

**ICANN**

**Moderator: Brenda Brewer  
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1:00 pm CT**

Mathieu Weill: Welcome everyone to the CCWG accountability Meeting Number 74. This is Mathieu Weill speaking. I'm the CCNSO appointed co-Chair of the working group. And it's my pleasure to welcome you to our first call, 2016. I hope we have a little less than 73 calls in 2016 if I can make a wish at this point.

But however I think it's going to be an interesting and very rich year for our group. And I hope everyone has had the opportunity to take a little step back during the last couple of weeks with our call and is coming back energized and driven by consensus in the world to find a common ground way forward.

As usual I will start by taking the rollcall. If there is who is on audio only please let us know now.

Bruce Tonkin: Sorry Mathieu, it's Bruce Tonkin. I'm on audio only.

Mathieu Weill: Okay Bruce. Thank you very much. That's well noted. And that will be it for the roll call. If there is any update on statement of interest?

No updates. And as an opening remark I would like to suggest that if the group is willing to we could definitely accommodate a break at the - at half-time of this long call.

Hopefully we don't need all the three hours but certainly we could definitely arrange a break after about an hour and a quarter or something like this.

Whether it's ten, 15 or 20 minutes it's something that we are very open on. But I think in deed for such a strong cause it's important to be able to get either a coffee or whatever drink is appropriate at the time of day that you're in before we refocus on the rest of the topics ahead of us.

So that's - that will - that's our plan for this meeting to accommodate for a little break and breathe in a few steps around in an hour and 15 minutes.

But before that we have a full program to kick start our discussions, a lot of focus on the sir draft public comment obviously.

And we will start right away with item, agenda item Number 2 and I will turn over to Leon for that item.

Leon?

Leon Sanchez: Thank you very much Mathieu. This is Leon Sanchez. Happy New Year to everyone. And while we have a whole year ahead of us so let's keep the spirit going.

And our next agenda item is the update from chartering organizations. I would like to hand the floor to those representatives from (disparate) chartering organizations that have been kindly updating us regularly on these calls about the status that this third draft proposal has in each of the charting organizations.

So I would now call for an open floor for those who want to actually provide any updates on the status that our third draft proposal has in each of your chartering organizations. So who wants to be first?

Okay so Mathieu would you like to update us on the ccNSO side?

Mathieu Weill: Thank you Leon. Yes. Well, I don't have the full update but you might remember that the ccNSO was planning to have a council call on the 23rd of December so a couple of days after we last met.

And during this call it's my understanding that a statement, it was agreed to send us a statement, not a formal endorsement of positions at this point. And this is being reviewed by the council at this point so it's to be expected very soon now. And that's it for the ccNSO.

Thank you very much Mathieu. On the SSAC side I see Julie Hammer. Julie could you please update us?

Julie Hammer: Thank you Leon. Yes there's is really no update. The SSAC put in their comments prior to the close of the common period and nothing's changed since then. Thank you.

Leon Sanchez: Thank you very much Julie. Alan Greenberg from the ALAC.

Alan Greenberg: Same report as Julie.

Leon Sanchez: Okay that was quick. Anyone else from any other chartering organizations? I see that Keith Drazek is writing in the chat box so now he has his hand up. So Keith can you please update us on the GNSO side?

Keith Drazek: Yes thank you Leon. This is Keith Drazek for the transcript. I typed in the chat a brief update. I'll be happy to report it verbally as well.

So I can report that the GNSO Council has formed a working group to analyze the various comments submitted by the GNSO Stakeholder groups and constituencies.

This effort that is ongoing over the next week is intended to enable a clear and concise message to the CCWG on or about January 14 when the GNSO Council has its next meeting.

And the expectation is that the GNSO Council at that point will pass a resolution enabling a communication to the CCWG that synthesizes the GNSO comments that were submitted by the various groups and really with a goal towards identifying any red flags or ideally also suggesting any, you know, recommended changes to address those.

So the - I guess the bottom line is that the GNSO hopefully will have a communication to the CCWG on January 14. Thank you.

Leon Sanchez: Thank you very much Keith. This is very useful. So we would be expecting some kind of communication from the blue by mid-January is that right?

