

ICANN

**Moderator: Brenda Brewer
December 8, 2015
1:00 pm CT**

Mathieu Weill: Hello everyone, this is Mathieu Weill speaking. This is GNSO appointed co-chair. Welcome to this ccWG accountability meeting Number 71. And you may actually wish to know that accountability meeting Number 1 was held on December 9, 2014.

So tomorrow is going to be the anniversary of our work. And we've made quite a significant and amazing progress since then.

So that's - I think it's been a very interesting year for all of us I hope. And I'm glad that you managed to make it for this 71st call today. I've already heard a number of participants to the call inform that they were on audio only. I heard about Roelof Meijer

I heard Kavouss Arasteh and Rosemary Fei. Are there any other participants to the call who are on audio only and we should be added to the roll call?

Jordan Carter: Jordan Carter is at the moment. (Unintelligible).

((Crosstalk))

Mathieu Weill: Keith Drazek, thank you.

Kavouss Arasteh: Mathieu (unintelligible). I am calling with - on hospital in the (unintelligible) ccWG I decided to attend this call to (unintelligible). I have (unintelligible) today, thank you.

Mathieu Weill: Wow, Kavouss that's - I hope you're recovering well and that it - nothing too serious. I think the - that's quite a proof of dedication that you're attending the call and I hope you're not jeopardizing your well needed rest for that purpose because being - I mean health comes first and hope you - I mean I think the whole group joins me in wishing you a speedy and full recovery from your operation.

I should also ask whether there are any updates of - on statements of interest? If not then I will not for further reference that Alan mentioned in the chat - Alan Greenberg that he will have an AOB when we come to this agenda item. So that's one note, Alan.

And I would now turn to the agenda for this call, which is very much call - in between during the public comment period that has started. And I am turning now to Leon for Agenda Item 2. Leon.

Leon Sanchez: Thank you very much, Mathieu. This is Leon Sanchez. Can you hear me well?

Mathieu Weill: Yes, Leon.

Leon Sanchez: Thanks. So as you know we held two webinars to inform the larger community on our third draft proposal. And on Webinar 1, which we had a very good attendance, we had 72 attendees to this first webinar.

We had ten members, 29 participants, four observers, and 29 guests; which is I think quite a good number of fresh faces, new faces in this webinar. And I think that the outreach work that everyone has been doing has so far proved useful in attracting these new faces.

The second webinar was attended by 69 persons, from which 69 - 12 were members, 26 were participants, four observes, and then 27 were guests or new faces. So in total we have over 50 new faces in both webinars and then attendance of over 130 people - almost 140 people - over 140 people attending both webinars.

And as you know, we are trying to encourage every charter organization to hold their own calls in order to go through the third proposal. And we are encouraging everyone to continue these reach out exercises. So I hear that the audio's dropping. Is that right?

Mathieu Weill: Mine is good at least. Leon?

Leon Sanchez: Okay. Okay. Good, so well, this were the two webinars. As you know also as part of the effort of documented webinars we built - we have with us the staff to build document that concentrates all the questions and answers that were raised throughout the two webinars. And this document is ready and will be published later today.

So we can all have access to the differences that were raised during these two webinars. And of course, the corresponding answers to each of the questions. So this will be ready today and as soon as it gets published we'll do, of course, the proper announcement in the list and we'll forward the link to the resource

so that everyone has it handy and can go back and take a look at this document.

Another activity that we carried out as co-chairs, as you know, we informed the group that we were invited by the board to hold information call with them. They were gathering - they were meeting for some board work at some point and they included an agenda item in their meeting to host the co-chairs of the ccWG and have an informational talk about the third - about the third proposal.

So this call was only a 30-minute call. The call on the - part of the call was transcribed - transcription purposes and it will be published of course. I'm not sure if it's already been published but if it's not it will be published and it will be public, of course, to the transparency, the standards that we have been carrying out throughout the work of this ccWG.

So as I said, this was a short call with the board. It was a call in which they reminded us of the first comment that they sent to the list with some concerns, of course, as you may have seen on a couple of issues in our third draft proposal.

And we agreed that they would be going deeper into details in this comments as this first comment that they sent for list were only initial comments. They would be further fleshing out the comments that they wanted to do to our third draft proposal. And for these we were invited to have another call which might take place on Sunday, next Sunday, the - December 13.

And in there I think that - of course, the objective would be to have a session of questions and answers from the board to the co-chairs so that we can clarify and guide the board on their comments in regard to our third proposal. And

we also stressed that any comments coming from the board would need to be very precise and, of course, abiding to the timeline that has been set per our work.

So we are trying to have very clear questions from the board in their concerns so we can, of course, provide very clear answerers to them. And we also asked them for clarity on whether they are supported or whether they didn't support the proposals in our third draft proposal.

So what we ask from the board is a simple yes we support or no, we don't support. We encourage them not to come back to us with just buts so that is how the calls with the board went.

And as I said, we will be holding another call with them that might take place on Sunday and I say might take place because we are - we are still in the process of actually deciding whether this was going to happen on Sunday.

