

ICANN

**Moderator: Nathalie Peregrine
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6:00 pm CT**

Tony Holmes: Good afternoon everybody. If I could ask you to return to your seats for the last session of today.

So we have the last plenary session. And the intention of this session is basically to look back at some of the topics that we've discussed during the previous day or so and to pick up any issues that come from them, any follow on actions as well. So there's a couple of things we need to do. Firstly, I'd like to make the point that David has put the notice about Panama in the chat so that information is now out there.

I think there may be some discussion, I gather, around that issue as well. We're then going to look at the issue that we covered for the work on structural reform that we've mentioned that we'll undertake within this house, have a look at a draft charter that we can all work to for that. So that will get that off the stocks, get the work rolling. And then later in the meeting I'm going to refer to David, who - or defer to David who's got a couple of issues to bring to our attention before we close.

We can go on a little bit longer because the debate that was going to be scheduled for the closing session, which is closing and next steps discussion, I think a lot of that was covered in the previous session. So we can pick up a bit of time there on that and extend our session today. So to start with let's just pick up on the issue of the change to the meeting plan with Panama.

Rudi, I see you've just come back into the room. And I think there was an issue related to that that you particularly wanted to raise so I'll hand the floor over to you. Thank you.

Rudi Vansnick: Struggling with the technology. Yeah, well during the session we had with the meeting team, I had the intention to have some answers and solutions. But it looks like I got an answer but I have no solution anymore. With regards to Panama, as already John mentioned, we have been trying to prepare ourselves for outreach in the four-day meeting schedule. And knowing that it was going to be in Panama we created a list - we were building a list of potential NGOs we could go to that took us a lot of efforts already.

The fact that now we understand that Panama is off the list we already lost time by doing these efforts. And I think it's quite important that we know very quickly what the new location is going to be because preparing for outreach, especially in the NGO domain, is very difficult. They don't have spare time. It's not their premier - their first mission is not being involved in ICANN; their first mission is survive.

And I think that for us, and maybe for other constituencies, very important that we are enabled to prepare ourselves in a decent way. So I'm wondering what's the next step going to be in order to be able to identify what are the groups we can talk to and invite or go to for the four-day meeting.

Tony Holmes: Okay so, David, if I can hand over to you. I know there's no easy answers on this but you're used to that anyway.

David Olive: Thank you, Rudi. Indeed I understand that. I don't - I would just like to suggest that your preparatory work with NGOs in the Latin American region be shared with Rodrigo De La Parra because there may indeed be interactions there and ways to follow up on that either because of meetings in the region or his work. So I don't think that is a lost investment, I just think it's a postponed investment.

In terms of yes we want to know where it is next. Nick Tomasso is working on that and I will convey this - the request to get that settled as soon as possible so we can plan that because everything has been obviously shifted. And we understand that due to things outside of our control.

Rudi Vansnick: Thank you, David. But my question is then is it going to be in the Latin American region or is it going to be somewhere else because we have been doing...

David Olive: It's going to be where the Zika virus is not is all I can say.

Rudi Vansnick: Could be half of the world.

David Olive: We'll have to have the meeting quickly to avoid that but.

Tony Holmes: Okay.

Kiran Malancharuvil: For the record, the Zika virus is here in Los Angeles so just saying.

Tony Holmes: So let's get out of here. Chantelle, are you in a position where we can show the other - the draft document now? Have you received the Google? Okay, so we'll open up the floor for other issues to start with. But at this stage we had some discussion earlier yesterday about looking to undertake some work, looking at some of the structural issues which many of us hoped would be addressed in the GNSO review and they weren't. So I think it's appropriate as we want to conduct this work as a house initially and see where that leads before going any further and to seek some initial input that we share with everybody here an outline of where we want it to go and how we're going to work. So, Christian, if I could hand over to you to talk us through this, thank you.

Christian Dawson: Tony, I'd be - I'd be happy to though I would like to know how exactly you'd like me to walk us through. What we have here is a version of a document that I put forward to a small team that raised their hand and said they wanted to help me draft. So we're still - I would still call this an early stage document that we need - that we need that group to weigh in. I could go ahead and read what we have now. I could tell you what the different sections are and highlight. How would you like me to go about?

Tony Holmes: Well I'm open to suggestions from the floor. But I would suggest that we just briefly run through the document just highlight so as people follow this document it's now available for everyone to look at. If there are any issues on any particular section as we work through, taking account of the fact that Christian has explained, it's merely just a draft, and it will be open for comments.

But it would be helpful if anyone has any major concerns or wants to change anything fundamentally that we highlight that now being aware of course that we're a much broader community than those of us here. We're only a

representative group of each of our stakeholder groups. So everyone needs to engage in this. But this is just to provide some guidance, initial guidance and shaping of this for those who were present for the discussion. Over to you.

Christian Dawson: So what may make sense is for me to go ahead and actually read the problem statement so it - since it sort of frames up what it is we're trying to achieve. And then from there I'll just briefly go through the different sections to tell you like what is going into the rest of the document.

So it says, "The most recent GNSO review, Westlake, did not properly address the concerns of many within the GNSO or those that sit outside of it in the Generic Name Supporting ecosystem that are without a home at ICANN. Neither did it effectively assess the structure of ICANN as it moves into a post-transition IANA/PIT world. The community is planning for accountability changes. Discussion has begun around this being a good time to begin a process for the GNSO to implement its own self-review."

"This document represents an official call for the creation of an NCPH community working group on comprehensive reform. The concerns raised by many in the community indicate that the existing GNSO structure and operating plans do not yet meet stakeholder expectations. Recent statements made by various stakeholders suggest that current ICANN structure needs to be reviewed, and if need be, approved, amended, replaced or supplemented with new mechanisms. Moving forward we talk about the goals and objectives of this proposed working group and then we go to scope."

The important thing to know about the section on scope, if we can scroll on down - yeah, is that the idea is to break this into four sections. One is the scope of GNSO and GNSO Council responsibilities, one is GNSO structure, one is GNSO operations and then there's GNSO accountability.

There are - there's a section below there that outlines a few initial questions that could be addressed by the NCPH working group. I expect that the drafters are probably going to extend to amend that section more than any other. And then it talks about the deliverables, basically the series of recommendations that could come from this working group. It talks about how members of the NCPH are eligible to be a member in a membership criteria section. We can keep on scrolling down. Simply talks about - go on past there - meeting criteria and conduct of meetings along with relatively standard sections on conflict resolution, etcetera.

So that's pretty much what we have. And I can make it available to the wider group for comment and suggestion easily.

Tony Holmes: Thanks, Christian. So is there any initial reaction around this group? Steve.

Steve DelBianco: Thanks, Tony. Thanks, Christian. I wanted to leverage off of the work of CCWG on the transition. And in the problem statement very early on, you're linking the rationale for the problem to the post-IANA transition. It's not obvious why that needs to be part of the problem statement. It's not obvious how this transition creates a greater need to solve this problem or actually creates the problem. So I don't think you need to have that rationale in there. On the other hand, I'm happy to hear what you were thinking when you wrote that. I mean, because I don't see the connection there.