Yes Leon that's right. And I would just add -- again this is Keith Drazek -- that the GNSO Council at this point is expecting that there will be a subsequent opportunity to review whatever comes out of the CCWG in response to the wide range of comments that it has received.

So while the GNSO Council is expecting to transmit communication to the CCWG on the 14th of January the expectation is that that will be commentary on the Version 3 but not necessarily approval of whatever comes next.

So the expectation is that, you know, whatever supplementary report or whatever adjustments or amendments are made to the wide range of comments will - that the GNSO will have another opportunity to consider. Thank you.

Leon Sanchez: Thank you very much for this update Keith. I see that (Tom Daly)'s writing on the chat box for a GAC update. And he's telling us that the GAC has received members views on each recommendation and is scheduling discussion calls over the next two weeks.

So that might lead also to maybe having some kind of feedback from the GAC by mid-January.

And I also note that Jorge Cancio is adding to (Tom)'s comment that has been also preliminary GAC submission on a number of key recommendations.

So I also know that Kavouss is pointing that the GAC's reply is only a - is only preliminary and provisional. So it would be very useful to have a signal by any people capable of speaking on behalf of the GAC as to when we could be expecting some - a little bit more formal communication from the GAC.

So if there is anyone there could guide us to that timeframe we would really appreciate that either in this call or on the list.

And I also know we're missing the ASO so I am not sure if we have Izumi or (Athena) on the call and whether they would like to provide any updates. I believe that - I see (Fiona) is typing.

Izumi Okutani: Hello. This is Izumi speaking. So there's no further update officially from the ASO since our last update so we've actually submitted our comment on the 21st of December.

At the same time - as the ASO liaison we're observing the discussion in the CCWG on how it would actually changed on the final proposal.

So if there are any issues that might change from the third version to this or to the final proposal we're watching this very closely so that we can actually provide input to the CCWG effectively on any potential issues that might affect our position in the approval of the final proposal.

Leon Sanchez: Thank you very much Izumi. I would like to ask the staff to update the non-staff to reflect both Jorge Cancio and Kavouss comments in regard to the GAC.

So they have written in the chat box their contributions an addition by Jorge Cancio that there's also been preliminary GAC submissions on number of key recommendations and the position made by Kavouss that these are only preliminary replies by the GAC.

So having no further updates from the charting organizations I would like to turn it back to my Co-chair Thomas for the next agenda item.

Thomas Rickert: Thanks very much Leon and Happy New Year to everyone. We're going to discuss the global public interest topic now just very briefly because and we

got the impression that the discussion sort of took us elsewhere than we expected and we had intended it to go.

You will remember that I had sent a note to the list clarifying that we had not certified any legal request to our legal advisor to work on this.

Again the only reason for us asking our expert advisors, our independent advisors was to better understand the what global public interest may mean in the context of the concerns raised by the board in particular.

So we asked the advisors as well as we did ask the board for a rationale because you were surely recall that the board had stated on five or six topics in our third report that they see global public interest concerns with our recommendation.

And you will also remember that the board the resolution from 2014 said that the board would not proceed -- I'm paraphrasing now -- passing on the recommendations to NTIA if there are global public interest concerns raised by 2/3 or more inside the board.

So we thought we need to be diligent as we would with other comments and try to understand better what the global public interest dimension of the board concerns might be.

So we have intentionally not gone past this the mission debate. And I think that it was (Milton) who had responded to my email that he thought that we shouldn't enter into this discussion with respect to the mission.

So this is really an isolated topic so that we can adequately respond to the board's concerns should any board concerns remain because we think that in

case which community consensus in areas where the board may still have remaining concerns we are well advised to offer to the board a rationale with respect to the global public interest, topic and why our group thinks that global public interest is not negatively impacted by our recommendation.

So this is really an effort for the case which we hope will not happen where community consensus is not allowing for removing all the concerns that the board has raised.

And then at least we want to make sure that we offer to the board our thinking with respect to global public interest so that the board can take our views into consideration when discussing our recommendations.

So I hope that these clarifying notes will help. There's a queue forming so let's listen to those that have raised their hands and Kavouss is first.

Kavouss you might be on mute. We can't hear you.

Kavouss Arasteh: Can you hear me?

Thomas Rickert: Yes we can hear you now.

Kavouss Arasteh: Is this okay, now?