So that's, I think, what I have to report on Item 2. And of course, questions are welcome. And I will go back to Thomas for the next agenda item if there are no questions on this issue.

Man: Yes, I have a question.

Leon Sanchez: Yes, (unintelligible).

Kavouss Arasteh: I'm very sorry, (unintelligible) that I sent a message that (unintelligible) to the ICANN board that we have (unintelligible) to them very, very carefully. And we have considered all the concerns. I hoped that this call would have been some clarification issue but not something which (unintelligible) concerns (unintelligible) some sort of (unintelligible) connotations.

I don't understand what is the concerns? Was it on a specific sheet that it could easily (unintelligible)? Or was it a general sense that we have concerns? In the latter case, unfortunately it doesn't work. It created difficulties once again if they say they have concerns.

So you - requested to tell them that. They must specifically mention which parts or area (unintelligible) recommendation or part of the recommendation they have concern and they need to kindly propose a concrete suggestion. Having concern is not such (unintelligible). We need to raise concern if (unintelligible) but at the same time propose the proposals or suggestions of corrections.

And number two, I hope this call on Sunday would not give rise to another call so we should not have a Pandora Box. So Sunday would be almost the last clarification. It is understood that ICANN has all rights to comment on anything. We - (unintelligible) do not have any mandate to prevent them.

However, we have worked together on this anniversary of the ccWG for one year. It's very closely. So please make them (unintelligible) understood that we need to have some end up to all of this (unintelligible). Sorry, my voice was weak. If you have not heard that I apologize for that (unintelligible), thank you.

Leon Sanchez: Thank you very much, Kavouss. And I think that - since you are not in the Adobe Connect room I would like to convey that everyone or many people at least in the Adobe Connect room are wishing you a quick recovery and, of course, are acknowledging your commitment to the ccWG work. And we do appreciate that - and notwithstanding your recent operations you are with us here in this call.

And in regard to your comment, yes, I would say that rather than concerns I think that what the board has raised are more points that from their point of view need clarification. So that's what we are trying to - we're trying to clarify the points that the board is doubtful about in our proposal.

And we have been very specific that as you said we can't continue to go back and forth. This is not a negotiation. This is, of course, the input that we will be receiving from them. But it's only input as any other input from the rest of the community. And this input that they provide us should be very, very clear as I said previously.

It would be idea to have this feedback in a form of (unintelligible) answer of yes or no, we support or we don't support. And what would not be a very constructive would be to have answers on the like of yes but we suggest this other way of - other way forward.

So this call as you said on Sunday, would not likely lead to another call with the board. So we hopefully will have the last call with the board on Sunday. I see Robin's hand is up. Robin?

Robin Gross: Thanks very much, Leon. Maybe I missed this but could you tell us perhaps an overview briefly, what - where the points that the board raised? What were the issues that they were concerned about? Or that perhaps require more clarification or for which there's doubt? Can you give us any sense for what that - what they said?

Leon Sanchez: Yes, Robin. The board sent through (Bruce Tonkin) an email to the list as far as I can recall. I'm trying to look for that email as we speak in which they signaled to some points that they thought that were in need of clarification

from the ccWG. But I do remember that there was a point on the human rights. There was a point on inspection rights. And there was also a point on board consideration or GAC advice. So that - there was also a point on the mission - on the mission and let me see if I can find it - the email as we speak. No, I don't have it but I do remember those four points that I just told you. And what we did in the call with the board as I said, since it was very short time that we were - that we had allocated that was a 30 minute call, we didn't really went into detail. So I think that in our call on Sunday we will be actually going into details as we requested the board to have very precise and very clear questions on these points.

So that we could answer to them and clarify them.

But the issues would be these four, human rights, inspection rights, board consideration of GAC advice, and ICANN (unintelligible). I hope that it's helpful, Robin.

So are there any other questions in this...

Robin Gross: Yes, thank you very much.

Leon Sanchez: Excellent, thanks. So are there any other questions on this point - on Agenda Item 2? Okay. So as there are no more questions I will now turn to my co-chair Thomas.

Thomas Rickert: Thank you very much, Mathieu - sorry, Leon. Hello everyone and a special greeting to (unintelligible). We're now going to very briefly discuss the IRP subgroup as it's called on the agenda. As you know, this is meant to be an implementation oversight team but certainly that is a little bit short of what will surely be the reality.

So this group will not just oversee what's going to be implemented and draft by our lawyers but I'm sure that they will also have some substantive discussions on how the processes for the IRP show design, how the paperwork should be framed.

And this is the reason why we have an agreement with you as for volunteers to join the implementation oversight team that do have the required expertise to contribute with the expertise to this process.

So in the - on the screen in front of you, you see the list of those that have expressed an interest to join this team. So we have Becky Burr who volunteered to take the lead on this initiative, which we thank her for very much.

We have Chris Disspain, David McAuley, David Post, Greg Shatan, Malcolm Hutto, Robin Gross, Tijani Ben Jemaa, Arun Sukumar, Marianne Georgelin and Avri Doria and I think one name is missing and that is (Sam Eisner) who has indicated an interest to participate on behalf of ICANN legal.