There is a place below there, though, where you do speak about GNSO accountability. Right? It's on the second page. And in there, there is a nice linkage to Recommendation 10 from CCWG. It was Recommendation 10 deals with making sure that each of us in the AC/SO world are accountable to the constituents that we are supposed to represent, right? And so that's

important too and that's going to be a Work Stream 2 project that'll begin probably right after Marrakesh.

So even as you're developing this work a few people on the team that are active who care about that particular topic should dive into the Work Stream 2 work on Recommendation 10. But I'll stop there and ask, what's the rationale for including any mention of the post-IANA transition?

Christian Dawson: It's exactly the linkage that you're talking about there. It's making sure that we - that we aren't creating a new work streams for work streams that are already going but are doing this in a cascading way from the work that's being done on things like accountability. Now I'm very open to changes or removals of that statement but that was the thinking.

Steve DelBianco: If I could just follow up then. A statement from the Rec 10 as a sentence would be so clear there because it would suggest that in a post-IANA transition we see the importance of ensuring the GNSO is truly accountable to the constituents it was created to represent. And then you've put it in a little capsule but thank you.

Tony Holmes: Okay, thanks Steve. Any other initial comments? Greg.

Greg Shatan: Thanks. Greg Shatan for the record. A couple of things. And just trying to think about the shape of this whether this is proposed to be a Non-Contracted Party's House only group or is it intended to be all of the GNSO or - and even including those who, as you say, are kind of part of the ecosystem but don't have a clear home in the current stakeholder groups. And is the intent that this would be kind of an informal kind of group, not one that would require an issue report and go through the whole, you know, kind of process by which a

working group, a formal working group gets ultimately chartered by the GNSO?

So, I guess, are we looking to charter this or are we looking to make this as kind of an exploratory sort of operation which we can kind of launch much more quickly but - and which we can try to run, you know, as best toward, you know, ICANN principles and the principles that are in the document but are not looking for it to have kind of the weight. So in a sense it'll be kind of a precursor to something more formalized.

Part of that is that I have a bit of an allergy to using the term "working group" for something that is not a formal working group. You know, working group, working party, these things get abused and sometimes I think they're used to legitimize groups that are if not illegitimate at least have been created outside the system by, you know, small groups. IPC could create a working group tomorrow and call it a working group and we could invite in somebody from the GAC and then it's a cross community working group, but it's not.

So I think we just need to - we need to first decide what it is, how formal we're going to be and who the eligible participants are and then we have to call it what it is. Thanks.

Tony Holmes: Okay, I'll try and answer that. I'll give you my take on it but I'm open for any other views or any other shape that anybody wants to go. I don't want to get into trying to resolve what's legitimate and what's illegitimate. But here we have no remit to form a GNSO working group. We clearly don't, we're just one house of the GNSO. We've had some discussion within the GNSO - sorry, within the Non-Contracted Party's House. We've never had an NCPH working group before. This is a one-off. So if we didn't achieve anything else and we walk away with this we've certainly achieved something.

If we're going to take this forward I think there is, personally, some merit in having a discussion within our house. I think our house suffers more from the structural issues within the GNSO than the other house. Quite clearly they don't have the same diversity as we have. And certainly now with registries becoming registrars and vice versa, then I think it's even less of an issue than it has been in the past.

So we are probably the group that has more tensions around the structural issues. The thinking behind this was because we had the discussion here it would be useful to try and kick this off. And you can call it a working group, a taskforce or an ad hoc whatever you want to use. I'm not worried about the term.

But initially to have some what I'd call seed discussions around this issue to try and highlight some of the issues where we think there would be some action required. And whatever people's views are of this, from what I've heard at various ICANN meetings I think there are - there's probably no doubt around this table that people do have issues with the current structure.

We've heard claims before that the GNSO is broken and various issues around structure have been raised by various groups. So it's really a seed activity, not weighted to any name. I think the reason the working group got into draft that Christian produced was because one of the things we wanted to do was built on and adopt the good principles that underpin GNSO and other working groups the way that you act, the way you relate to each other, the way you conduct meetings. So that's where that terminology came from.

But certainly not weighted to any name or any approach, it's really nothing more than a seed discussion group within the Non-Contracted Party's House, which has never been done before. Did that answer your question, Greg?

Greg Shatan: Yeah, I think so and it's entirely legitimate to - not to use that word but I think appropriate to have that and we just call it a discussion group at that point because I just don't want the confusion of people thinking this is a working group. Not that we're not going to be working. And if somebody has another, you know, non-term of art that we can use to call this I just am sensitive to that.

But I think, you know, that's the appropriate shape at this point. And it could in turn be the impetus to a more formal working group. Indeed it may need to be if it actually wants to achieve something to be, you know, turned into a board recommendation or, you know, structural change.

Tony Holmes: But if it's successful we have the opportunity to either present to the board. Certainly when the ISPs had interaction with the board at the last ICANN meeting we had an open offer to talk about structural reform with the Board Governance Committee. So that's one possible route that we could explore. We may decide well we've had some initial discussions but it needs to be much broader because it probably will - it certainly would, I would suggest impact other parties within GNSO at least, possibly others.

So it may need to be thrown as a potential working group within the GNSO. But I really don't think we're anywhere near that stage now. That will come later. And it's one possible route. But, Christian, you may want to comment on that as well.

Christian Dawson: Sure, I'm happy to. And, Tony, I echo everything that you said about expectations. And I'm also completely fine with not using the word "working group" however I do think that this is an endeavor that the NCPH should seek staff support on and should actually put some structure around. Pulling together meetings and resources to - and having people tasked from each house to come and actually work on some genuine recommendations. Which goes a little bit beyond the idea of it being a simple discussion group. So NCPH is the only focus but we do call on staff support to actually make something productive come of it.

Greg Shatan: I agree with that. We should take advantage because we'll need the structure to really, you know, underpin what we do. You said from each house, did you mean from each stakeholder group?

Christian Dawson: I absolutely did.

Tony Holmes: Okay, thank you. Marilyn.

Marilyn Cade: Thank you, Tony. I would - Marilyn speaking - I would strongly support the idea that we call it something different from every term that has baggage and expectations such as working group, etcetera. We could call it an ad hoc discussion group, we seem to be going in that direction. I like that.

I'm not so sure about formal staff support so let me address this in two ways. We have, each stakeholder group has secretariat - part time secretariat support. And I don't see why we can't donate a few hours from Chantelle's time and from the other - your secretariat, to manage the scheduling of calls using ICANN resources, such as (unintelligible) and Adobe Connect, etcetera, the transcripts I think, yes. I'm not so sure about asking for other staff support.

And so I'm going to - I'm blind. I see David, I see Rob. So I'm going to just pose a question.

In the development of charter revisions, etcetera, the new can of course ask for staff support. So I'd like us to think about dividing the request on staff support putting on one side of the equation, our using our already available secretariat support to do the routine administration management support things related to scheduling.

The second question then is the question of whether there are available staff resources to help in any way beyond that. And if we could divide those two things I would feel more comfortable. Then the final thing I want to say is if this is a ad hoc discussion group within this house then I would like the participants in it to be members of one of the constituencies and not ad hoc visitors.

Tony Holmes: Mark.

Mark McFadden: Let me speak to the issue of support. And this will be the first time this week that I said anything contrary to what Marilyn says. But I think Marilyn's approach is wrong here. I think what should happen is that for the - this activity is clearly separate. And I'm glad that it's an outcome of these two days of our working together. I think it's a positive outcome that out of two days we have a document that you can look at and make comments about.

