

ICANN

**Moderator: Brenda Brewer
November 18, 2015
8:00 am CT**

Coordinator: The recording has started.

Mathieu Weill: Thank you very much. Mathieu Weill, one of the CCWG Accountability Co-Chairs. Welcome to the second meeting of the Stress Test 18 Subgroup.

To start with, I'd like to ensure we have the roll call correctly tracked. We'll obviously use the AC room, but if there are any participants to this call, who are on the audio only, please make yourself heard now.

David Martinon: Good afternoon. This is David Martinon from Paris.

Mathieu Weill: David. Any others? Okay.

So quick summary before we dive into the discussion. We have issued two documents for comments. They were received with substantial and robust exchanges of email, and I'd like to thank everyone for being so reactive and sharing their views in detail through this email.

We have tried to recap all those discussions and points of view in an abated version of each of the documents which has been circulated a few hours ago. Obviously the deadline was only a few hours ago, so that was short notice for review obviously but it's more in order to track our exchanges than to comment right now.

What I found quite striking in the comments are that there are some common threads. One of them is a clear focus on -- and clarity -- that there is no -- and should be no attempt -- to dictate to the GAC the way they are making decisions.

I see Brett's comment in the Chat, and we can certainly share in the window the summary document at the moment.

So the first item is - and I think it's good to acknowledge that there's no intent -- and should be no intent -- to dictate to the GAC the way the committee defines -- makes its decisions -- and defines its own rules and procedures.

I think the discussion was useful in highlighting that the concerns on the one side and focus on the other side is really about the conditions under which the Board triggers the attempt to find a mutually agreeable solution, and in what/how the vote can be provided with clear guidelines and visibility about whether this process should be triggered or whether entering into this process is purely on a voluntary basis -- which is not ruled out in any way.

And so that's the outward way. The way that I think Jorge mentioned in an exchange is its outward facing rather than looking into the way the GAC itself is organized.

And there was also a number of - I found very constructive comments regarding the proposed footnote in the Denmark proposal, and it might be some interesting way forward in investigating how that could work. Maybe even considering all the places where it could be inserted so that it is clear that it is not a way to redefine the way the GAC itself works internally, but that it's really the way the Board has provided a guideline -- a clear guideline -- about how to - whether the mutually acceptable solution attempt is (unintelligible) for (unintelligible).

So that's some of the items I took from this discussion. I'd like to make sure with the group whether you find it somehow reflects your reading of the comments, if there are other views or whether there are any changes of approach that needs to be shared with the group at this point before we dive into more detail substance of the call.

Anyone want to comment?

David Martinon: (Unintelligible)?

Mathieu Weill: Yes David?

David Martinon: This is David Martinon. Mathieu, thank you for your summary which is as usual to me good insight.

I want to say just a few things. First of all, I want to remind everybody that the proposal made by Brazil was (unintelligible) concession for during the position where we're on; concession because it's already accepted, the idea or notion that the consensus would be in the bylaws.

The Danish) proposal -- and I would like to thank Julia for that -- the Danish proposal represents another big concession because the footnote already defines -- in fact -- what is a consensus.

So we're not really happy with that. We are not really satisfied with that. But for the sake of the Transition, I want to say that I will bring it -- as a whole -- to the Minister of Foreign Affairs and to the Minister of Digital Affairs and see if they can accept it.

But of course, it will have to be (address referendum) because we're now far away from the GAC input from Dublin. The GAC input from Dublin doesn't way what the Danish proposal says. So all of that will have to be reported to the GAC and the GAC will have to state on it. Thank you.

Mathieu Weill: (Unintelligible), I see Pedro's hand is up.

Pedro Ivo Silva: Yes, hello everyone. Well, I just -- along the same lines that David has now - he has now stated.

I just wanted to reinforce the notion that we see that what has been achieved with the GAC Communiqué is I think it's a major achievement. It really represents compromise solution of all GAC members with all of its divergent views within the GAC.

