rights, respect, ICANN's mission, et cetera, might be and what is needed to actually operationalize the bylaw.

So then I think we then have the situation that I think arose, you know, that brought rise to the transitional bylaw in the first place.

And I understand that there are, you know, differing opinions on the approach. But I still am concerned and I do like I do appreciate and support David's suggestion for changing the bylaw language itself.

But I still see the continuing need for the transitional bylaw and for a time period before it becomes effective in which and a framework of interpretation can be developed and would only hope that that framework and that time period could be as short as possible. Thanks.

León Sanchez: Thanks Greg. Next Tatiana.

Tatiana Tropina: Tatiana Tropina speaking. Well first of all I would like to say that I really can live with this proposal of David to insert now the sentence of the bylaw language to restrict and to address the issues of enforcement.

But then two points I would like to address concerning what Greg said. First of all the language respect is not unique for ICANN principles.

For example universal declaration is also assurance for the word respect. So I don't think that this is unique and these points are the right principles anyhow. But this is maybe more even theoretical debate.

Concerning the transitional bylaw I do agree with León's proposal and I do support Greg here that we do need transitional bylaw.

But my rationale for this might be a bit different because I believe the transitional bylaw shall explicitly state that the group will be established for enactment for the implementation of these bylaws. Otherwise as I told already and I don't want to sound like a broken record that we might end up with a bylaw which will never be enacted.

In the best case as it was already said it will create some controversy and some quotes for enforcement and wherever. So I believe that there is a need for transitional bylaw.

I can draw up I will be happy to drop anything in the transitional bylaw it relates to enactment through bylaw being in that case before or wherever. But I do believe that the need for transitional bylaws is to ensure that this process will go shorter in the Workstream 2. Thanks.



León Sanchez: Thanks Tatiana. Next is Brett.

Brett Schaefer: Sorry I was on mute. I'm a little bit puzzled here. I do support David's position. I'm not sure what the purpose of having a Workstream 2 discussion on this specifically would be because we have a normal process already outlined in order to amend the bylaws.

Theoretically I would assume that the how this whole process is going to be worked out in details developed and precedence set will be in the normal process of how ICANN operates on normal policy procedures.

And I don't understand once if this is done you have your human rights respect language there. You have your enforcement provision underneath that to circumscribe it what exactly is going to be done in Workstream 2 that would require either suspending the bylaw or explicitly saying that we we're going to establish a group to explore it. Could somebody please explain that for me? Thank you.

León Sanchez: Thanks Brett Then Niels.

Niels Ten Oever: Allow me to respond to you Brett he idea would be that we would work in Workstream 2 to actually give shape to that commitment.

So because we cannot say we're going to commit to this and then not actually operationalize it and see how it actually works out. So I think that that's why it had its place in the Workstream 2.

And if God forbid Workstream 2 doesn't happen then we then do it in another CCWG. And then it would indeed be a development process.

Brett Schaefer: But I could you explain what given shape means?

Niels Ten Oever: So if we commit to human rights then we also need to understand what that means. Then we need to understand what the human rights impact of ICANN is. Then we need to so we cannot make a commitment and then do nothing with it right?

So we need to understand ourselves what we exact live with it, how we how ICANN is going to understand its own human rights impact assessment impact and how we're going to assess that, how we can remedy that to ensure that there is a uniform understanding of what we're doing because only if we operationalize in that way we can live up to the commitment that we're actually making.

Brett Schaefer: I'm still puzzled as to what that commitment might be. We've already agreed that we're not going to have an enforcement provision. So were we talking strictly about what ICANN policies are internally to its staff in terms of its operations in dealings with individuals that are working for it or are directly responsible for it or are we talking about strictly the policy procedures under IANA and naming, et cetera? Could you explain that please what commitments are going to be...

Niels Ten Oever: Oh ICANN sorry. It would be an assessment of all ICANN's policies and processes, so staying within ICANN's remit within what ICANN is doing already analyzing where and how it could it could influence on human rights and then analyze how that could be remedied.

And that does not that's not only its employees but that could also be part of it would be due diligence, et cetera. And yes there are several models...

Brett Schaefer: Okay.

Niels Ten Oever: ...to do that and let's not go into the model discussion right now because that is actually...

León Sanchez: Exactly.

Niels Ten Oever: ...what we want to do (unintelligible).

León Sanchez: Exactly. Thank you, exactly. Thank you very much for this Niels. I was actually about to suggest the same thing that you just suggested.

So next I have Greg and after that I would like to actually call to agreements as proposed earlier on whether we support Dave's approach or which way we would like to go. So Greg please.