I, for instance, instead of working group, would prefer the words "therapy session" because I do think that the structure of the GNSO needs significant therapy but physical - anyway. On the subject of support to be more serious, I think what we should do is treat this as a separate activity, something that is distinct from the work that goes on in the individual constituencies. And as

such I think we should make, as a house, a request of ICANN for support. Now ICANN itself can decide how it meets that request. And if it meets that request in the way that Marilyn suggested that it sort of divides the request into that, that's fine.

But let's request the support as an integrated support activity for this particular activity and allow ICANN to actually do the work of deciding how they're going to do it.

Ed Morris: Yeah, hi. Ed Morris. I support Marilyn's proposition. I'm a little bit concerned at creating separate house-based policy working groups and how that might be perceived by our colleagues in the CPH. This is a GNSO matter. I'm fine with doing this on an ad hoc basis. I'm not supportive of great staff involvement outside of the Adobe Connect or trying to formalize this all that much. I don't like the term working group.

And I don't want it to be perceived as an effort by those of us in this house to subvert or get around the processes of Council normal working groups or in any way trying to do something that could be perceived negatively by our colleagues across the aisle. I think that's the chance if we go ahead with a more formal structure.

Marilyn Cade: I just need to be sure that I was clear on what I was proposing on support. For instance, I was saying that we have access ourselves to certain resources that could do the routine administrative management such as the scheduling, the access to Adobe Connect, etcetera. And I was suggesting that the request for other professional support staff should go to ICANN similar to what we did in the BC when we asked for charter development support.

It wasn't that we didn't ask for and receive support, Mark, I was just - I was just saying we have the access to at least the administrative resources.

Tony Holmes: Okay. One thing I think we're heading towards closure on is the fact that maybe we need a different term; working group seems to not fit well. I think maybe ad hoc discussion group might be less inflammatory. Marilyn made one very good point that hasn't been picked up. And just for clarity I think the issue that you did highlight was that initially for this ad hoc discussion group, if we're going to call it that, it should be limited to people within this house. I think that's a really important point that we all agree.

And if we do agree that, that needs to go into the document itself. Okay so that's a really good point. Greg.

Greg Shatan: Yeah, I think we may be over-symbolizing this. And, you know, that's coming from the guy who said don't use the term working group. But I don't think it's going to be seen as some sort of slap in the face. I think we need to think about what kind of support we need and if it is just, you know, call scheduling and Adobe Connect support that's great.

If we actually think that we would be more efficient with policy staff support and there's a reason and a working method for which that would be more appropriate I think it's entirely appropriate to seek out that support. You know, the idea is to get an end result. I don't think this would be seen in any way as an end run or around anything. So, I mean, maybe we found our third rail issues one session too late, I'm not sure. You know, I'm sure we can resolve this. But I think that the point is to get the best outcome with the most appropriate support that we can in this ecosystem.

Tony Holmes: Okay. Just a warning here, we're heading to ask David a hard question soon and I'm sure he's aware of that. But before we get there I saw Stephanie and then we'll work down the table. Thanks. Stephanie.

Stephanie Perrin: Thanks very much. And Stephanie Perrin for the record. Just a point of clarification, I'm - what are our goals with this discussion group/working group? I must confess to having a slight sensation that I agreed to go to marriage counseling and all of a sudden there's a divorce date looming, you know, possibly that's a misapprehension late in the day and all that. But this seems to really be rolling down the track more than I thought.

Tony Holmes: Just an answer to that, I hope the goals were going to be indicated within the document. I mean, if they're not we probably need to shape that in a slightly different way so the goals are there. But, Christian, you may want to comment on that. And I know you had another comment as well.

Christian Dawson: Well that's exactly it is that we have a document that's outlined some goals, it's outlined some questions. Some more can be added, some more can be questioned. We can try to, as a community, say that we want to tackle certain things and not others. My goal here was to try to formalize the conversation. Ultimately what I heard, and I heard, Greg, from you very clearly, at the beginning of this, that you wanted us to play nicely together, more nicely together as a non-contracted house.

And I think it was something like so that the contracted house doesn't walk all over us, or something to that effect. Well the goal here is try to formalize some way that we can get on the same page with how we feel, how we think, what we're working towards. And so the document tries to frame out my ideas of how it is we are going to go about that.

The one thing that I will say is that, you know, in throwing this to you guys and saying, hey, what do we want to make of this, how we end up coming down on staff support, how we end up coming down on the name, whether it ends up being working group or whatever, at the end of the day I may or may not have strong opinions but it is up to the multi-stakeholder community to decide what we move forward with within the NCPH.

I do, however, feel as though if we treat this formally we will get formal results, and if we treat this informally, and we turn it into something just casually that a couple of people weigh in on, we will get informal and results that don't really mean anything and don't - but I think I heard from a lot of people other objectives to really build a stronger NCPH.

Tony Holmes: Before we carry on, let me just put some expectations around this from my side. I do not expect as an output from this work we're all as a house going to say yes, we need to undertake all these actions and we want this result. I don't think we're ever going to get there. And it isn't intended to do that. What it is aimed at doing is recognizing where there are problems and I would suggest out of that discussion putting forward some thoughts on how those problems should be addressed. It doesn't mean you have to put forward the answer.

But it does mean - it's almost a call for action to address some of the issues where we have commonality that things need to be considered, changed, fixed or whatever, reappraised maybe. But I don't see coming out of this ever a situation where we're going to say this is our plans for a revised GNSO. We'd never get there. There's too many diverse opinions.

But recognizing where the issues are and looking at ways that we can undertake actions to resolve those things and what the elements of the problems are that we share would be a really good first step. So there are a

number of people in the queue now. Rudi, I think you were the first and we'll work around that way anyway. Thanks.

Rudi Vansnick: Thank you, Tony. Well I would like to bring us back to the initial idea when we were doing the preparatory meetings for this NCPH session. I brought up this idea of having a look into the future of the GNSO in itself based on first the review, and secondly, the IANA transition. That are the two elements that triggered me to say it's time to have a look at it.

And when we had our session yesterday the lost slide in fact was the trigger to what is actually on the table, a document and an idea of starting a group of people working on the document and prepare something. The initial question was what are the three key challenges. And I think that's the starting point where we need to go back to and start from there what are the challenges, and in the document I think we covered quite a lot of them already.

And I would like to see if we could really work from that point on and that's the reason why we'd say we don't need ICANN staff working with us on this. It's first to us to get the clear brainstorming on are these the challenges? Do we all agree on this? And how are we going to handle this? That's at least my perception.

Tony Holmes: Thanks. Heather.

Heather Forrest: Thanks very much, Tony. I'd like to pick up on points that you made and some points that have been made throughout today and yesterday as well. I think the formation - I agree, Tony, that it's idea to try and formalize this. I am a bit confused in a sense that in yesterday's session we did discuss structure and we were told if - the board's response is if we want to do something about it then do something about it. And we all seemed quite warm

and receptive to that yesterday. And today we're sort of tamping down our enthusiasm. So I find that maybe we're just sick of each other at this point. So I find - personally I find that a bit confusing.