You know, it was a result of extension discussion in Dublin. And the day we agreed on that, I think the GAC Session, it ended at 11:00 pm, so it was really long discussion. And it is -- let's say -- a major compromise solution from governments with respect to Stress Test 18.

And it needs to be considered that it is the consensus position of the GAC now, so it is agreed by all GAC members who were in Dublin and GAC members who had different views.

Brazil has, in good faith, made an effort to translate this to say GAC position into concrete bylaw amendment. We recognized there was an effort from the CCWG, the participants that commented on our proposal, and we see that the effort made by Denmark is an additional effort to take into account this comment.

These are comments that we -- at Brazil have (unintelligible) into Brazil -- do not agree with. But it's something that we may consider that we, let's say, see as something valuable -- an additional solution -- that we can, let's say, sell internally within our government. And it's something that may be accepted.

So I think it's something, as (Unintelligible) said, it's something that it goes beyond the GAC Communiqué, and it's something that we haven't agreed to. But is, let's say, we see as a positive sign is may be something that we can consider as far as we can go.

So I wanted to make this also very clear and put it into this discussion. Thank you.

Mathieu Weill: Thank you Pedro. Those are important statements in that they are diving right into the question I was raising before this call was whether we should now roll down the list of potential options.

I think what's important, also, is to not present - I mean keep - stay as open as possible for also some of the discussions that we still need to have around this proposal from Denmark which obviously got a lot of traction.

And I want to make sure that it's clear and that it is still based on Jorge's proposal as something for us to view to look at it closely to see if it has to be fine-tuned/amended as we discuss on this list, so we need to stay open to that. And I would encourage us to just to revisit it once we have had this discussion and not close that before we've had it.

Brett, you're next.

Brett Schaefer: Thank you Mathieu. Can you hear me?

Mathieu Weill: Yes.

Brett Schaefer: Okay. I just wanted to note that the chart here of the various proposals seems to be -- in my opinion -- a discussion or an illustration of the status quo which is current bylaws -- the consensus reach in the first and second reports.

And then two different proposals by the GAC. These discussion and negotiations that we're having right now seem to be a negotiation between differences between various GAC participants here.

I don't see here a listing of options proposed by those people in (C18) that are not members of the GAC.

I'm sorry. Am I still on?

Mathieu Weill: You are still on Brett. And someone obviously hung up. But you're on, please proceed.

Brett Schaefer: And so I think that we need to take into account that the negotiations in the GAC are not the end of this process. That we're talking about the GAC is one part of this discussion, and then the rest of the community as the other part of this discussion. And the negotiations eventually -- which is not reflected here I don't think -- need to be resolving differences between a unified GAC proposal -- whenever that arrives -- and the positions of the rest of the community which I think are not being given due difference here -- or due consideration rather.

I put a proposal up on the list yesterday and the day before, and that is not listed here. Other people have been very strong in saying that this is objectionable in terms of giving the GAC this authority at all -- notably Milton and Keith and Phil.

And so I think that we need to not fall under the impression that the negotiations between the Brazil proposal and the Denmark proposal are the only discussions that are being considered in this group. Thank you.

Mathieu Weill: Thank you Brett. Jorge?

Jorge Cancio: Hello, can you hear me?

Mathieu Weill: Yes Jorge.

Jorge Cancio: Hello, Jorge Cancio for the record. I just want to chime in and (unintelligible) (Belief) and (Bardon) and also (Olga) (unintelligible) in the past for their affectability.

As somebody who has been working with Julia on the Common Ground Proposal, I would like to stress to other colleagues in this call -- in the CCWG

-- that this is really an honest and sincere attempt to which the GAC with other (unintelligible) of the community.

We have a GAC consensus (unintelligible) which was agreed about three weeks ago or four weeks ago with four tier elements. Those elements are fortunately flexibility to a certain degree because we were mindful, I think, in Dublin that we would agree to have this discussion in the CCWG because there is no discussion between the CCWG and the different chartering organizations. There are discussions within the CCWG taking into account the input from different countries (unintelligible) and chartering organizations.