Greg Shatan: Thanks León. I guess I would have a slightly different answer than Niels' to Brett's question which is that in my view what would be done in Workstream 2 is really what's stated which is to develop a framework for interpretation of the bylaw not a not the actual complete implementation of the bylaw which I think depending upon what that implementation might be would need to take place in PDP or non-PDP working group and depending upon where its effect was, you know, whether it's in the GNSO or CCNSO or Cross Community group.

But that the idea was to create a basically a relatively succinct guide or framework for what is meant as, you know, something as fundamental as what (Brett brought up whether this is only about ICANN's internal operations or is it about policy or is it about how it dictates what third parties do which would it's clearly not because that would be enforcement this dictating but that, you

know, operationalizing or implementing it in full probably, you know, may be beyond Workstream 2.

But that is it is also entirely possible that's not that some of that or all of that could also take place in Workstream 2 but that clarification and interpretation was really the first order of business for Workstream 2 basically as part of the attempt to avoid unintended consequences or radical or significant variations in interpretation of the bylaw from what is intended by the CCWG.

So in any case the idea would be to have that put in place. And, you know, the question is whether, you know, in the absence of that how will the bylaw be interpreted and worked on if there is if the bylaw is effective from day one but there's no interpretation or explanation other than whatever we have in this report as to where we're going and plus the sentence that David suggested regarding enforcement which I think is important.

Brett Schaefer: I I think it would be helpful to at least have a brief explanation of what you think would happen in Workstream 2 if you're going to include it specific recommendation that Workstream 2 would be developed and...

Greg Shatan: That's actually in the document that we have...

León Sanchez: It's in the document yes. It's in the document.

((Crosstalk))

Brett Schaefer: There's quite a bit I'm going through a very marked up version of this. So it's hard to read sometimes. Thank you.

León Sanchez: Okay good. So Greg do you want to continue or have you finished?

Greg Shatan: I think I've said what I need to say so thanks.

León Sanchez: Thanks Greg. So at this point I mean we have ten minutes left and we really need to get a wrap up on this and we need to stay efficient.

So my suggested way forward would be to actually see if we do support Dave's approach. Are there any objections on going with the suggested text by David?

Okay so I only have one objection from Greg.

Greg Shatan: Let me just state my objection is contingent really on what we do about the transitional bylaw.

The text as it stands is not objectionable to me but it's also not a complete solution. So I'm kind of being asked to vote on half a loaf. So I can't really say what it is I'm voting on because depending on the second part, the first part, you know, is one thing or another so it's kind of a contingent objection.

León Sanchez: Okay so well let's then solve it. The second question that I'm going to ask my of course influence your objection Greg.

And the second question is do we support having an additional bylaw that will ensure that Workstream 2 work as proposed in our document will be carried out? Are there any objections to having this transitional bylaw?

Greg Shatan: Again that seems like half the questions still. Sorry if this seems like (unintelligible).

But is the question is whether the transitional bylaw is going to say anything about delayed effectiveness or not? And again without knowing that I can't know whether I have...

León Sanchez: Okay. Okay well then the transitional bylaw would not delay the enactment of the bylaw of human rights.

Greg Shatan: And I do have my concerns that the bylaw will be interpreted however anybody who runs to get started on interpreting it will happen which kind of makes the work of Workstream 2 if not moot kind of obscure.

León Sanchez: Okay well then I it seems to me that you would be the only one objecting Greg.

((Crosstalk))

Brett Schaefer: Actually I would object as well pending on what we see in this draft outlining what the responsibilities or the objectives of Workstream 2 are.

León Sanchez: Who is this?

Brett Schaefer: This is Brett Schaefer, I'm sorry.

León Sanchez: Thanks Brett. Okay so we have two people objecting. And I see...

Man: Yes.

León Sanchez: ...David McAuley's hand is up. And yes I even see someone else but I don't know who is that?

Who is...

Kavouss Arasteh: Yes.

León Sanchez: ...on the line that I yes who is this?

Kavouss Arasteh: León do you hear me?

León Sanchez: Yes Kavouss?

Kavouss Arasteh: What guarantee do you have that ICANN will not kill work at stream 2?

León Sanchez: That is why we want to put the transitional bylaw that put ensure that Workstream 2 would actually happen.

Kavouss Arasteh: Because they are the opinion that both Workstream 2 cannot be done. (Unintelligible) it could be done under the normal traditional work of the ICANN. How you going to make it separate that really works and implements what you intending?

León Sanchez: You know, I think that the group position is that this cannot be carried out through the regular reviews and continual improvement processes. That's why we need to ensure that Workstream 2 will actually happen.

And that is why my proposal is to have these transitional bylaw that will not put on hold the bylaw from human rights but would also ensure that points high level or identified as Workstream 2 issues will be actually carried out.