We have a clear message from the board albeit one that we don't really know what to do with. But we have this message if you want to do something about it we're not going to do it for you. And perhaps that's the message the we latch onto here. This is an opportunity, and we ought to seize it while we have that even if it is halfhearted or whatever, while we have that introduction go forth and do something by yourselves, that I think we ought to seize that.

Maybe this is the elephant in the room. Maybe this is why we have to formalize it. We spent a better part of this morning talking about - or early this afternoon talking about how this intercessional wasn't so effective because we know each other's views. I do get the impression that there are things that we haven't said. There are things that we all think and things that we know about each other but points of disagreement that we just haven't been brave enough to articulate I think even in an environment such as this.

And so if the intercessional isn't achieving that purpose then perhaps some other forum, such as a discussion group, is needed. And maybe that elephant in the room discussion, that honest assessment of why we have these differences is the roadblock that we have to get to to achieve the outcome that I thought would be the easiest punt on our agenda for two days which was put down some principles in relation to election of Council positions and board members.

So maybe this is a step one, step two, we have to go through a few backwards steps before we can get to those things. And if it takes a discussion group to do it, I'm all for it. Let's do it. Thanks.

Tony Holmes: Your points are very well made. Thank you. Greg.

Greg Shatan: Thanks, Tony. Greg Shatan for the record. I share Heather's enthusiasm and I do think this should be a group that tries to get something done and has an outcome so, Tony, maybe you were trying to under-promise and over-deliver for us which is better than the opposite. I, again, hoping not to devolve entirely into semantics. I wouldn't call it ad hoc although ad hoc means built for a particular purpose, that's true of all our working groups.

And so I think in this context ad hoc kind of has a tendency to sound like slapped together, not really done, you know, properly, almost gerry-built and so I would, you know, resist the term ad hoc because I think this should be seen as something that has some real weight behind it and is - even if it's not, you know, formally designed for a particular ICANN specified outcome, it's kind of the, you know, the most formal thing that we can do as a house to come together.

So I think that - I'd like that to be the flavor of this. And I think that probably involves several face to face meetings in Zika-free locations.

Tony Holmes: Brett. Okay. You made one point I do share. I struggle also with the ad hoc area as well. I also spend time working in the ITU where ad hoc means you go into a room, you discuss something, you make an agreement and then you all come out and you disagree about what you've agreed so I'd prefer to get away from ad hoc as well. Avri.

Avri Doria: Thanks. Avri speaking. I actually think it's a really good exploratory effort for this those to get into to basically say we admit that the house is no longer the counting fantasy that we said it was when they were first chartered. We have

things to do as a house. We have functions, we have a certain number of events and efforts that we repeat. We have crises that we repeat. So I think the exploratory effort to figure out what it means to be a house and how we structure it is a really good exploratory to get involved in. So, you know, I'm very supportive of the idea.

I think what it gets called is totally irrelevant in some sense, you know, call it Fred. But I do agree that it should be somewhat structured, having its own notion of its charter and such that brings in the group so I think it's really good. And directing as a goal fitting into some of the other stuff that it have something interesting to say by the time this happens again. So I think it's a great idea.

Tony Holmes: Okay. Thank you for that. So you've heard comment, Christian, there's a few tweaks to be made on the document. The name of the group is still open for discussion. Maybe discussion group will suffice for now. I would suggest that what we should do is leave - or post this document and perhaps set a 14-day comment period because it needs to go out to the rest of our communities; we're just representatives of our larger group so it needs to go out and be discussed. But perhaps sending it around in say, 14 days to come back and comment and then we'll look at how we take it forward. Rudi.

Rudi Vansnick: Yeah, very quickly. A practical aspect of it, do we plan to have a session in Marrakesh so that if we want to do that we need to call on the meeting team and have space and time slots available to go into further discussion. Do we plan to have that in Marrakesh?

Tony Holmes: It's an open question. I think it would be a very good suggestion. When we had some discussions between the ISPCP and the Board Governance Committee there was an open invite to have a discussion with them. Maybe

we should take that up as a house and just show them where we're heading, that we've got some momentum behind that would appear to be a good step. And we should certainly make plans, as you suggest, if we're going to do that.

Before we leave this topic, Rob, you're welcome. Please.

Rob Hogarth: Cheers. Rudi's comment caused me to recall conversations you all had in Dublin. Markus may be able to note some of these discussions within the Organizational Effectiveness Committee. You'll recall that the chair of that committee did encourage you all to have further discussions. And at her behest I reached out and set aside a sort of a birds of a feather time for conversations potentially about the future of the GNSO.

That wasn't restricted to the Non-Contracted Party's House, the concept was that anyone and everyone who had interest in that topic would show up for about an hour or so during one of the evenings, Tuesday or Wednesday evening. Although we haven't confirmed the time for that slot yet, that might be the vehicle for this further discussion that you're talking about at least to make aware at the board level and to others the conversations that you're having and it would also serve to put other members of the community on notice those who may attend or be aware of what's going on.

I didn't set it up to be a huge public session, just as a BOF type event where people get together in the room to chat. So if you think that that would be a useful vehicle it will be available. Thanks.

Tony Holmes: Thank you. Thank you for two things. One, for pointing out that I'm living in the past when I mentioned Board Governance Committee. And I should have said Organizational Efficiency Committee so thank for that - Effectiveness. The other for that suggestion. So does anyone have a view on that? I think it's

a splendid idea if we go down that path. And seeing nods around the table that sounds a good way forward. So if we can pencil that in as a way forward for Marrakesh that would be very helpful.

Now David, I did give you warning and the issue of how best we could support this activity. I think it would be very helpful if you could give some response back on that initially.

David Olive: Well I think I do - I'll have you determine that. I like the idea of using your already existing secretariat help to help you organize the work and that's Part A, happy to say that's great. And if you need more, Part B is a request that I'd be happy to receive and tend to agree. So I leave it up to you as to how much you need from us. But I think initially you just need some coordination of scheduling and whatnot. And if you go to a next phase of support we'll be there to help you out.

Tony Holmes: Okay. Thank you very much. That seems as though we have a way forward on that as well. And thank you, Chantelle, for volunteering.

Greg Shatan: Being volun-told.

Tony Holmes: Are there any other comments on this particular issue before we move forward? Okay so the items I've got on the agenda, the other item I've got specifically before I open the floor up for other issues was to turn to David who had a couple of issues to raise so perhaps we can do that now, David.

David Olive: Just quickly, to follow up on the discussion I had about some of the key activity indicators that we are collecting from the policy team to show an indication of your work and involvement in the various policy development and advisory groups across the three SOs and four ACs, as well as the support

we do for that. And I just wanted to draw one that we're collecting that deals with - this is the - a quarter that was a quarter to the number of meeting calls, 641, the number of meeting hours, 932, face to face meetings that included Dublin basically at 185, and email exchanges and the like.

These are data - this is information we have not had before and we're collecting to, again, present to people. I've presented a similar slide to the board when we briefed them on the policy development activities. And we're, again, trying to automate this a little more effectively so that we can gather this. This is mostly done now by manual reviews. But this is kind of a good indication.

And we do this monthly and quarter. This will be soon part of the dashboard materials that we'll be making public. But I just wanted to show you this because I think it's a very effective snapshot of the amount of work that's being done by you and our communities across the three SOs and four ACs.