And what we have on the table is a GAC consensus input from Dublin which was not (unintelligible) by any member of the committee. And what we are trying to do is come up with a solution that takes that input into account, and at the same time, (unintelligible) the concerns proposed by (unintelligible).

I think that that's what we are tasked to do in the CCWG; that's how it's been working all this time in the CCWG. And I think the way forward if it's proposed through this subgroup, and so with a call (unintelligible) for next (unintelligible) is the right way forward.

The chartering organizations and the (unintelligible) will have opportunity to check whether their input has been taken into account when they see the (unintelligible) report. So that's when they will have an opportunity to have a good look at this.

And I would also like to say that in the papers (unintelligible), I see that the different constructed proposals including the constructed proposal by Brett has been included in the paper. And I think it's very good for us all to see that (unintelligible). And so to see how we can combine them (unintelligible) with

a view to really submitting consensus which we all can live within the CCWG and later on when we see the third public comments (unintelligible). Thank you very much.

Mathieu Weill: Thank you Jorge. And I was indeed was about to suggest that we move to seek out this document that was an attempt to collect all the inputs and suggestions received on the basis of the Denmark proposal. And I don't know if Staff can put it on the screen for our consideration.

Why we are getting this on screen, I think a key aspect of this discussion is that everyone -- which Jorge remember -- is that his group is a subgroup of the CCWG, so not at all something that would be only between GAC or non-GAC. It's we're all in the same boat here and we're all aware that for this to be considered successful, we need consensus from all sides. And we really need to find something that everyone can live with in a very short timeframe.

So the unreadable document in the AC Room right now is the one where we try to collect the various feedbacks and including Brett's proposal on the thresholds of approval for the Board. So Brett, just you make sure you're aware that it hasn't escaped our attention or been ignored at all.

Brett Schaefer: Thank you Mathieu. Sorry about that.

Mathieu Weill: What I would like to have you focus on is the various alternatives. It's clear in the reaction to the initial email that it was important to many that the provision on consensus not be specific to the GAC. That was part of the GAC Advice in GAC input in Dublin; that was made clear. So we've shifted this a little bit.

But I would like to make sure we focus on what I think are the two items. One is the options (unintelligible) which try to define consensus. And the others

are the way they alternate between Brett's option about the way the Board is approving or not - is actually in a consistent manner with the GAC Advice.

So maybe we should try and focus on what could be options that everyone could live with in both those areas including -- as I was saying -- an introduction maybe a way to clarify that what we are doing is not about dictating to the GAC how to proceed or grading principle, but rather defining the outward facing aspect of it which is how the Board reacts and effective whether it is required to trigger the mutually agreeable solution treatment.

And I see a queue has been forming, so Steve, please.

Steve DelBianco: It's Steve DelBianco. Thank you Mathieu.

So looking at the screen with the footnote language that Denmark had proposed, on our prior call, this footnote really refers only to the GAC. And that is why I suggested that it not be a footnote, but be part of the bylaws, but it would in Section 2/Item 1 which reflects only to the GAC. And I think that's just a placement option.

The real point I'd like to make now is that the way this is written, it's written as if it's instructions to the GAC. It has GAC consensus has a definitional item. It has words in it that - like minority or small minority, which are words that are completely undefined.

And my fear is that if we are intending these words -- not for the GAC -- but we're intending these words for the Board to tell the Board, "When you see advice from the GAC and it achieves X-level of consensus, well then you need two-thirds vote to reject it. And if you reject it, you've got to answer a process to try and a mutually acceptable solution."

All this is about instructing the Board of Directors. It has nothing to do with instructing the GAC. So it would be so much clearer if we pretended we were writing it for the Board and not for the GAC, and we don't have to worry about careful nuance and diplomatically ambiguous terms like small-minority/very small minority and majority. We could just say what we mean.