You might remember that ICANN legal were also contribute to this process because ultimately they are going to be affected by this and need to work with this legal tool as well.

So it's great to see that we got this level of commitment. There have been some questions surrounding the process and you might remember that we introduced the idea of how the implementation oversight team including selection criteria based on the notion that we would ask for expressions of interest and only in case we're getting too many responses within a deadline that we set at the time to have a definitive date by which we can get things

started, only if we're getting too many individuals expressing their interest so that the - have too big of a group so that it can't effectively work. We would then further work with you on additional selection criteria.

So with respect to this group that we see in front of us we do not see an issue with the number because as you know, (Sam) will be more or less the ICANN legal liaison. (Chris) as a board member as well so he will likely also liaise with the board on this topic.

So the group is of manageable size but nonetheless, you know, what we are thinking that the number of interested individual is sufficiently small to keep the growth - keep the group operational. We still want to ensure that the individuals do have the required expertise in order not only to (unintelligible) what the group is actually debating because observing is something that other persons can do.

I'm sure that this group will also need the transparency standards that we expect. But we would want them to actively be able to contribute.

Therefore, we would like to ask those who have not sent an expression of interest specifying their expertise in the field to do so, so that ultimately we can confirm participation of the individuals for this group.

Another point, next to the expertise that is required to make this group functional is diversity. You will remember that we have sent the list of attendees - of interested parties to the group while - also indicating where they're coming from. We would like to encourage participation from all geographic regions as long as the individuals volunteering to contribute to this exercise do have the required expertise.

So we would suggest to you - and again, this is nothing that we as co-chairs would just impose on you. But we're suggesting to keep the number of individuals - or regard the number of individuals that have volunteered not be too high, that we're testing whether, you know, we're not going to have an audit or something of that kind.

But let's see whether the individuals actually can speak to their expertise in the field and in the affirmative we would start with the group and we would keep the group open in case that we have additional contributors to provide for more geographic diversity and allow for them to contribute and join the team and only in case we're getting too many expressions of interest we would get back to this whole group and discuss whether we need to readjust because the group just becomes too big in order to be fully operational.

I see (unintelligible)'s hand is up. (Unintelligible), please? (Unintelligible), you can't be heard.

Tijani Ben Jemaa: Sorry, sorry. Yes, sorry, I always mute it. I would like to say that no one from (unintelligible) region is there. I think that we need - yes, you said we're not force people but we can perhaps help say mention to people, to people from this region that that region is not represented at all in this group so that - we will have at least one from this region.

As you see, I volunteered only because there was no one from Africa. And I don't hope that we will have no one from LAC region. Thank you.

Thomas Rickert: Thanks very much, (unintelligible), and rest assured that we share the concern and that we share the hope that we will have more diversity. Maybe we can all think about ways to get interested parties to the table.

If you as well as any other (unintelligible) of this call or your peers have ideas as to whom we could direct or what channels we could use for outreach purposes, I'm sure that we would gladly pick that up. So thank you so much for this. Do we have any further contributions to this or questions? (Unintelligible)?

Kavouss Arasteh: Is it possible (unintelligible) the list?

Thomas Rickert: Can you please repeat that for me? There was some background noise.

Kavouss Arasteh: Yes, I want to - the list, please.

Thomas Rickert: Kavouss, we don't have to do this today or tomorrow but it would be great to get an expression of interest from you if you want to be included in the list of attendees for this implementation oversight team. And if your intention was to be added to the list of speakers it is actually your turn. So please do speak.

Kavouss Arasteh: I would like - I don't know what is of the speaker and oversight team, that's - can you explain somewhere? I don't take your time. I (unintelligible) very quickly (unintelligible).

Thomas Rickert: Yes, it can be explained. As you know, we've been working on recommendations to enhance the independent review process and there is language needed to be drafted in order to operationalize the IRP. So the rules to that process need to be determined.

The selection criteria for the panelists and according procedures need to be drafted, the standards of review need to be drafted. And for all of that we're going to deploy our lawyers who are experienced in the field but in order to ensure that the lawyers are drafting the paperwork in the spirit of the ccWG

recommendations we plan to set up an implementation oversight team, which is recruited from the community to work with the lawyers to ensure that our recommendations are abided by in the paperwork.

So thank you very much for that clarifying question, (unintelligible). Do we have any further questions from the group? Alan Greenberg and then (unintelligible), please.

Alan Greenberg: Thank you. It's not a question on the implementation team as such but on what their mandate is. One of the ALAC comments on the IRP was that the IRP is charged with addressing inconsistent panel reports. But the outcomes that are listed - the only outcome from an IRP is to decide whether ICANN's bylaws have been followed.

So I don't see how it can handle inconsistent panel requests without an outcome that matches it. It's been suggested that it's an implementation issue but I - since our prescription that the only outcome is a ruling on bylaw - on following bylaws I don't see how that can be done.

So if it's an implementation issue and everyone agrees I can live with it but I would like to understand how they're going to alter the rules essentially to allow that to be an implementation rule.

Thomas Rickert: Thanks very much, Alan. I could attempt an answer to that but since we have (Becky) on the call if I'm not mistaken, let's ask (Becky) whether she wants to volunteer and answer that?