Kavouss Arasteh: Yes I'm sorry, so sorry I don't have Internet. I have to (unintelligible) I apologize already. But you should put all necessary as (John)'s argument that

it cannot be done under the normal procedures of the ICANN. It should be done separately as a separated (unintelligible).

And it you need this sort of a strong argument.

León Sanchez: Thank you Kavouss. I need to move forward. I have David McAuley and Niels Ten Oever hand's up so David?

David McAuley: Thank you León. I think I was going to channel what Niels and Brett have both put in a chat.

And that is maybe after this call Greg and I can come up with a short paragraph or two that would consist of a few sentences as I see them. Maybe that would be one option and then adding something as Greg sees it, that might be the second option. Is that viable?

León Sanchez: It is viable for me. I don't know if it's liable for the large group. And I would definitely encourage moving forward that way David, Niels?

Niels Ten Oever: I David can I try to already give a possibility for this and that would perhaps save us if you would permit me. Would that be okay?

David McAuley: Yes please do.

Niels Ten Oever: Because I think there is the transitional bylaw as it's stated now consists of two parts. And if people go to the text in the Google Doc of that bylaw do people have that that says that bylaw XX will be implemented in accordance with the framework of invitation developed by the CCWG accountability or another Cross Community Working Group chartered by one or more supporting organizations or advisory community and staff would that matter?



That group must be established in order to develop an appropriate framework interpretation no later than one year after bylaw XX is adopted.

So that is that I would say as part one. And I think that most of the people here can agree on that.

And then the thorny issue is then the last part and that is bylaw XX will not become effective until such framework is developed and implemented.

So there are now two parts of this bylaw and if people say we can live with only Part A then we can do that or we can see if people need to live with Part 1 and 2.

León Sanchez: Thanks Niels. So I would say that I can live with Part A and Avri think that she can't live with Part 2.

So you would be actually proposing that we don't have a valid bylaw until the framework is developed Avri?

Avri Doria: No I'm saying just the opposite. I'm saying that...

León Sanchez: Okay.

Avri Doria: ...I can live with Part 1 which says that you're going to develop the framework. I see Part 2 as nullifying bylaw XX.

León Sanchez: Okay good. So just to get this right would could would we agree to try to try Part 2 in order to move forward?

And by tracking Part 2 I referred to the try teams the sentence that says bylaw XX will not become effective until such framework is developed and implemented. We would be striking that part of this necessary bylaw. Do we agree on that?

Are there any objections to striking this last sentence?

Greg Shatan: This is Greg. I continue to be concerned about how we're going to control the multiple potential interpretations while Workstream 2 goes away and does its work.

So I haven't heard a suggestion other than making then delayed effectiveness. I understand the concerns people have with delayed effectiveness. But I haven't seen a third stream. I'm kind of struggling to find one that would be kind of a, you know, the a compromised position. I'm just not sure what it is.

And the issue is not just policy, you know, kind of implementation type issues but, you know, IRP issues, request for reconsideration, you know, other, you know, use of this in disputes with ICANN, the board and, you know, attempts to enforce things in different ways which frankly could result in any number of interpretations.

So no matter which interpretation you wish would happen you might be disappointed. So that's my concern.

So I still don't see the compromise because we end up with we don't end up with we end up with a bylaw that has no interpretation other than the sentence regarding enforcement and, you know, a commitment to come up with an interpretation in the future work of Workstream 2. So I'm still concerned. Thank you.

León Sanchez: Thanks Greg. Thanks and I do get your concern. But I think that David's approach and David's suggestion does address your concern. But of course that's my opinion and we...

Greg Shatan: Can you explain that? I just don't understand how it reaches the concern of what happens in some interim period while there's a Workstream 2 work going on.

But the bylaw is available to anybody for could be cited as a change in the way ICANN should approach things or not, a change in the way ICANN should approach them.

León Sanchez: Okay we've run our out of time. We need to continue this discussion off-line.

We have...

Greg Shatan: I guess my question remains unanswered.

Brett Schaefer: Greg? Hey Greg if I could insert in there if there's another sentence that could be added there that might address your concerns why don't you draft it up and circulate it along with the draft?

Greg Shatan: Well I'll try but again I haven't I've I am trying to think of a compromise situation but I'll and I'll continue to do so but...

León Sanchez: Okay.

((Crosstalk))

León Sanchez: Okay we have nothing to send to the CCWG. We have not reached agreement...

Niels Ten Oever: Well but we're almost there. And it seems that only Greg is in opposition right?

León Sanchez: I know. I know but if we agreed that we have rough consensus or whatever you might call it then I'm happy to forward this to the CCWG.

Greg Shatan: Well that's what we should do. We're not a decisional body. We're a recommending body to the...

León Sanchez: Exactly.