For instance, we could say to the Board, "The (unintelligible) GAC Advice was supported by X-percent of the GAC's member country." And I'll bet that on this call we could work out what that percent is. I mean I'll just throw out an example.

If the GAC feels that up to five countries would be a very small minority, well five out of the current 150 is roughly 3%. So for sake of argument, fixture a very simple line that says that for GAC Advice supported by 97% of GAC-member countries, the Board must have two-thirds vote to reject and must enter a process to try to find a mutually acceptable solution.

If you write it like that, there is no ambiguity whatsoever, and no opportunity for anyone to say that we are telling the GAC what to do. Instead, we're telling our Board what it must do if the GAC has achieved a certain level. And that allows the GAC to change its definition of consensus any time it wants.

The GAC can sometimes adopt on the basis of unanimity, it can sometimes adopt based on simple majority; it can do whatever it wishes. But if the GAC felt it wanted to really send a strong signal to the Board, it could adopt something at 97% or higher knowing that it had earned -- that advice would earn -- the two-thirds and the seeking of a mutually acceptable solution.

So it's a different approach than trying to be very subtle and ambiguous, but trying to be explicit. I'm an engineer; not a diplomat, not an attorney. But as an engineer, I can tell you that 97% would be the clearest possible way we could solve this problem by telling the Board exactly what it must do. Thank you.

Mathieu Weill: Thank you Steve. So I see two points (unintelligible). One is we need to provide the Board with very clear guidelines on how to look at this definition, and you would be willing to look - one way to define this would be to define the level or percentage of support in number of countries. Okay.

Next is Phil.

Phil Corwin: Yes, good morning. Can you hear me okay?

Mathieu Weill: Yes, I can hear you Phil.

Phil Corwin: Oh good, just want to make sure. Yes, thank you.

Introductory statement; I have no problem with the GAC defining in some way what a consensus is; I don't think there should be any attempt to fixate that to the GAC. And I have no problem with the notion that when the GAC gives consensus advice, the Board -- as it always has done -- should give a very strong consideration indifference, and if it's uncomfortable with implementing the advice, get engaged in good faith discussions to try to find a mutually acceptable solution.

My concerns about this are twofold, and I'm really asking questions here -- more to understand the implications of this.

The first is the consensus GAC Advice on public policy matters. The way ICANN enforces anything is with contracts with contracted parties. And so on an issue of public policy, this appears to create a roof for the creation of consensus policy outside the normal PDP. So I'm trying to understand if that indeed is the case, and if it is that's a concern I have.

And the second is how would it work operationally? Let's give a scenario -- and this is a scenario that certainly officials in Washington may have concerns about. I don't speak for them. Fiona is on the call and she can weigh in at any time.

But let's say there is a public policy issue in which part of the small minority that opposes the GAC consensus advice includes the United States. And it goes to the Board and the Board is split on whether to accept the advice, and the Board decides - what happens if the Board simply never takes up the advice -- does not vote? Does this compel the implementation of the advice at a certain point if the Board fails to take a vote and reject the two-third majority?

So my questions are would the advice - could the advice include what is essentially the creation of consensus policy through a non-PDP roof and a policy that may not be supported by a majority of the rest of the ICANN community?

And what are the actual mechanics of the Board when the Board itself is split -- and it's a hot potato issue -- what happens if the Board simply decides not to decide? Other than - that would certainly create friction between the Board and the GAC for some considerable length of time, what would happen then?

But I guess I'll conclude no problem with the notion that the Board should take the GAC Advice very seriously, but for all concerns about a bylaws formulation that compels the Board to take GAC Advice even when a significant minority of the Board has strong concerns about that advice. And I'll stop there. Thank you.

Mathieu Weill: Thanks Phil. So with the point you're raising on the new PDP route, I think -- I stand to be corrected -- but I don't think it could be creating any consensus policy here. Just by the sake of GAC Advice without an SO (sic) actually going through the PDP route. But that would certainly expose to an IRP for not following by the bylaws.