Thomas Rickert: Yes Kavouss we can hear you.

Kavouss Arasteh: It's okay?

Thomas Rickert: Yes it's your turn. Go ahead.



Kavouss Arasteh: Okay. I said I repeat there are - there is only one reference to global public interest in Article 3 of Article of Incorporation in subset of 1 to 5. There is no other reference at all to global public interest.

Therefore it is difficult to agree with the ICANN board that reject any recommendation or part of the recommendation based on the judgment that it is against public interest or global public interest which has nothing yet defined and agreed universally.

So I think it is very, very difficult. Therefore if GAC - sorry, if board rejects any recommendation should refer to any of those subsets of Articles of Incorporation and way that which one of those is not met.

I don't think that there would be a veto for the ICANN board to reject any recommendation on the grounds that it is not consistent with global public interest. It is totally unfair. Thank you.

Thomas Rickert: Thanks very much Kavouss. And before we move to Alan and Malcolm let me just briefly respond that the points that you are making can be put into such a rationale.

You will remember that the suggestion that we made was to include the global public interest related rationale to our recommendations.

And the point that you raised are valid arguments to explain why we think that there is no public interest impact. So thanks for that Kavouss. Next is Alan.

Alan Greenberg: Thank you, just a very brief intervention. I guess I just want to go on record in saying I think any attempt either as a formal end product or as part of our process to define the public interest or global public interest is ill advised.

I think we as ICANN, parts of ICANN need to explore, you know, examples of what we need for it need - mean by it, you know, so that we're perhaps can start moving towards a common understanding.

But every instance is going to be different and anything that either smells of something like a definition I think is really ill advised and I think it's important to keep that in mind. Thank you.

Thomas Rickert: Thanks very much. Malcolm?

Malcolm Hutto: Thank you. I read your letter to the board with interest. And I thought it was entirely appropriate that when the board are suggesting that they would give the global public interest as the reason for rejecting our reports that they should be asked to explain more than that, not simply to say of well the global public interest is clearly in inadequate answer to the community on a carefully considered report since which a great deal of work has been put by all parties.

I agree with those that say that are attempting to give a definition to the global public interest would be really an impossible task and a waste of our time.

It is not I don't think for us to attempt to explain to the board why we consider our recommendations to be in the global public interest.

The entirety of our report is our explanation as to why we believe that. It is really for the board to explain to us if they choose - wish to reject our reports why they disagree and what aspect of the global public interest as they see it might be impaired by us.

So I don't think we should begin this program or work that you've just described Thomas as probably supports the letter that you wrote.

And I think we wait to hear from the boards their explanation as to their reasoning if they should choose to go down that route which I very much hope they will not.

Thomas Rickert: Thanks very much Malcolm. That's very helpful. And it looks like we are moving into the ten direction on this point so I would like to close the queue after Tijani. Tijani it's your turn now.

Tijani Ben Jemaa: Thank you very much Mathieu, Thomas and hello everyone.

I don't think that it will be productive to tell the board that this is not against the public interest since there is not the definition, a clear definition of public interest. It is better to ask them how it is harming or it is and imagining the...

Thomas Rickert: Tijani you - we may have lost you. At least I don't have any audio from you anymore.

Tijani Ben Jemaa: You don't hear me now?

Thomas Rickert: You broke up.

Tijani Ben Jemaa: Thomas?

Thomas Rickert: So please continue. We can hear you now.

Tijani Ben Jemaa: Okay. Okay thank you. I think that the best is to ask the board how our recommendation are harming the public interest, how they - what is their concerns?

We have to understand their concerns and to and ask them how we can solve this. And we tried to solve it.

We need to have how to say a common understanding with the board. But we cannot argue about public interest since there is not a definition of public interest.

So we need - we don't need to tell them our recommendation is not against the public interest. We have to ask them how you think it is harming the public interest and how we can solve it. Thank you.

Thomas Rickert: Thanks very much Tijani. And let's end this discussion now. I think we got good direction from you.

So we're not going to try to work on our own definition. We're going to send a reminder to the board which we already have to provide a rationale for why they think the global public interest is negatively affected.

So this answer from the board is still pending. So let's see what the board says. I should also say that we hope to be able to remove all the board's concerns but should concerns remain then we will include information in our report in response to that. And that's what we call the global public interest rationale.