So I just wanted to highlight that. We will share more with you over time post Marrakesh when there is a little more time to do that. But this is kind of the direction we're heading as part of our dashboard efforts for policy development.

Tony Holmes: Okay. Any questions on that? Go ahead, Carlos.

Carlos Gutierrez: Thank you, David. That's what I meant. We have to relate somehow with the budget number so we can produce more effective recommendations. Thank you.

Tony Holmes: I just have a follow on question on that, David. I wonder how this data is going to be used and interpreted from the outside because I'm assuming that

once we get through the area of IANA transition these figures should reduce. Is that a view you share? Because it's taken up a lot of effort, a lot of hours. And you always have to be careful when you publish figures, metrics, that they're not interpreted in other ways by other people, particularly.

David Olive: A very good point. We're trying to establish a baseline to determine that. Now this may be - this indeed may indicate that a lot of it is CCWG work. Though I don't think so. I don't think it's that much inflating the numbers here. But that's what we're going to be able to tell. And we can also put the explanation or the storyline that there were spikes in work and this is what's happening.

If we do it on a monthly basis we can see that. So, for example, August the activity level tends to taper down. And that's kind of the seasonality of our work. So there are ways of explaining that but we're trying to establish a baseline so we can have those determinations.

Tony Holmes: Okay, thank you. Avri.

Avri Doria: Yeah. Avri speaking. I think if you looked at just the two - first of all you're going to have Work Stream 2 continuing. If you look at RDS coming up, which is a multi-layered PDP, and you look at subsequent gTLD that's coming up that is also a multiple layered PDP, there's no doubt that it's going to be as much or more.

Tony Holmes: I'm sure you're right. Thank you.

David Olive: That's my impression but we're going to - thank you very much.

Tony Holmes: I don't know whether that was good news or bad news but I'm sure it's correct. Jimson.

Jimson Olufuye: Thank you, David, for this information. I think something that will really help us well or provide more information or substantive information would be to categorize, you know, the metrics we are putting out, categorizing the things that have the new gTLD that is category in terms of all these parameters. Then in terms of the IANA transition we could have, you know, that, you know, as well.

And then maybe the forthcoming new gTLD process down the line something like that. And require (unintelligible) from internal, you know, constituency activities to - if we have an automatic portal, as you mentioned, this categorization will also feed in very well. And to really give a kind of broad and end to end feedback about the whole working of ICANN that anybody can come in and quickly see the amount of traffic or work going on based on those categories. So it may be that also provide some maybe inside (unintelligible) support that you get.

David Olive: Thank you. This is a start. We also have another project with the SO/AC and stakeholder constituencies and RALO leaders on the SO AC work matrix that links to that. And so we're trying to make those linkages and so I thank you for that. We're not yet there. And I didn't get the memo that I'm taking over the new gTLD program and other things. I'm trying to focus on policy development and advice development. But we'll move in that direction. Thank you.

Tony Holmes: Okay. Thank you. So we're at that stage where we can raise any other issues about discussions we've had in the previous couple of days, come back on any points. One of the issues I would like to point to is that last time there's been some reference across the day that we issued a particular communiqué from

the last meeting on a particular issue. I'm not sure we're there for this meeting.

But there have been some I would suggest some significant outputs from this. One of course is the discussion group that we mentioned earlier. There was the work on the election process as well. There was some output that was captured that's going to be circulated around to people on that. So one of the questions I'd like to ask is is there a need, would it be helpful, would it be a positive thing to do for us to capture what we have done here and maybe post some form of statement to those who aren't here about what happened?

Maybe that needs to go to the broader ICANN community. Or do we just get on with the work that we've done here that we've highlighted and take it forward in that way? Any thoughts on what would be the best approach to do that - a preferable way forward?

Carlos.

Carlos Gutierrez: Last year I didn't go to the meetings, I was waiting for the - for this statement. And there was a draft going around. It took about a month to get the draft out, maybe a little bit shorter, three weeks. So in any case if you plan to do it I hope it comes out sooner than last year.

Tony Holmes: Well there's good news and bad news there. I suppose the good news is that we had time to work on the initial draft during the meeting so we were a step ahead. The bad news is if it took a month to do that then now we're leaving here having done nothing then it's probably not going to be quicker. But is there a need to do that I think is my real question.

Would that be something that was helpful or do we just go back to our particular communities within this house and give them a report? Certainly for the ISPs when we have our call I think it's a week and a half away, this will be a meeting that's discussed. And they'll be looking for some reflection on the meeting, what was achieved, and what wasn't and how it went. So we're all in that position I assume, each of the constituent groups here. So what is the best way forward? Is everyone just happy to do it on that informal basis? Any views? Sorry, Greg.

Greg Shatan: Thanks. Greg Shatan. I think maybe a middle ground might make sense rather than trying to do a formal narrative communiqué, maybe just a bullet point sort of list at least we kind of can report back and perhaps, you know, circulate it amongst us that we can use to report back in a kind of coordinated fashion. You know, some of us may do a better job than others and - but it seems like, you know, a shared document of some sort might be valuable without trying to, you know, turn it into a communiqué type document.

Tony Holmes: Okay. Any comments on that proposal?

Jimson Olufuye: Just - Jimson. Just to say that I support that, sure.

Tony Holmes: Okay. I see nodding around so, Avri. Did you want to...

Avri Doria: Yeah, first of all - Avri speaking. First of all, you know, maybe it's a house note but communiqué really sounds way too big a word for this. I think a coordinated something does make sense. I think for all of our groups to be able to read all of our impressions of this, you know, and how it gets put together, most of us, you know, do have to write up something so perhaps something can be collected. But let's not try to call it a communiqué.

Tony Holmes: Okay. Good point. So the next question is how are we going to produce that. So it probably takes one from at least each of the groups here to work on a draft. I think the way you phrased it was a good way, Greg, a bulleted list. Rob, you're volunteering to produce this?

Rob Hogarth: I'm suggesting a way to produce it, sir. We have an excellent system now where we have co-chairs of the various sessions. Staff is more than happy to coordinate the consolidation of the various bullet points from the different co-chairs. I think they know what came out of their individual sessions, could share that with us.

We could collate, put that all together in an aggregate document and share with perhaps - I don't know if you would like to share it with the entire group or just with the planning team which generally includes the chairs. And in fairly short order I think you could generate a document that everybody could be comfortable with.

Tony Holmes: That sounds good - a good way forward. Despite the fact that I shall remember it next time you ask me to co-chair anything. But it seems a good way to include the planning team as well so that's something we can hopefully work on across the next few days and get something out quicker as Carlos suggested, than we did last time. A fairly high level but gives an overview.

So now let's - Avri.

Avri Doria: Yeah, can I make one more - I mean, if we were all putting this in the same drive document then we wouldn't even have to have the time for them to collate it and such so just, you know, just a possibility.

Tony Holmes: That sounds a good approach certainly. And you could help us organize that, Rob?

Rob Hogarth: Yes, Benedetta and I will work on that. You all want to start your little notes or chicken scratching to be able and available to start putting stuff in that's great. And we can just do it along the format of the agenda for the meeting. Thank you.

Tony Holmes: Great way forward. So we've covered off everything I had on my agenda but I should open up the floor now for other issues, any further comments on any of the debates we've had, any other items we've missed to take forward. Anyone want to go back over any of the previous discussions? Marilyn.