And I would say my first (unintelligible) would be that in case of non-action from the Board, then stakeholders - I mean the failure to act is also a case where the IRP can be triggered to force the board to act if it's inconsistent with the bylaws.

Next is Pedro.

Pedro Ivo Silva: So very quickly I was the point raised by Jorge in the chat and acknowledged by you Mathieu, but I think it would be good to raise that this - the second paragraph in this document here is not the paragraph written by Denmark. It's the paragraph written by Brazil. I think it needs to be corrected there so that we can have the pre-typed language that Denmark has proposed.

That's it. Thank you.

Mathieu Weill: So I applaud you for that. Could you Pedro or maybe Jorge who's following summarize how the - what the difference is for everyone to be very clear on?

That's a mistake that I'm - I should be accountable for if I'm allowed to use this word.

Pedro Ivo Silva: Yes I can maybe read it out loud. Maybe it's better so...

Mathieu Weill: Yes.

Pedro Ivo Silva: The paragraph that was proposed by Denmark is - it's the second one in the general section. It's the following.

Where the board is required to see a mutually acceptable solution to an advisory committee's advice if the board does not follow that advice the board is not obliged to seek such a solution if that advisory committee's advice was not supported by consensus.

Advisory committees should ensure that their advice to the board is clear. In this context each advisory committee has a right to determine its particular definition of context, end quote.

Mathieu Weill: Thank you. Thank you Pedro.

Jorge that was the same point or Jorge?

Jorge Cancio: Hello.

Mathieu Weill: Yes. Jorge are you still with us?

Jorge Cancio: Do you hear me? Do you hear me?

Mathieu Weill: Yes we can hear you.

Jorge Cancio: Okay. Sorry for that. It's my technical skills that are not very developed.

And talking about approaches of engineers and lawyers as a lawyer and I think many of us in the tool who were working on the draft presented by (Julia) come from that corner. And that's an explanation for me on the footnote.

But translated into a number or into percentages probably we are very close to what Steve DelBianco pointed out before. I don't know whether 97% or 95%.

In any case it would be a very, very high percentage probably of what we deem to be the threshold for such (contents) advice.

And that is a really a very wide spread from the principle from the elements we put forward with the Dublin input from the GAC.

So I would really urge colleagues to appreciate that flexibility and also to do their part in embracing the differences and to acknowledge and recognize that the GAC has at least a potential in the bylaws to be flexible on its definition of consensus which in any case will be around to those terms of 95%, 97% of what Steve said.

And this is of course only my personal capacity. I cannot on behalf of other GAC colleagues.

But I think that the spirit of the footnote was a really in that kind of figure. And I really urge colleagues to recognize that small degree of flexibility to the GAC. Thank you.

Mathieu Weill: Thank you for Jorge.

I think there's two things at this point. One is we keep referring to a footnote that we have agreed already that footnotes would probably not be the right format but it's the requirement that matters and then we'll let the lawyers find the right way to put it into the text.

I think what I'm hearing is actually people sort of gathering around this idea of a certain level of objection that needs not - that needs not to be across for the consensus to be recognized and for a clear expression on that, something around 3% of objections which someone pointed out in the chat means five to six objections in the GAC.

And I'd like to take the temperature in the group whether there's anyone who could not live with that in one of the options that we could put to consideration of the CCWG. Because remember we are trying to find a way find some proposals to put for consideration of the CCWG.

We certainly have the prior consensus positions of the CCWG to keep in mind.

But I'm sensing that we can narrow down our options towards an evolved Denmark proposal. And maybe we could go as far as calling it a stress test 18 sub group proposal at some point.

And that would be something I would like to make sure we whether there's anyone here who could not live with that as a way to come back to the group with actually a complete proposal.

And I know (Keith) but some words in the chat.

Steve DelBianco: Mathieu I put into the chat what Item 2J would look like...

Mathieu Weill: Yes.

((Crosstalk))

Steve DelBianco: ...with the 97%...