And for those who rightfully said that it is an ill advised undertaking for this group to come up with a definition of what the global public interest is I think

with the recommendations that we have put together over the last year at least we will be able to explain what is not and why potentially without knowing exactly what the global public interest is we are depending that there is no detriment to the global public interest.

But let's see what the board will offer as an answer. And although I had close the queue I see Bruce's hand is up. And since Bruce is our board liaison, you know, we will surely gladly hear his view before closing this agenda item. Bruce?

Bruce Tonkin: Yes Thomas just to be clear the board has responded to your question. And we've stated how we would take the global public interest into account.

I think for now our answer is our response on the third draft of the accountability report. What - we've identified what our concerns are and we've suggested potential solutions to those concerns. And we're very open to other solutions and working with the CCWG to deal with those concerns.

An actual response on the public interest and a rationale would happen once we've received the final report. And if there's something that we still think is in the final report that we think would be a concern that the global public interest we would certainly provide a full rationale at that point.

And as Kavouss has said we've got what's in our articles of Articles of Incorporation and will use that as our reference point. And we would provide a full rationale once we had voted on the report.

And then that would kickoff a dialogue with the CCWG. But we're certainly hoping we never reach that point and right now we suggest focusing on the submission that we made several weeks ago.

Thomas Rickert: Thanks very much Bruce. Just to be clear, the way I read your response as well as the board's comments the greatest concerns what and what the board doesn't like with our report I did not see the definition of the global public interest nor did I see the rationale of why the global public interest is affected.

I read the board's comment as comments along the lines of the board not being in favor of some of the recommendations or aspects thereof and offering alternatives.

So maybe we should take this point off-line. But I fully agree with you as I think all of us will that the main goal is to avoid that we will have to enter into a discussion on why the board rejects recommendations that we have put in front of it.

Nonetheless Bruce maybe you can take back to your board colleagues that at this point it is very important for us to be able to understand what the board did and why the global public interest is concerned. Because at least, you know, if you look at all the correspondence that has been floating around this I'm not the only one to whom this still seems to be quite blurred.

So with that...

Bruce Tonkin: Yes but Thomas again I think we're just going around in circles. Why don't you just focus on the concerns that we've raised. But we've raised some areas that we think are some deficiencies and we've provided some solutions to those. And if we can work together on that I think that is where we should be focusing our effort.

We have explained that the global public interest is actually part of ICANN's role. We are I see a public benefit organization. And the global public interest as is defined at ICANN relates to management of the identifiers in the 4 dot points that Kavouss has mentioned that is a global public interest as it relates to ICANN.

And then if we believe that a recommendation means that ICANN can't fulfill its duties with respect to those areas then we've raised a concern.

The terminology or the phrase if you like it is really just a phrase thing. We think our concerns on this particular recommendation are serious. And we would like to devote time to addressing those whereas in other areas we've basically made more general comments.

And, you know, we hope you take those comments into account but, you know, that were not as serious as the other areas that we identified. Simple as that.

Thanks for that Bruce. I think we should end the conversation now. I think the points have all been made. And with that I would like to hand over to my colleague Mathieu for the next agenda item. Thank you.

Mathieu Weill: Thank you very much Thomas. And I think this is - this was a useful discussion to close and we'll get - we'll be a lot more productive as was said many times in the chat by looking recommendation by recommendation concern by concern including the boards at the rationale and the key concerns that were mentioned.

And if we can bring up the short presentation and slides that were shared with the invitation to this call.

What we want to achieve in this agenda item to ensure we have a - an agreement on how we are going to conduct the analysis of the public comments and the definition of what the way forward is going to be for our group can we move to the next slide or even probably enable everyone to scroll through the slides because it's been circulated anyway.

So given the significant number of comments and the need for sufficient time to review this as a full group we did send invites for two calls per week for the next four weeks, Tuesday and Thursdays.

The idea that we are having is the - that we should have topics of calls that are identified well in advance. And you will see that we are making a proposition on this.

We are planning to provide like we did for this call a working document in advance using the key detail recommendations, document from our third draft report as a baseline with potential edits in this.

And we had discussed this in December. We - you will receive very shortly an analysis report of the various comments we've received very much detailed so that we have the same reference documents. But that's going to be obviously at the core of our work.