Becky Burr: Hi there. So I think that the - you know, we got some interesting input on the whole issue of the use of IRPs to resolve inconsistencies among expert panels.

And I think that the answer has to be that if a policy was developed that depended on - that used and deployed these independent review councils, the policy itself would have to specify the manner in which the IRP would resolve any inconsistencies if the policy wanted to use the IRP for that purpose and also specify the outcomes that would be handled.

So I think that the notion would be that if as the outcome of a policy development process there was a desire to use the independent review panel to resolve inconsistencies, that would be developed as part of the process - the policy process itself.

Thomas Rickert: Thanks very much, Becky. And as you will have noted, this question including its answer is pretty much (unintelligible) of the actual work that both the lawyers will have to conduct in drafting the paperwork as well as for the implementation of the oversight team to take a look at.

So I would suggest that as we move on with speakers list that we focus during this call at least on the procedural aspect of setting up the implementation oversight team. (Unintelligible), your hand is raised so please fire away.

Tijani Ben Jemaa: Yes, yes, thank you very much, Thomas. I think that the fact that you mentioned that people on this group or on this team should have expertise - how to say, make people from some region not volunteer because they perhaps think that they have to be set on a review team before or perhaps they have to be lawyers to know - to have legal expertise.

So this is - I think this is the misunderstanding. We are not have to - I think that most of the ccWG members have the necessary expertise because their role - the role of this team is to see if the language developed by the lawyers

will be in the spirit of the group, developed in exactly - they will give the result that the group wanted it to be.

So I don't think that - we have to explain people that expertise is not having already been on the review panel or being a lawyer, thank you.

Thomas Rickert: Thank you very much, Tijani. Actually, that's a very good point and, Kavouss, I'll get back to you in a moment but let me briefly respond to what Tijani has said. You are correct in both stating that there is no requirement or no condition for participation in the IOT to have been on an implementation oversight team.

Actually in ICANN's history there haven't been too many of those so we would limit the number of eligible candidates essentially who have made that a requirement. Nor is it required to be a lawyer. I guess what's helpful and this is the reason why we have suggested this to be a criterion - it would be helpful for the individuals on this group to have something to contribute to an independent review process, i.e. to alternative dispute resolution.

And we don't need to be a lawyer or have legal background in order to be experienced in that field. And that's only one of the expertise's that might be valuable for this exercise.

So the expectation is not to have folks that actually have written such documents or the like but we just want to increase chances that the individuals on this team can contribute on substance. Kavouss, you're - you wanted to speak so please go ahead.

Kavouss Arasteh: Yes, Thomas. My comment is between what you've said and what Tijani says. It does not necessarily need to be a lawyer as such having (unintelligible) New

York Bar or any other. But it should have a certain legal background because the issues is very critical and very sensitive.

At least in order to comment one should understand the language used by lawyers, therefore legal background is so important issues. Thank you. And I want to be in the list, thank you.

Thomas Rickert: thanks very much, Kavouss. And we have asked the other interested parties to send in their expression of interest. Since you are not at your computer at the moment I would like to ask staff to send a reminder to you to send an expression of interest in the coming days so that it doesn't get forgotten.

But this is to ensure that we're treating all the interested parties equally, which I'm sure you will understand.

Alan, your hand is new or is that an old hand?

Alan Greenberg: No, that was a new one in response to Becky. Becky's answer is - and I know this is not implementation of the thing but let's come to closure on it. Becky's answer is fine but, again, the document needs to be clear that panel decisions are in the purview of the group but the ground rules will have to be set by the applicable policy, that's all. Otherwise we have a major inconsistent - which is my concern, thank you.

Thomas Rickert: Thanks very much, Alan. And as you can see, in the Adobe we have a huge number of witnesses for your statement and we also have ALAC comment on the record so I think chances are good that your point doesn't get forgotten and will be addressed when it needs to be addressed so thank you very much all of you for an interesting and fruitful discussion.

We will keep you apprised of any further developments on this. And with that I'd like to end this agenda item and hand it back over to Mathieu.

Mathieu Weill: Thank you very much, Thomas. And the next agenda item is about the timeline, a topic we've discussed before but since there has been some discussion in the list regarding timeline and especially the chartering organization's timeline consideration of our recommendations, we thought it would be appropriate to - sorry, recap this discussion and make sure we have clarity about expectations.

So as you can see, for those of you in the AC room, the - as a reminder the public comment period ends on December 21. And we are asking chartering organizations to provide their feedback, their endorsement or lack of endorsement of the 12 recommendations in a consistent timeframe.

There was - there is room in this timeline for adjusting through a supplemental draft report if need be and we believe that it would be good based on the inputs received so far on the list to communicate that in a more formal manner to the different chartering organizations.

And for that purpose we have drafted a - an email that could be sent - that we would like to discuss with you before sending to the chartering organization's leaders.

Can we have the draft email on the screen, please? So the idea behind this is that obviously there is nothing in our charter that enables us to set a firm date for chartering organizations to respond to our request. However, we want to make sure everyone's aware of the - how interlinked and interdependent we are from each other if the SO and ACs do not coordinate their planning around this feedback.