Mathieu Weill: So my only concern would be I must say I think it might be easier to assess in the sense of assessing a certain level of objection is not met rather than support.

But at least but that's probably a detail. But whether we speak about 97% of support or 3% objection is that approach something that anyone cannot live with?

And I see I don't know if Jorge's probably an old hand here but it's - Izumi wanted to speak.

Izumi Okutani: Thank you Mathieu and everyone. Hello. I have more of a question.

So I think there's still a way forward, sounds reasonable to me. And it seems to peak through the purpose (unintelligible) of Stress Test 18. And it sounds like some could be agreeable to the GAC. So I have no issue with moving forward at least on this.

But I recall like I've been hearing that it's very important for the risk government to keep Stress 18 to - for them to approve this proposal so there's

no point on moving forward on a direction that's not acceptable for them because it's simply not pragmatic for us right?

So what I'd like to understand is by stress testing of 18 the very (unintelligible) that was drafted by the CCWG or are they all right as long as the basic spirit is there and so we can actually there's room for making changes in the direction that we're considering?

So I hope it's the latter. And yes. I don't - I'm not so familiar with the political situation in the US.

So I wonder if anybody who has better insight than me can share their observation about this?

Mathieu Weill: Thank you Izumi. And I think we can provide some short comments on this certainly.

I just caution about not getting too far in our group into interpreting positions. Certainly agree with you Izumi that there's no point in working on something that's clearly unacceptable.

And at the same time sometimes when positions are not expressed by their - and are described and not expressed directly then we might be misleading. But maybe we can also take that off-line.

I see Steve and Pedro wants to speak. So far I'm noting that we may have an interesting way forward with the proposal. There are a percentage of objection support. Steve?

Steve DelBianco: Yes two things. I could answer Izumi on this. I was the original author of Stress Test 18 and in March 2014. And yes this definitely addresses the concern that Stress Test 18 identifies.

And Stress Test 18 pointed out the risk that a change in decision-making methods in an advisory committee would still carry the same level of obligations by the board.

And that Stress Test 18 Work Party left it up to the rest of us to come up with an answer to solve the stress test. So Izumi yes it would answer it.

And in a moment I'll put up two options phrasing it as percentage of support or phrasing it is no more than X percent of opposition. And I'll put that up in the chat.

But I want to make it clear that this would not be a footnote referencing the GAC consensus. It would never tell the GAC what it must do. This approach only tells our board what to do and leaves aside any implication here that the GAC couldn't change its decision-making methods.

So I'll pass that over to staff displaying the windows. And so anything I put in the chat quickly gets pushed aside as everyone else chimes in on other things. Thank you.

Mathieu Weill: Thank you Steve. And indeed actually we are kind of merging the two discussions that were on the paper that's on the screen.

The one that was on the - what was before that called the - mentioned that, the footnote and the one about (Brad Shafer) alternate proposal with the wording that you are suggesting which is in the chat and which is that for advice the

GAC that's not opposed by more than say 3% of GAC member. Board must achieve 2/3 majority to reject that advice.

Any such advice were rejected than the GAC and the ICANN board will try in good faith and in a timely and efficient manner to find a mutually acceptable solution.

Izumi you're back please.

Izumi Okutani: Sorry. That was an old hand.

Mathieu Weill: Okay, no problem. Steve is that an old hand as well?

Steve DelBianco: Yes, sorry.

Mathieu Weill: No problem. Pedro?

Pedro Ivo Silva: Yes, thank you.

Yes I don't have an immediate reaction to the proposal, the percentage that has been put.

And that's why would like to see it as an option within the other options that have been brought forward previously. My concern here is that we don't see in that information the word say consensus being and proposed nor the ability for the GAC to define what content which was in the Dublin communiqué.

So I don't know if I misunderstood the proposal but at least this is my perception. And I think this would let's say conflict with GAC communiqué. This is something that we wouldn't support. Thank you.

Mathieu Weill: Thank you Pedro. Jorge's next. Jorge, we are not hearing you right now.