And this is work in progress. Staff had made tremendous efforts in the last couple of weeks to advance this work. And it should be delivered to you by January the 7th.

We also are planning to sort of standardize the approach for every recommendation by trying to ensure we have agreement on the concerns that



were raised from the public comment first whether there's any easy resolve solution or open issues that we need to investigate and further work on.

And that's certainly going to be an area where we can work with the representatives from the ICANN board to find to fully understand the concerns that were raised. But that's also the case for others including chartering organizations to voice some concerns or were not in the a position to endorse a recommendation and raise the specific comments.

Regarding the interaction with the ICANN board I should note as well that although while it's not something that has been circulated to the fullest yet but I understand from Bruce that the board is getting organized to participate to our cause based on this agenda that we need to draft.

And we'll also have a regular informal calls to ensure they can provide us with timely feedback on any updates on our reports and that we can have a number of iterations if need be or hopefully only one iteration to agree.

And I think that's something that I want to stress because the cooperation and engagement with the board I think is shaping up quite well. And hopefully we can see the benefits from this as early as during this call.

If you're not speaking can you please mute your mics so that we can - it's a little bit disturbing for me.

So obviously as was mentioned in the working method slides -- and that's been our policy from the start -- no decision to be made in a single meeting. So you would see two readings per item in the agenda which obviously does not mean that a specific wording needs to be reviewed twice but that the

topics need to be discussed twice before we can have something that we consider as our way forward.

On the next slide and then I will open for questions on the working methods, obviously we are trying to be as open as possible. We include everyone in the deliberations.

And as you know our charter says that in rare cases we may decide to use a poll. And this should be although we are interested in hearing everyone's input obviously the members base is the reference to assess the level of support and consensus as described in our charter.

Before going into a - the overarching agenda I'd like to open for comments at this point because I see a queue is forming and Kavouss you have the floor first please.

Kavouss Arasteh: Thank you Mathieu. I think whatever you decide should be agreed by everybody. First number of calls, two calls that which there are other entities they also have calls.

They have all CG calls, we have GAC calls, we have (Betty) is starting to have the calls and they might have other calls. So we should see what is the capacity of the participants to participate in this call. So you should put into the sort of agreement a number of the calls. That's number one.

Second you have to do it the duration of the calls to the discussions and have an agreement. Thirdly you should put the date of the calls whether it should be Monday and Thursday or Tuesday and Thursday.

I believe Tuesday and Thursday are so close there is no time to study the matter then these other things that you have. And fourthly we should like to know how you want to consider the comment?

I said the board documents they defer to the body of recommendation and it refers to the recommendation.

It is difficult for me to find exact areas that they want to inject their ideas. So we have to see whether in our investigation we defer to the body of the CCWG or whether to a specific recommendation.

I suggest that we refer to a specific recommendation. And I propose you that if you agree that we should have some sort of the consolidated document having the recommendation and all the comments would be underneath of each part of the recommendation that we discuss. But you must have different views.

But whatever you decide should be decided and agreed by everybody democratically. Thank you very much.

Mathieu Weill: Thank you very much Kavouss. And that's precisely the purpose of this second discussion of the working message to ensure we have agreement on this aspect.

A couple of points indeed we are - we need to discuss the number of calls per week. We need to discuss the duration. I know three hours are long.

We need to also we can definitely hear your feedback on the position in the week that's to us is providing an ability to balance the workload with even at co-chair level our day jobs as well.

And you will note in the agenda that we are not planning in any way to have first and second reading in consecutive meetings but only a topic that would be discussed on a Tuesday would be discussed in the second reading at the next Tuesday at the earliest and not only two days later.

And finally regarding the basis of documents our intent is to work on the detailed recommendations so the annex per recommendation as a baseline and then reconfigure a summary so that we all have the details right and then we do a summary.

I hope that answers number of your questions and I welcome feedback and concerns about the working methods at this point in the discussion. Malcolm you're next.

((Crosstalk))

Malcolm Huty: I'm - I would like to understand how we're actually going to develop changes for the proposal. You - your documents suggest that you will be distributing documents in advance of each meeting.