So the idea of this quick lecture and I will not read everything but probably only the key aspects. It's a reminder that we're inviting chartering organizations to indicate their endorsement of the proposed Workstream 1 enhancements. That we encourage stakeholders to channel their comments through their SO and ACs, which is not in any way meant to prevent them to find them directly to the CCWG as well.

We are also indicating that we will be assessing the level of support received as our charter says. And we provide the quote from the charter, which says that following submission of the draft proposals, each of the chartering organizations shall in accordance to their - with their own rules and procedures review and discuss the draft proposal and decide whether to adopt the recommendations contained in it.

The Chairs of the chartering organization shall notify the co-Chairs of the working group of the results of their deliberations, sorry, as soon as feasible. So this is why I'm saying this is - we are not in a position to dictate any deadlines to the chartering organizations. However, it's important to remind them of the fact that we will have as co-Chairs and with the as a group to assess the level of support received.

So the draft says that we would ask that they submit a formal position in a timeline that is consistent with the closing date of the comment period. So that means that obviously if it's a couple of days more or something like this, it's still in a consistent timeline.

And unless significant concerns are raised by chartering organizations, the current proposal could be the final proposal. And we would like - we request to be alerted as soon as possible of any contentious issues so that this can be

conveyed to the other chartering organizations and they are not put in a position where they would approve recommendations that are subject to change.

And then we also conveying once again the proposal to organization specific Webinars if need be. So that's the idea behind this draft, which we would hope clarifies the process as requested on the list.

And of course we would - we can share it - maybe we can ask staff to circulate this draft on the (who) list right now so that's to respond to (Steven)'s request so that it can be read for those of you who have screens that do allow this to be read on screen.

((Crosstalk))

Kavouss Arasteh: I have a comment.

Mathieu Weill: Kavouss. Kavouss, please...

Kavouss Arasteh: Yes.

Mathieu Weill: ...go ahead.

Kavouss Arasteh: Mathieu, there has been 60 messages exchanged for this issue. We need to take the most practical and pragmatic approach as not to go too much (into it). It would be more appropriate that first allow the public comments to send their comments.

In the meantime (while) public comment (comes), there is no prevention or prohibition of any chartering organization or any individual (in that sort of a position) to provide some I would say advanced comments.

However, the formal comments in the sort of - or in the form of approval or disapproval of any implementation, which I hope would be in that sense but not in the general answer yes or no because yes and no doesn't help. It should be (unintelligible) I'm sure you put in that space.

So I suggest we leave many of these emails that you or your colleagues trying to put it in that way that during the comment period the chartering organizations collectively in their own procedures or individually could comment an advanced comment or the formal comment would be after receipt of the entire comment from the public, which would considerably help the chartering organizations, which may not have thoroughly followed the situations compared with the public comments, which are very, very closely following the situation.

Would that cause individual (unintelligible) and (still be maintained) 21st or 22nd of January. But we do it in a more structured way. And not only the people to take this practical approach doesn't really cause any difficulty. Therefore some of the leader teams, which I think (unintelligible) situation. Perhaps we should listen more to general concerns or general issues raised.

So my question is to yourself. Could you go along the line with what I have suggested? Thank you.

Mathieu Weill: Thank you very much Kavouss. And indeed we wanted to provide the opportunity to say actually two things that we need some clear indication of the direction that the chartering organizations are taking in a timeframe that's

consistent with the public comment. That is not necessarily on the one-day basis. Can be a few more days.

However - and a formal approval may come a little bit later - a little bit later if need be. So that was the intent here and probably it might need to be refined. So I think we are - we're very close to what you're suggesting. And hoping that we can get indications from the chartering organizations even if it's not a formal resolution at that point.

But provisions for a formal resolution need to be made in a timeframe that is going to be consistent to the overall timeline, which says that we need to provide the input to the Board (unintelligible) (may generate).

I noted a question from (Jorge) about - I would quote this question. Does non-adoption by a chartering organization imply explicit rejection or does non-adoption also imply possibly (unintelligible) simple non-adoption? No decision to adopt and also no decision to reject.

That's a good question. It's - there is a precedent for the CWG where one of the chartering organizations I think issued a non-objection statement. And I think there's a precedent that it was considered that there was consensus among the chartering organizations anyway to proceed with the report.

However, we need to be aware that the charter is not fully explicit on all of this. So certainly formal approval is way better than anything else. And we would certainly welcome that.

And if there is a situation that is similar to the CWG, we can probably rely on the same kind of precedent. And I hope that we'll find it - this type of consensus at least. But I apologize for not being able to provide a very clear

and direct answer to your question, which actually is not taken care of in the charter so we are in un-chartered territories here. Next on the queue I see Greg's hand up.

Greg Shatan: Thanks. Greg Shatan for the record. And I - to some extent this is a variation of (Jorge)'s question. It seems to me that one likely possibility is that essentially what you'll get back from at least one if not more chartering organizations is kind of a grade of incomplete, which is not an abstention from adoption.

It's just not non-adoption but rather is basically a work in progress such as, you know, that may come back saying that, you know, we have the following concerns, which if resolved would allow us to adopt Recommendation X.