Marilyn Cade: I guess I'm - Marilyn speaking. I'm interested in - I don't know if the suggestion I made that we consider the longer term possibility of modifications to the structure of the board fell into a deep hole. I know there was no debate about it but I'm interested in whether there really is any potential interest in examining at least briefly, what that might entail. I also need to refresh my own understanding of when the next scheduled board review is which might be a more appropriate time to even consider it.

Tony Holmes: Okay. Anyone have any comments on that or any help with when the next board review is scheduled? I mean, my own view is that it think it's a valid topic but probably it fits into that board review providing it isn't that far out. It could even be influenced by some of the work we'll do looking at the structural review because that could actually have some bearing in future structure of the board as well. So maybe get in a little bit along that path might actually be helpful.

Greg.

Greg Shatan: If we're moving onto other AOB matters I think we also need to refocus ourselves on the vice chair criteria and selection documents. So, you know, we can focus on those. I think also putting those up in a Google drive format where they - and having the groups - each germane group, whatever they think they are, cannot nominate, you know, kind of a lead or two to work on those so at least somebody will feel responsible for that, although obviously if anybody just wants to have at it that'll be fine too as long as we ultimately have an agreed on document. But I think that's another potential outcome, hard result in - from this.

And I think, you know, that was a good another good outcome and we just need to formalize that and give it a home and a team and a timeline and face to face trips.

Tony Holmes: We're really beginning to function as a house I feel now. Rob, is that something you can help with as well?

Rob Hogarth: Yes, if I recall there was a number of good information collection that Lori did in that respect collecting everything from the flip chart. So I think there's an existing document that I guess we can export to Google docs or something along those lines that can get that going.

Tony Holmes: Lori, did you want to comment?

Lori Schulman: I would definitely support posting the doc as-is because we did send it around to the group. It was only yesterday so like a week ago. Also, to remind people that Susan Payne and I had volunteered to help figure out a way to move this forward. And we would welcome any other volunteers. I don't know what

we'd call this. I don't want to focus on nomenclature, I just want to focus on moving forward at this point.

Tony Holmes: So I assume posting the document and giving us all visibility and the option to comment on that is the first step along that road. Okay. Any other issues from this meeting? Brett, go ahead.

Brett Schaeffer: Thank you. Oh sorry. Wait to be acknowledged. Brett Schaeffer for the record. Earlier today I posed a question to Fadi asking what exactly the procedures had been followed in terms of the conflict of interest policy inside of ICANN either by Fadi or by the board members who were also under an obligation to report potential conflicts of interest as they see them to the Office of the General Counsel.

And I wanted to- I suggested perhaps sending a letter to the board to find out exactly what (unintelligible) done and where the status of those steps, if any, stood. And I wanted to raise that in this plenary about a possibility of sending a letter and inquiry trying to figure out exactly what has been done and where they stand. And I wanted to see if there was any interest in the group for that. Thank you.

Tony Holmes: Okay. Any response? Susan.

Susan Payne: Hi. Susan Payne for the record. Speaking for myself I would say I wouldn't support doing that as a collective thing. Personally I feel I don't have enough information about what's happened yet. I would be - I think I would feel more happy to wait until I've seen what comes out that Fadi promised us first and then I may well have some views. I don't really have those views at the moment.

Tony Holmes: Steve.

Steve DelBianco: Thank you. The waiting part has an implication because Brett and I were researching this conflict of interest policy. And in it there's an obligation that any board member who becomes aware of a potential conflict of interest about themselves or any other covered party, which are the officers and board members, well their obligation is to immediately notify the General Counsel. So there are sort of triggers that occur if any of them - if Markus should hear that there's a suspicion of a conflict of interest so you should cover your ears if you don't want to be implicated, Markus.

Because the way I read the conflict of interest policy this probably is already underway. So in some respects, Brett's letter could trigger asking the General Counsel to look into it or ask about how's that progressing on the assumption that it already has begun. Did I get that right or...

Brett Schaeffer: Yes, that's correct. And as I mentioned earlier, this is not so much about Fadi; Fadi is leaving in five weeks. But what is about is clarifying that the board understands that they have an obligation under the conflicts of interest policy when they do hear about a potential conflict of interest that they follow through and they follow through in an immediate and speedy fashion, which is actually outlined in the conflict of interests policy.

Brett Schaeffer: And if they fail to do that and if there are no consequences for following through on the conflicts of interest policy, is that a failure of corporate governance inside of ICANN? Is that something the needs to be resolved? And I mean, I think that this is an opportunity, and it's a very, you know, timely one, to actually assess how that policy is working, not necessarily for today but for the future the next CEO, the other senior officers and board members going forward. Thank you.

Tony Holmes: Marilyn.

Marilyn Cade: Thank you, Tony. For - Marilyn speaking. For those who were in the CSG meeting yesterday afternoon you're very aware of the fairly strong concerns that I have about the actions that appear to have been taken and the events. I, however, and I in the past, in previous situations, have put my name on such letters that have gone to the board and have been made public both before the BC had official officers, and afterward. And some cases in conjunction with the chairs from other groups including the chairs of other SOs and ACs.

So it's not that I'm not - when and if the time is right unwilling to consider a letter that might come officially from the constituencies' leaderships or the house. But I will say that developing such letters is extremely complicated if we are putting the brand, so to speak, and the membership brand of each of the constituencies into this. It's very, very complicated to do that.

And I have not heard unanimity of that approach from any of the - those who have spoken so far. I think it would also be very difficult for us to take the consultation that I feel would be needed within the - within the different constituencies in order for officers to take that upon themselves.

Having said that, I think the answer to the questions that were asked are incredibly important. And I would assume that since the - these meetings are transcribed and there are senior staff here and there is a board member here and that we raised it with Fadi, that the extreme awareness of the importance of focusing on this and getting the answers and publishing them must be work in progress.

What I would propose we do is to wait for the answers. And if the answers do not meet the - and make sure since the letter is a public letter that within the constituencies there's an informational awareness that's really our responsibility. And if the answers do not answer our questions, because I am interested, Brett, as I think you are as well, in answering our questions. To me it is our ICANN. There's nobody on the board right now that helped to build ICANN any more than the people in this room and the community.

So I'm not ready to put the - any institutional name myself or encourage that. But I am extremely interested in the answers. And perhaps one way to think about this would be to schedule a chair's call on the day after the answers are due and to - for the chairs then to be able to discuss whether the information that is provided has answered the questions that have come up through their constituency.

Tony Holmes: Okay. Just building on the point that you raised, Marilyn. Certainly as the ISPCP chair, I wouldn't be able to put my name to any letter now certainly because it would take a lot more discussion within the constituency before I'd be in any position to take any position at all on that. So I share that concern. If anyone within our membership wants to put their individual name to it that's their choice. But certainly we wouldn't be able to do it collectively. Any other comments? Avri.

Avri Doria: Yeah, thanks. Avri speaking. I actually think the idea of a letter asking a question is not that hard a thing to do. And I understand that people don't feel comfortable asking the question yet. I don't think there's a letter ready for anyone to sign yet. I didn't get the impression that there was a letter sitting on the table waiting for someone to sign. So it strikes me as more of a request of is this a letter that we want to start thinking about and starting working on writing?