Jorge Cancio: Hello. Did you hear me right now?

Pedro Ivo Silva: Yes we can.

Jorge Cancio: Okay sorry.

To what Pedro just said and improvising and trying to recreate it a little bit I think that perhaps the combination on the idea I expressed in (unintelligible) footnote and doing what - seeing what's proposing there could be a way of promulgating it whereby the (ultra) minutes I think that was an expression is by (unintelligible) in fact would be refined in that wording.

And perhaps it could be a combination of wording and percentages so that on one side there is no imposition of necessarily having to go to unanimity. And on the other side there is a minimum threshold of not overruling a small minority. And we could define that that small minority in any case what represents I don't know 3% or 5% or 4.5% we would need to look into the specifics of the numbers.

But I think we - the idea putting that in the footnotes of (unintelligible) so to say, not in person the actual (unintelligible) necessarily although we may think perhaps for all the future for the (alterating) principles for (discernment) we were (unintelligible) but not to impose this necessarily. And with a lower threshold which couldn't be understood of not overriding a small minority which and in many case which is for instance (unintelligible) around 95%.

So I think that it doesn't work (unintelligible).

Mathieu Weill: So if I understand you correctly what you're mentioning is sort of adding the wording about the need for consensus to this particular provision that we now see on our screen to sort of have - or I'm not really sure of on the expression in English but belt and hangers on the definition of consensus. Am I correct? That would be the way you would answer (unintelligible) answered?

Jorge Cancio: Well I suppose yes. But I know it's another (unintelligible) difficult (unintelligible).

But I think that the idea of the former footnote is of (unintelligible) a put down or trap or a ceiling in the lower threshold we could combine that with expressing that the lower threshold and what we find what this no longer consensus would be 97% or 96% or 95%. That would do the trick.

And at the same time we would preserve the flexibility the GAC calls for and also what (unintelligible).

Have I expressed my (unintelligible) better?

Mathieu Weill: Yes absolutely. And I think I would also probably diminish the impression that the GAC ways of working would be based on voting I expect. But that certainly needs to be seen and writing.

We are at this point in the call I'm - I think that's an interesting way to investigate the - how an option could be built that currently could get concern from various sites to a common ground.

I'm - I'd like to just check that if were - whether there any people on the call who could - who think that it's not even worth waiting on time on this or that

would really not be able to live with that we - if we went to way broader consensus commitment but with the provision that these consensus commitment can be assessed by thresholds that the board because it's really about how the board takes it - takes the input could rely on in case of - in case the consensus is not full consensus. And I see Brett's hand is up.

David Martinon: Mathieu I would like to take the floor after Brett please.

Mathieu Weill: Brett?

Brett Schaefer: Thank you. Thank you Mathieu.

I think that everybody is ignoring the fact that the GAC has within its authority to send advice to the board that is not consensus advice.

In fact its Operating Principle 47 currently states that in the event that the GAC advice is not supported by consensus that it can send an option, a series of options to the board representing the positions of the GAC.

The idea that you would increase the threshold when they GAC cannot get unanimous or at least without objection support for the advice is I think objectionable on its face.

You're putting the board in a very high level of 2/3 of the board rejecting the GAC advice.

If I could choose between differing positions some of which may be very strongly held in the GAC and you talk about a minority of countries those countries can be very influential countries. They can be non-influential countries.

But I think when you're talking about sovereign nations you have to respect the sovereignty of those countries.

If you're going to establish a 2/3 threshold or rejection of GAC advice I think it is very important that the GAC advice be supported without objection.

Otherwise I think that GAC advice that is not supported by the entire membership can be sent to the board and it should be rejected by a majority of the board which is the current rules in place. Thank you.

Mathieu Weill: Thank you (Brett). David?

David Martinon: Thank you Mathieu. I would like to commend all the speakers who are trying to find a solution.

I would just like (unintelligible) strongly decide that if you are willing to get into a discussion about percentages number that who will not oppose the consensus then I think you're looking for another two months of debates inside the CCWG and GAC.