And that doesn't seem to be contemplated in the charter. It also doesn't seem to be contemplated really in the letter. And, you know, talks about a formal position. I'm not sure what a formal position is if that's something that's signed - given a meaning.

So I recognize obviously ideal thing is to get, you know, a big thumbs up on every recommendation from every chartering organization. And not to mention of course that there are things outside of the report - things outside of the recommendations and the report such as the entire section of stress tests is not a quote unquote recommendation.

So it seems to me that we need to at least contemplate the concept that we're going to be back is something more in the nature of a dialog than a rejection or an adoption. So how do we do that?

Kavouss Arasteh: I have an answer to that Mathieu.

Mathieu Weill: Well Kavouss, and then if you have an answer, please proceed?

Kavouss Arasteh: Yes. My answer is that there are four options for each recommendation. Yes, I agree with the recommendation. Two, I don't agree with the recommendation. Three, no comments. Four, I agree provided that (several) conditions (are fulfilled).

These are the four options that we use elsewhere - not only in the ICANN process but elsewhere - all (unintelligible) have some things and that provided that four, under the condition (docs). So that is - these are positive ways (for us) for Option 1, yes, but conditions.

Perhaps we should (succeed) the conditions or as Greg mentioned, there might be a way for some dialog if possible (at the later stage). However, due to the fact that we just compiled the reply to ICANN, we should provide that in all these four options. And that is up to ICANN how to conclude when they providing their final report with NTIA and hope that they will take it faithfully. I hope that they would not interpret it.

But we should not interpret it anyway; no answer as agreement or no answer as opposition. No answer is no answer. In international call, sorry, law and international (unintelligible) is called abstention. Thank you.

Mathieu Weill: Thank you very much Kavouss. And to add to your point, there's a couple of points. Number 1, like Kavouss said, it would be certainly inappropriate to take an absence of answer as either support or objection.

It would - so we need answer from chartering organizations, whatever the form. There might be some - I hope we don't have to go into interpretation of the advances. The clearer they are the better.

We'll need to assess the level of support and the - and really get - go into a - that's said in the charter about a consensus assessment of the chartering organizations. And that's been very clear in NTIA criteria that there is a requirement that a proposal is a consensus proposal. And that really needs to be our key guideline in reading this.

Secondly, regarding the dialog. I think we need to be very aware of the fact that what we are asking chartering organizations to endorse are the recommendations and that may leave some implementation details open for dialog.

And so we'll need to make sure if the dialog is on the detail then that's perfectly fine because that's going to be handled in the implementation phase and we need to make sure that the endorsement or support we get is on the recommendations.

So I think those are the items that we'll need to take into account when assessing the feedback we're getting. And it's important I believe to communicate that to the chartering organizations so they have our criteria for reading through their feedback very clear, upfront to avoid back and forth later on in the process.

And I see - I don't know - I don't think it's time in any way to prepare for Plan B or anything like this. We need to - what we'll have to do is assess the direct consensus. And I think that reinforces the relevance of communicate this very

clearly to the chartering organizations leaders with probably the adjustments suggested by Kavouss for greater clarity.

I don't know if my - Adobe Connect is having some form of disturbance at this point or if the queue is closed. But my impression is that the queue is - oh Milton was asking, yes. Thank you (Keith) for reminding me. I said I had Milton on the queue and didn't turn to Milton. So please Milton, take the floor.

Milton Mueller: Hello. Can you hear me?

Mathieu Weill: Yes, very well Milton. Welcome. Okay.

Milton Mueller: Yes. Thank you. So I'm wondering if we are still in a state of denial about this problem of having the chartering organizations consider these decisions before the public comment period is over.

I think if we're talking about consensus as being a requirement from the NTIA that we have to see what the general public thinks about the proposal. We have to make sure that there's support for it. And then the chartering organization has to vote it up or down.

And I think this solves the problem that Kavouss was talking about, which is, you know, if you're just taking the survey now as a random member of the public, you're not going to be in a position to just say yes or no. You might think that you would support certain things under certain conditions or you might have no opinion about them.

But that's what the public comment period is for. And then the chartering organizations can take all that into account when they make their up or down decision.

So what I'm doing here is I'm agreeing with the Chairs that at some point we have to have a simple up or down, yes/no decision, which allows the group as a whole to assess the level of consensus in a finalized basis.

But before you do that, you have a general public comment period, which some of us have been insisting upon all along. And people look at those comments and they say, you know, is this problem minor enough that I can overlook it and say yes or is it serious enough that I would have to vote no in the final recommendation?

Do you understand what I'm getting at? I just don't understand why some people have been insisting on collapsing those two processes into one. That's it for now. Thanks.

Mathieu Weill: Thank you Milton. I will turn to Thomas but I think that the basic difference of view here is that since our recommendations are the fruit of lengthy debates and consensus that is already quite well documented. And as we discussed in Dublin, there is a - it is sensible to us at least at this point to ask the chartering organizations whether that compromise is consistent with - is ready for support or not.