Now we say we're waiting - I don't know how long we're waiting, I don't know when the due date of waiting is. But, you know, perhaps the waiting time and the time it takes to construct the question are fairly similar. And then yes, then I think people would be asked to sign those constituencies, individuals, organizations that could - could. Those that did not feel comfortable asking the question wouldn't need to.

And, you know, and if nothing else the act of writing the letter of their being knowledge that a letter was being written, would be a supplement to the energy that Marilyn is expecting to be there anyhow of people saying gee, we better get ready to answer this because a question is coming or a question has already been asked.

So I don't see a harm in having a few people that may be interested in working together, perhaps another one of these drive efforts. It doesn't need to be done by the staff, we can actually start our own drive document to not implicate staff in any way in this particular kind of letter.

But basically also again, when I'm thinking of a letter I'm thinking - at least I think what I heard was a letter that asks a question, that is not accusatory but it's basically describing a situation, there is a question, what's the story. So I'm very supportive of the idea but I don't think there's anything to sign yet. Thanks.

Tony Holmes: Matthew.

Matthew Shears: Yeah, thanks. Matthew Shears. I think this is an important letter. I think it's an important issue. I think we - we, whether it's collectively or individually, should ask these questions and should expect an answer. I agree with Avri

though that I think that it probably behooves us to wait for or see what the answers are from ICANN or whoever will be responding for ICANN and then base our letter - or the letter on those answers. And that gives people time to see what the draft may look like in its formation. Thanks.

Tony Holmes: Thanks. Please. Go ahead, Phil.

Phil Corwin: Yeah, Phil Corwin for the record. Just to be clear, just to expand on Matthew, I don't have the letter in front of me right now but I did read it carefully yesterday. The letter is to Fadi personally asking him to answer the questions, the reason for the letter is that ICANN in carrying out the IANA functions is a US government contractor and there are apparently restrictions against senior executives of US government contractors from having personal conflicts of interest.

So the question to Fadi is to get to the - to ask - to factual questions that would reveal further whether agreeing to co-chair the advisory committee to the World Internet Congress created a personal conflict of interest under US law. So that's what the answers will get to. I'm not sure of that statutory definition of personal conflict of interest for a federal contractor is exactly synonymous with conflict of interest as defined under ICANN bylaws and relevant conflict of interest policy. But that's what we'll be looking at when he provides those answers.

Tony Holmes: I'll come back to you after other comments, Brett, if I may? Avri.

Avri Doria: Thank you. Avri speaking again. I think that the letter that we - I was understanding, and thinking of, was one that deals with not Cruz's letter and his questions. That's going to be dealt with within his world but with the conflict of interest as written in ICANN policy and the board - I personally

don't really care about the Fadi part of the question in terms of why didn't Fadi go to General Counsel asking the question. I'm more interested in what has the board done in terms of just checking this out with general counsel to make sure everything is kosher.

Phil Corwin: Just to clarify, I was responding to Matthew's statement that someone in ICANN will prepare the answers and I wanted to clarify that the letter is quite specific is asking Fadi Chehadé to answer the questions of the US Senators, which is different. The letter that we may consider after reviewing Fadi's answers to the Senators is a concept I'm comfortable with.

And I do think it's important to understand how the board addressed this situation when they learned of it. We do know from Bruce Tonkin's answers to - on the CCWG list at the time the incident occurred, that they learned about it from the press release and only spoke to Fadi after the fact. And I don't know whether that triggered any inquiry to the General Counsel. And I think it's important to understand how the board dealt with it and so the community can consider whether that was an adequate response under ICANN's own conflict of interest policy.

I don't have a personal problem with waiting to see - I believe the letter asked Fadi to respond by February 19, which is two weeks from today. So I think we can wait and we might - if we think an inquiry is still warranted, can probably write a much better informed inquiry once we review his answers. Thank you.

Tony Holmes: Greg.

Greg Shatan: Thanks. Greg Shatan for the record. I think it's just important for us to decide, you know, to what end do we want to do this and what are the consequences, what are we getting ourselves into even, not to say that we shouldn't do any of

these, certainly not committing the IPC to doing it now or in the future. I think there's also an entirely - there's a secondary line of issues that comes out of this which I think goes back to the CCWG Accountability.

And we talk about staff accountability, one of the kind of major - but we don't talk about it very much because one of the major decisions we made or that was thrust upon us in that group was that we were basically going to deal with ICANN accountability through the board and that the board in turn would keep the staff accountable and down the line. There were various reasons early on that we ended up in that position that I think we still need to deal more directly with staff accountability.

But this is almost a stress test perhaps in a case of, you know, is the board - since we now have - we've made the board the focus of our accountability mechanisms, you know, every accountability mechanism in one way or another, you know, deals with the board, you know, I haven't counted all 12 but, you know, off the top of my head they're all kind of basically board accountability mechanisms. But we're really talking about ICANN accountability. And that includes CEO accountability.

You know, should we - how do we look at that, is that a Work Stream 2 issue? Because we certainly don't want to make sure that staff accountability slips out of the accountability working group. So, you know, this is - we have here kind of a stress test in the making. So we should think about that too as an outcome from this.

Tony Holmes: I will point out there's a couple of comments in the chat not specific questions but there are some comments rolling. I assume most people are in the chat. Having heard those comments, Brett, if I could come back to you now. And

you've heard what people have said. Sorry, I thought it was Brett, it was Stephanie I saw. Stephanie, go ahead.

Stephanie Perrin: Yes, I was responding to what Greg was saying. Stephanie Perrin for the record. I had put it into the chat that I just want to reiterate my earlier questions to Fadi and to David Olive about the HR policies because clearly this issue does highlight the fact that we need codes of ethics and we need conflict of interest guidelines and they should be readily available.

So, yeah, it's just a broader issue than this. And it gives us an opportunity to move on that. And yes it should be in the Work Stream 2 as far as I'm concerned. And the board is accountable so you don't need to worry about - they're accountable for directing the CEO to make sure this happens. So you're fine.

Tony Holmes: Marilyn.

Marilyn Cade: I'm trying to follow the logic of why dealing with a current event falls into Work Stream 2 since Work Stream 2 is about the future. So I'm not, you know, I respect the fact that all the work is going on on accountability and where it is. And I think that the longer term issue that is any future situations like this, and the ability to have safeguards, familiarity, etcetera, may fall into Work Stream 2.

But any decision that is taken to deal with a current event, to me, although I've said no letter today, let's wait until we see what the answers are, but I still think that anything that has to do with a current event has to be dealt with in the current environment, which would not put this event into Work Stream 2 in my humble opinion.

Tony Holmes: So, Brett, you've heard comments, back to you to...

Brett Schaeffer: Thank you. I just want to reiterate what Avri said. This isn't about the Cruz letter. This happened a while ago. This was covered in the media. This was covered in many other places that raised issues of potential conflict of interest. And as I read the ICANN policy on conflicts of interest, as soon as that happened the board - every board member, every senior officer, every covered person in ICANN, had a responsibility under this policy, including Fadi himself, to report this potential conflict of interest to the Office of the General Counsel.

Fadi had an obligation to do so in writing explaining it and explaining why this was not an issue. And a board member who heard about this realized that Fadi had not done this, has an obligation to also report it to the Office of the General Counsel. That's my reading of it. And I urge everybody to go and look at the policy on the Website.