Greg Shatan: So, you know, we should go forward despite my objection. And it should go to the full group. And we meet over the next several, you know, over the course of today to finalize the rest of this document so that it can go in.

I don't think anything else that's here is highly controversial in the document but I would encourage everybody to go to the document as it's being cleaned up.

And I will try to resolve, you know, the document so that it's as clean as possible and remove any other decisional points into comments. So, you know, that it's more readable. You know, as Brett notes it can get pretty unreadable with a number of amendments.

So I think would be the way forward. And I'm willing to live with that as of being within the remit of how we work. Thank you.

León Sanchez: Okay so I would suggest we clean the document, we add whatever text you could see as able to address your concerns on the transitional bylaw.

And that if we have an agreement on that then we forward it to the CCWG. Because we need to take into account or we need to have in mind that we are actually trying to finalize our proposal, our third proposal.

So I don't know if I'm getting this message out right but we actually need to deliver it. So...

((Crosstalk))

Greg Shatan: I think maybe then what we need to do is essentially come up with a time when the document will be potentially, you know, frozen for any final review and comments.

You know, given my schedule today it probably can't be any later than or any earlier than maybe 4:00 PM New York time which unfortunately given the switch in times it's five hours, UTC minus 5. So that would be 9 o'clock. It's 9:00 PM UTC.

So I don't know if that works for people. I understand we don't want to send something off to the CCWG without everyone having, you know, a last look. That's my proposal. Thanks.

((Crosstalk))

León Sanchez: Yes Niels?

Niels Ten Oever: I would like to offer to already do some work as well so that not all the burden is on Greg. And of course Greg should completely go through the text and see if there is agreement.

But if Greg is okay with that I think we can all just share the work. But if you want to do it yourself Greg that's also okay but I think the text is as you said fairly clear.

And I think we can resolve the comments pretty much. And then we just need to find the wording that that you were disagreeing but that we had rough consensus we had consensus on the not full consensus but we had consensus about the bylaw and the transitional bylaw without the lesson.

Greg Shatan: Okay yes. So that works for me Niels. So what I will do I will give you edit rights on the document so that you can accept and resolve changes.

And so if you just work the way I propose which is anything that seems to remain kind of controversial or really open for the discussion be, you know, be preserved in a comment to the side so that it can be noted and then we can get rid of those comments, you know, later in the day. So that seems to me to be a good way forward to me. Thank you.

León Sanchez: Thanks. Okay so we are clear through which way forward we're going to follow right?

Greg Shatan: Clear to me.

León Sanchez: Okay.

Greg Shatan: I think.

León Sanchez: So are both...

Niels Ten Oever: So but then that means that at a specific time we need to send the document around or we're going to do at which time are we going to do a stop edit and share it to our own list?

León Sanchez: That is 21 UTC. Greg and Niels you will work on this. We'll freeze the document at 21 UTC.

((Crosstalk))

León Sanchez: And, you know, you will send this to the CCWG I mean to the Working Party list and we will run it through our last comment.

And if we agree then we will forward it to the CCWG.

Niels Ten Oever: Okay. And are the other people that would like to help me now working in the document?

Greg Shatan: Everyone has the right to make suggestions which is to make changes and track changes. And I've already I've just sent off to you Niels an invitation to give you edit rights so...

Niels Ten Oever: Thank you Greg.

León Sanchez: Thanks. Okay so we are eight minutes past the hour. Avri and Brett could you keep it as short as possible?

Brett Schaefer: Sorry that's an old hand on my part. But I did want to point out to David that maybe adding to protect or enforce human rights might address some of Greg's concerns. And I'd mention it in chat, sorry.

León Sanchez: Okay thanks. Well thank you very much everyone. I think that one thing that we are at least in partial agreement I would say is that we support David's proposal subject to the refinements and the work that will be undertaken by Niels and Greg. So Tatiana did you want to add something really quick?

Tatiana Tropina: Very quick. Can I also have editing rights from Greg, thanks? I was trying to ask on the chart but it seems that my messages got lost. Thanks.

Greg Shatan: Yes Tatiana...

Man: Yes sure.

Greg Shatan: ...I'll add you as an editor.

León Sanchez: Okay good. So let's work on this until we trace the document at 21 UTC. And so (unintelligible) David if you could please provide Greg and Niels with the text that you proposed so that we don't miss it that would be very helpful.

David McAuley: Okay León, I'll send actually also my language to Niels and Greg and Tatiana.

León Sanchez: Excellent thank you very much.

Well thank you everyone and talk to you soon. Let's try to build this document out so we can deliver it to the CCWG. Thank you everyone. Bye-bye.



Man: Thanks.

Greg Shatan: Bye-bye, thank you.

Man: Bye all.

Man: Bye.

Greg Shatan: Bye.

END