And that providing some input about the relevant comments but however, I think these recommendations are fleshed out so in a manner that enables that. But Thomas, you wanted to respond to that.

Thomas Rickert: Yes. Thank you very much Mathieu. And thanks Milton for the question as well as to others that have raised concerns and asked questions surrounding this.

My view is that the chartering organizations are asked to approve our report basically. They are asking approve the recommendations - the consensus recommendations from our group. And these stand for themselves. They are themselves based on public consultations that we have had earlier.

So this all makes perfect sense if you look at it that way. So the chartering organizations take our report. They say yes or no to the recommendations as they stand.

Our group is also tasked to look at the outcome of the public comment period, which we will do. And in case public comment suggests that we need to change our recommendations, our consensus on the previous - of the recommendations in our third report needs to be revisited; i.e., we then meet to issue a supplemental draft and bring that back to the chartering organizations for their approval.

So the chartering organizations are not missing out on anything because they will say yes to recommendations that enjoy our group's consensus. These are the recommendations as they stand down in our third report. Or in the unlikely case or the case that I'm sure we do not hope for the recommendations that we will find in the supplementary draft should there be the need for it. Thank you.

Mathieu Weill: Thank you Thomas. Next is Steve.

Steve DelBianco: Hi. It's Steve DelBianco. Milton and I had some exchange on the list about this. And Milton and others are certainly entitled to an opinion that another round of public comments should be inserted before the chartering orgs. And that's a legitimate opinion but it is not - it is not what our charter requires.

Our charter requires us to go to the chartering organizations who have been following this as well as the two full rounds of public comments that we've gotten.

So it's a matter of opinion perhaps on the part of Milton and others that they wish to see us embark on a sequential process of public comment and then chartering org. But it is not an abrogation of the process for us to go directly to the chartering orgs. Milton, I refer you to the charter. It's pretty explicit about what our obligation is at this point.

And I do feel like opening up the parallel process allows for the public who choose not to comment through a chartering org - allows that public to make their opinions known and their opinions of course are visible to the chartering orgs should they care as well as the general public and the CCWG. But this is about the chartering organizations who set up the CCWG and that's where our attention really needs to be. Thank you.

Milton Mueller: Well, I think you're overlooking the fact that this was a new proposal. Okay. When you keep talking about these previous two comment periods, you're forgetting the fact that we made huge deviations from what was in the second draft. And I think the public deserves to make their views of that known.

And again, the sequential nature of it is simply common sense. You look at the general public comments first and then you vote up or down on a chartering organization basis. But that's my view and I'm disappointed to see that it's not being taken serious by people and that the real reason for it is not really being stated, which is that you just want to conform to an artificial deadline.

Mathieu Weill: I think the point is well noted and it's been made before and it's taken quite seriously. One of the aspects that we stressed earlier, which I think is important to remind ourselves, is it's - the chartering organizations themselves need to define their own process and a relevant timeline.

And I guess that we've had a couple of - two or three calls with the chartering organizations' leaders at this point, which we reported on in this group. And I think that would be an appropriate channel. Maybe an answer to the letter that we'll send will get such requirements set up by the chartering organizations.

But I believe that there is a way forward that is appropriate, which has been accurately described by Kavouss, which is pragmatic, which is common sense and which takes into account the fact that this is a third draft and which we've - which most of the community is now quite familiar with in the chartering organizations.

And with that, I will now turn to Leon for AOBs and reminding him that Alan had a point that he wants to raise. Leon.

Leon Sanchez: Thank you very much Mathieu. As you said, I remind also that Alan wanted to raise an AOB too. So I would definitely turn to Alan. Alan, what is the issue that wanted to raise from any other business.

Alan Greenberg: Thank you very much Leon. In support of the idea that chartering organizations should give a heads up as to problems they see early, the ALAC had a number of comments on various mission statements in Proposal 2; some of which were address and of which were not addressed.

We really need to understand the rationale why the ones that were not addressed were not either in the form of the detailed analysis of comments if

that's going to address it or from (Becky) recounting what WP2 decided on these issues because we're going to have to decide whether these indeed are still issues that we have to raise in the comments to the third proposal or if we decide that the rationale is acceptable and we cede on them.

So we really need something in writing pretty quickly to allow us to make our decisions as to what to include in our comments for WP3. Those things were addressed in our formal comment and they were also - the ones that were not addressed were also forwarded to the WP2 and I think the accountability overall mailing list just a few days prior to the finalization of the proposal. So I do look forward to receiving something of that form. Thank you.

Leon Sanchez: Thank you very much Alan. So this would require of course a note from the CCWG or co-Chairs for...

Alan Greenberg: No. I'm - it's Alan. I'm looking for something either from (Becky) as Rapporteur or from staff...

Leon Sanchez: Okay.

Alan Greenberg: ...because they've analyzed it and have it all ready but haven't published it yet or something. As far as I know the issues were not addressed in any public calls that I attended. They may have been addressed in the public call I didn't attend or they were handled offline in some other way. But at this point I have no record of getting a formal answer back as to why the issues that we raised were not addressed for those that weren't.

Leon Sanchez: Excellent. Thanks for clarifying Alan.