And we can put the link in the chat that everybody can go to and look at this. And if Fadi didn't do it and then the other covered persons didn't do it and then there are no ramifications for doing the - for failure to follow through on the policy, it raises, I think, very serious questions as to how effective this policy is and whether this needs to be revisited if you want it to be taken seriously going forward.

And so the letter that I wanted to - I'm suggesting to send to the board isn't about Fadi itself, it's about did you follow the procedures that are outlined in the conflicts of interest policy? And if so where do those things stand right now so that we as a community can be informed as to whether this policy is effective or whether it's deficient and needs to be addressed going forward. And that's in essence what I'm proposing. Thank you.

Tony Holmes: Thanks. So in summation of this, I would suggest that taking the comments around the table we keep the channels open on this. Brett.

Brett Schaeffer: I'm sorry, I just want to take advantage of this opportunity. Markus, is this something that you could perhaps go to the board and ask about and relay back to the community so we can avoid a letter and just a little bit of transparency...

Markus Kummer: I will definitely report back on this discussion. I mean, I explained yesterday to the Commercial Stakeholder Group, that we did have a fairly vivid exchange of emails among the board members once we learned about this. And the result of this was then the blog post you all have seen explaining that a meeting has not yet taken place, a meeting will be later. But the conflict of interest procedure, as you outlined it, I can tell you that here and now was not taken up. The question was asked whether we would have to look into this as a possible conflict of interest.

Now I'm not a lawyer but the way I read the conflict of interest policy, and we have to sign forms as board members, and that really is fairly narrow in its definition relating to the DNS and this is clearly outside the DNS, it's more a broader political sense. It's not related to ICANN's definition in a narrower sense. But as I said, this may be open to interpretation. But the forms we sign as board members of conflict of interest, all the questions relate to activities related to DNS but not broader Internet governance issues.

They are fairly specific whether we have a relationship with family members or whatever. But the - I see you shaking your head.

Brett Schaeffer: Well, I can read it to you if you like. It's fairly broad actually. It says, "To prevent any conflict of interest or the appearance of conflict of interest from effecting any decision making involving ICANN to ensure that the deliberations and decisions of ICANN are made solely in the interest of the global Internet community as a whole and to protect ICANN's interests when ICANN is contemplating entering into a transaction, contract or arrangement or approving a policy program or other matter that might benefit the personal interests of a covered person.

I mean, that's pretty broad. That's not the DNS. That is whether you are - have the possibility of involving yourself or advancing your own personal agenda.

Markus Kummer: I don't want to prolong. What I meant was the - we have to sign forms. Are you in any way - the questions asked there are broken down to in very narrow fields related to the DNS. So - but I get your point. I'm just saying I think current practice in ICANN is to look in a more narrow focus. But the - this is obviously open to interpretation by lawyers. But I will relate - this onto the board colleagues and raise their awareness.

Brett Schaeffer: Thank you.

Tony Holmes: Okay, thanks. I think it's appropriate just to point out the remark in the that from Anne Aikman-Scalese, saying "Policy covers perceived conflict of interest even if there is actually not one." Phil.

Phil Corwin: Yeah, I don't want to unduly prolong this discussion or get too legalistic. But I do want to point out one very relevant line in the policy which says, when in doubt interested persons, and that's a very broad definition, that includes all the board members and senior executives, shall disclose matters as potential -

potential perceived conflicts and disclose all relevant facts relating to the potential perceived conflict to the Office of General Counsel.

So the real question is whether the discussion of Fadi - the announcement concerning Fadi ever went outside the board with an inquiry by any member of the board asking the General Counsel to gather the facts and render an opinion to the board. Because that would be an operation - regardless of what the counsel provided in the terms of an opinion to the board it's whether that question - whether the General Counsel was ever asked to be involved.

Tony Holmes: Okay thanks. So just rounding this up, I think it is a case where the channels are still open. There was a proposal from Marilyn that maybe later down the path that there's a course set out, that's an open channel as well. That can be progressed. If people want to speak with Brett to sign onto a letter that's their decision. I think it's pretty clear that the stakeholder groups or constituencies we're not in a position to sign on. But the channels are still open so if you want to pursue that then the links are there for everyone to be contacted.

So with that, Rob, I'm at the point I think almost on time where I should hand back to you and thank you very much.

Rob Hogarth: Again everyone, please, thank Tony and Ed for their leadership in bringing together this conversation. Thanks, guys, very much. I just wanted to spend a few seconds just thanking all of you for your patience, your flexibility, your good nature over the last couple of days despite the hostage nature of some of the conversations in recognition, I really appreciate all of your willingness to really work hard and focus, all the long trips you took to get here and the long trips you're about to take as you leave.

I wanted to make sure, since you've mainly seen me and Chantelle, to recognize the work of a number of other members of the team who really went above and beyond the call of duty. Chantelle, for - I don't know how you've been able to juggle all the various slides that you've gotten but you've done a great job.

And I couldn't check because I'm losing connectivity here but Maryam Bakoshi, who for the last two evenings has been up - I should say mornings - until about 3:00 am being able to monitor our RP, keeping us all together remotely so many thanks to Maryam.

Lars Hoffmann had to leave but Carlos Reyes and Steve Chan are still here. And many thanks to them for the support that they've been offering to all of you both quick intercessions to answer questions, making sure you got to the right rooms, making sure that you got back here in time for the sessions, so many thanks to them as well.

She's at the side of the room and Susie Johnson will be very - between Susie and Carlos they're responsible for all the food, all the food breaks, all the other arrangements, getting us the space and everything else so many thanks to them.

And two unsung heroes that I wanted to make sure that we recognized, Moises and Mike at the back of the room there behind the equipment, I want to just share a quick story with you about Mike. On Wednesday morning, before we even started setting up, he was in a substantial vehicle collision that totaled two vehicles.

Before seeking medical attention, he got all the equipment, brought everything over here, set it all up, went through not only that night but the next day with

some very accomplished, as you can appreciate, camera production and the rest. And is still here with us two days later very pained in the chest and in other places. So, Mike, thanks very much for way beyond the call of duty. Thank you.

Just one couple - a couple housekeeping things. We are very appreciative of all the feedback we had at the previous session from Susan who got us started all the way through all the other comments about how we can improve the meeting, what went right, what went wrong. This continues to be an experiment. This was our third meeting for you all. I expect there to be 33 at some point. I don't know that any of us will be in attendance at those.

But the point is I think that we're learning this bit by bit. And I very much appreciate the work of the planners, the advice that you've given about how we can improve logistics, substance and everything else. I may be reaching out to a few of you perhaps much earlier in the process for the next meeting to maybe volunteer in a chair or small subcommittee role to begin some of that planning for the future.

As part of that, we will do like we did for the last meeting to provide you with an evaluation form that digs into some more of the substance and logistics of the meeting. So I hope you'll help us out by filling that out. Carlos will be supervising that effort for us.

And I just look forward to working with you all again for the meeting next year. And in the meantime looking forward to seeing many of you in just a few short weeks in Morocco. Thank you all very much and safe travels home.

Kiran Malancharuvil: And thanks to Robert.

Marilyn Cade: And thanks to Rob.

END