Yes it's not a wording proposed by an engineer, probably more of a diplomat who did that. Because we're trying to find a common ground on interests that are extremely complicated. And I don't think we're opening the question.

But if you were to do it then you have to bear in mind that it's not an easy discussion that you will have to discuss. What is the GAC member, who is in the room, who is not in the room, who's participating remotely?

And I'm sure that we take a long time to define those rules.

This is exactly what - why the GAC wants to remain in control of its own internal decision-making rules.

So again I don't think it's a very good idea to get into a discussion about presentations. Why 97% by the way? Is it just an idea or is it an example or is it why? What is the rational advice behind 97%, 97% of what exactly? Again I'm sure I get into that.

So from that but I'm not sure I can defer to my authorities on a proposal that could be (unintelligible). It's truly vague because it would remain to be clear and on a serious number of topics.

Mathieu Weill: Thank you David. Thomas you wanted to get into the queue. Thomas?

Thomas Rickert: Yes this is Thomas. Thank you very much Mathieu. I'm in a very noisy environment so I hope that the sound quality is still okay.

You know, having listened to this conversation to the conversation we had during the last call I think there's a lot of goodwill to come to a compromise and find compromised language.

However we hear interventions now and then that either the status quo should be maintained or that we should take an entirely different approach.

I think this is the time for us to really do as we did previously would you die in the ditch for it test.

I think that the requirements that we further refine during this call are very good ones. So I would like to encourage all of us to really give that a chance and see whether we can set on such compromise. Thank you.

Mathieu Weill: Thank you Thomas. I think that this - as we move to the close of this call I think there's still bridge - (unintelligible) to bridge definitely. But we are finding new and interesting ground.

To me in terms of options it is interesting that certainly the Denmark proposal is showing traction and is definitely has been making a very important contribution to moving the discussion forward.

Today we've also I think made clear that we could certainly remove some of the options that we had in our document if we take into account the fact that we want - we don't want to direct the GAC on the way it works but we want to focus on the criteria for the board to assess whether they are required to get into the mutually acceptable solution attempt.

I think there would be - it would be interesting if we could try and investigate this option and see whether it can accommodate the concerns that were raised by (Brett) also by the lead. And I've seen some supports also in the chat for that to avoid getting into long discussion about numbers and potential consequences.

So what I could - what I would offer as a way forward is that we keep the Denmark proposal as one of the options at this point but also try and investigate this new option.

We will try to circulate it shortly in order to get amendments. And probably we will have to organize the - a final call of this group before the end of this

week if we want to be able to come back to the CCWG with clear suggestions and a way forward.

And let's be clear that we have - due to the fact that we have a secondary report proposal it is a fallback scenario.

However I think it would be detrimental to the whole process and if we were not able to come back to the CCWG with something - a very strong proposal that shows that we are - that everyone has been moving further in this discussion. And I think the number of concessions that we have been quite significant here.

And so we - the next steps that I would suggest would be number one we sort of circulate some form of I would say the stress test subgroup option for your comments to investigate the wording options to make sure we can assess whether we can live with this and try to reconvene on Friday for a meeting probably around the same time of the day in order to finalize that and clarify how we are going to report back to the CCWG.

If there's no objection to that way forward I'm reminding everyone that we need to really find a way.

And indeed (Bernice) is telling me in the chat I think we're - we'll try to make it a 90 minute call next time to make sure we can really close. One hour might be a little short. A number of us are involved in participating which is good news.

So we'll try and issued by 2359 UTC as usual a new wording and hope that you can keep your mind as open as they were during this call to try and find a mutually agreeable solution to take words that are familiar with us now.

And with that I'd like to thank everyone for your contributions today. I think we are - it's not easy but we are still moving forward.

And I once again really appreciate the construction of spirit that everyone's demonstrating on this call. And I'm sure that's going to be very helpful in finding a way forward.

And thank you again and talk to you soon then.

END