Alan Greenberg: Thank you.

Leon Sanchez: So the action item is on record on the notes. And we will of course follow up on that action item. And I see (Becky)'s typing on the chat box. And I think that we can go back - this offline and then have a formal reply by (Becky).

So the next any other business issue is travel funding for the Marrakech meeting. We have been receiving some questions on whether there would be available funding for members of the CCWG attending the Marrakech meeting.

As you know, we have held some face-to-face meetings (adjacent) to ICANN meetings in the past. And as far as I understand, ICANN travel policy is not to fund any people to attend ICANN meetings.

But of course they have made the exception when we have arranged to have (adjacent) face-to-face meetings to ICANN meetings to not only fund people to attend our face-to-face meetings but also to extend that funding so that people that are attending the face-to-face meeting are allowed to stay for the whole ICANN meeting as well.

So since we have no confirmed plans for the CCWG to have a face-to-face meeting (adjacent) to the meeting in Marrakech, I think that there would be so far no opportunity to fund anyone to attend the Marrakech meeting as regular attending that meeting.

But if we do plan to have a face-to-face meeting, then that could change of course. If we have a face-to-face meeting in Marrakech, then we would be requesting travel support for the members of the CCWG as it has happened in the past. And I see Alan Greenberg's hand is up. Alan.

Alan Greenberg: Thank you very much. Travel requests are going in soon. And certainly meeting requests, you know, for individual meetings are in soon. If the CCWG is going to hold anything other than a trivial meeting, we really needs a heads up soon because it may affect travel and it certainly will affect conflicts with those other sessions.

((Crosstalk))

Alan Greenberg: Given that we at best or at worst we're going to be embarking on Workstream 2, I can't see that we don't need a meeting but that's not my call.

Leon Sanchez: Thanks Alan. I didn't get the message quite well. We are not (planning) an (adjacent) face-to-face meeting but we are actually holding three 19 minute slots so far that I - so far as I can tell for meetings of the CCWG.

So instead of having an (adjacent) meeting, we would be holding these CCWG meetings throughout the regular ICANN meeting schedule. So at this point we would be taking care of, of course, the (worst of) two issues on these proposed meetings. But we need to of course iron out the details on how travel funding if any would be available for members to attend these meetings.

Kavouss Arasteh: Yes. And I have one question if you allow me.

Leon Sanchez: Yes please. Go ahead Kavouss.

Kavouss Arasteh: Yes. Is there any meeting (and business) between 22nd of January and Marrakech meeting of ICANN?

Leon Sanchez: Thanks Kavouss. This is up to the chartering organizations to determine whether they will be needing to meet face-to-face in order to make their final

assessment and hopefully approval of our recommendations. So this is not clear yet for us on whether there will be chartering organizations needing to actually meet face-to-face.

There is a chance I think, and that's what I suppose. It's just me speaking for myself and with no actual basis to state this. But it is my feeling that maybe the GAC would be meeting face-to-face but there are no other signals so far that I know of on that.

There would be as we have discussed before an intersessional meeting. So at this point - well it is not clear whether there would be a face-to-face meeting for chartering organizations in between now and the 21st of January.

Kavouss Arasteh: No. I'm not (debating) that. I'm (debating) the CCWG meeting. But not chartering organizations. I know GAC will be discussing something in the January and so I (unintelligible) CCWG any physical meeting between 22nd of January and Marrakech meeting of ICANN (timeframe).

Leon Sanchez: So if I heard - well, your question is whether there would be a face-to-face meeting of the CCWG in between those dates?

Kavouss Arasteh: Yes. Yes. Yes.

Leon Sanchez: Okay. No, there is no - there is no face-to-face meeting planned in between those dates.

Kavouss Arasteh: Okay. Thank you.

Leon Sanchez: So I see some comments on the chat box on whether it's up to us to make the decision, if it's ICANN staff, if it's the CCWG members. We have to abide to

ICANN's travel policy. And of course we would be requesting that if we are to hold a face-to-face meeting in the Marrakech meeting then the (merits) of the CCWG should (have been) for funding to attend this meeting.

But so far, as I said, we have - we haven't have a clear signal on this. And we will of course update you as information comes in on this issue. And I don't know if there are any other questions or comments on this issue or whether there are any other business.

I see a question from (Robin). When will that decision be made if we will want a face-to-face meeting? Is - I'm not sure if I'm understanding what that (Robin) is - if it's a question on a face-to-face meeting in between now and January the 21st or is it a face-to-face meeting in - okay, in Marrakech. Perfect.

So I think that this would be a subject to discuss not only on the list but in our next calls. So I think we will definitely need to decide on this pretty soon so that everyone can begin travel arrangements accordingly.

So are there any other questions on this or any other business that anyone wants to raise? Okay. So having no other questions or business that have - that want to be raised, and yes it's not a problem that we need to decide soon. We are mindful that a decision needs to be made very soon.

And with no further comments and no further questions be raised, I think that we covered the agenda items for today's call. And we would like to thank you all for your attendance. And this call is no adjourned. Thank you very much.

Woman: Thanks everyone. Bye.

Man: Thanks. Bye.

END