Well we're two days before the Thursday meeting already. The mission statement is identified. There's a topic there. We've had no proposals from the chairs and no proposals from the group for changes to the existing the nomination. I don't know if any are planning will be forthcoming. We know that the board has raised some concerns about it.

How do we intend to come up with proposals that would then be considered by the group? Are they going to be come up with in the course of that three

hour discussion and then agreed as a change in the course of the same discussion?

Where is the opportunity for advanced development and for advanced consideration or editing or is it are changes at this great stage going to reach everyone as a complete surprise in the course of the meeting? I'm a little worried about this and I would appreciate some clarification.

Mathieu Weill: Thanks Malcolm. And you will note that for this meeting I think we sent the documents not 48 hours in advance so agree with that. But I think everyone had at least a full day because it was somehow before noon UTC yesterday so we probably like 32 hours in advance.

Certainly as we kick start this process we are trying to get documents out in time. And that's going to be quite challenging for Thursday meeting. That's very - that's a very good point.

But it is our intent to provide this. And as you said it's going to be a first reading. And as a consequence obviously it's not going to be a final document. But I think your point is...

Malcolm Hutton: Mathieu it really implies that we already have something in front of us. We don't. It's not going to be a reading, it's going to be a discussion.

Mathieu Weill: Well you will have. It will not be issued 48 hours in advance that's for sure. But we are definitely working at providing something in advance.

Alan you're next.

Alan Greenberg: Thank you. Let me be blunt, who is the we? Where are these documents coming from? Are these coming from staff? Are just the co-chairs doing it? Are there secret groups meeting somewhere developing replacement texts that will be considered by the whole group?

There is a level of opaqueness...

Man: Good point.

Alan Greenberg: ...that is very - really confusing at this point.

Mathieu Weill: Okay. So so far it has been co-chairs work for the ones you've had. (Betty) as she's stating in the chat as Work Party rapporteur is preparing something for the mission statement for the next call.

We're very open to any other volunteers to take some of that workload off. The Work Party rapporteurs can be used as well.

Let's discuss who the most appropriate process would be keeping in mind that we cannot multiply calls because of the bandwidth issue that was mentioned earlier by Kavouss.

But that's honestly it can be anyone once we've agreed on the format, you know, and the way to approach.

Alan Greenberg: If I could have a follow-up.

Mathieu Weill: Yes you can.

Alan Greenberg: Yes again in the interest of being completely straightforward the ALAC in its comments essentially identified a number of redlines. Other groups have done the same thing.

I don't mind, you know, being reached - having been reached out in private as opposed to in public meetings. But it would be - give us a level of confidence that we're going to end up with an endpoint that this - that the next three weeks of meeting is not just flailing if there is some discussion going on to make sure that what is being proposed is indeed going to address the issue so we can move forward. Thank you.

And how would you suggest to arrange this?

You know, if there's an issue that is being done by - that was being done by Work Party 1 or Work Party 2 that we have identified or other people have identified then there should be some discussions going on as to how are we going to resolve these issues.

You know, I'm delighted if the rapporteurs want to do all of the work and take the full responsibility but we may have a higher chance of success if indeed there is some discussion going on among those who have disagreed on points.

I don't really care...

Mathieu Weill: No I completely agree with you Alan on any items where there would be disagreement.

The prep material that we are considering at this point is material that summarizes the comments, flags any areas of disagreement, suggests easy

fixes when there - when for instance there's been a suggestion to add something and it seems to be consensual.

But it's not suggesting new ideas. That is not what should be proposed to the group because new ideas should come from the full group at this point.

Alan Greenberg: Okay.

Mathieu Weill: And so we need to flag any areas of disagreement like we did before in the work parties. But and there are a few but not that many in - if you take the overall view on the report.

And they will be also identified when we get the analysis of the comments you will see that there are - the staff is preparing summaries of where there are disagreements, where there are suggestions, concerns made by charting organizations are certainly flagged quite well. And that gives a pretty good picture that we can share about where we are.

So Andrew you're next.

Andrew Sullivan: I am sorry to intervene actually because I - I'd like the line to end but I'm trying to understand what we're disputing here.

It seems to me that the - I think problem is that we've got a very short timeline and we've got a lot of stuff to do and people don't want to have a lot of meetings.

One way to do that it seems to me is to work very hard to come to early consensus on the mailing list in which case we don't have this problem.



So if we all work to pay attention to the mailing list and come to really consensus there then the meeting just becomes a confirmation thing.

If instead what the concern is is really we just don't have time to do this then that's a different problem. But I can't actually tell which of them they are.

So if we could I guess those who are concerned if they could maybe on the mailing list if they could suggest which of these things they've got a problem with that would be helpful to me to understand why this pace is bad.

I mean I agree it's uncomfortable. I am just as uncomfortable as everybody else. I have a day job too but we've got to get this done.

Mathieu Weill: Thank you Andrew. Roelof?

Roelof?

Roelof Meijer: Yes Mathieu.

Mathieu Weill: Yes.

Roelof Meijer: Roelof for the record. Can you hear me?

Mathieu Weill: Yes perfectly now.

Roelof Meijer: Okay thank you. I have a worry and I have a question. An observation I would like to share is that the more time we have or the more time we give ourselves the less (unintelligible) we become.

We re-discuss items, we post-pone taking decisions. We go off topic both in discussions online and but also in endless email exchanges.

So my urge would be to resolve to show constraint even if we have these two calls per week for three hours each and that we make sure that we focus on those issues that we really have to deal with. And let's also be open to be corrected by each other if we veer off topic. So that would be my worry and my word of caution.

And my question would be and because I couldn't find that in the work plan proposal how we're going to take these issues? Because I think you are being a bit optimistic if you think that those issues that we still have to solve would mostly be solved by true consensus.

I think if that would be - would have been possible we would have solved them long ago. So I think more and more as we progress we will need to take decisions in another way and by consensus at least it is if we want to end this thing successfully before the end of the year.

Thank you.

Mathieu Weill: Thank you Roelof. Like you I'm sometimes keen on trying another way than consensus to move forward. But then unfortunately that's what our charter says.

But what's certain is that our charter calls for us to do consensus assessment on the basis of members. And so in some hopefully rare cases we'll have to assess this and inform members in advance that they will be called for either support or objections against their certain proposals.

And yes it's possible that we do not reach consensus on everything. But I'm confident that we can reach consensus on almost everything.

And we've been able to do that in the past and I'm sure we - we'll find a way to do this because we - there's a common will to do that and I think we can do it.

Tijani you're next.

Tijani Ben Jemaa: Thank you very much Mathieu. I do agree with Roelof regarding the way we have to address the issues, the remaining issues.

Now it is not - I don't agree especially on about I think other calls of work parties because it is too, too much for us to have those two calls per week of three hours. If you add other calls it will not be manageable for us, for me at least.

But I agree also that when we had an issue that we identify and there is a problem about it between two calls we may discuss it on the mailing list.

I understand that mailing list is as Roelof said it is endless messages on the mailing list. But it is I think I see it's the only way to discuss issues between two calls.

I understand that the consensus will not be easy to have but at the end we have our charter says that if we cannot have the full consensus we can have a poll and which is exactly what you wrote on your working methods. Thank you.

Mathieu Weill: Thank you Tijani. That's real close to what I was trying to say and I was probably very confused.

Kavouss, you know, I'm going to get back to you in a minute. Just to mention regarding your proposal about Monday, Thursday instead of Tuesday, Thursday to inform you about one of the reasons why I have a strong preference from Tuesday and Thursday is that a Tuesday call means a Monday prep call for me as a co-chair with staff and everything.

And then after Tuesday we have the Wednesday debrief prep call for the Thursday meeting and then we can have another one on the Friday.

If we have a Monday meeting then probably that means I have to work even more on the weekends and I'm not very keen on that. That's why I have a strong preference for Tuesday and Thursday. And I wanted to give you this elements before you take the floor Kavouss.

Kavouss Arasteh: Can I talk?

Mathieu Weill: Yes please.

Kavouss Arasteh: Yes I have no problem if whatever you propose is agreed by everybody. I'm already in favor of the majority views.

But there is a solution for that. We can vote for Monday morning and organize a meeting on the evening and then continue like that.

But it's a (unintelligible) idea with your tool propose a Tuesday and Thursday I have no problem. That the difficulty is three hours. Three hours is too much. You have to reduce that.

And we need to also consider that there is no obligation to finish everything on January. Please do not rush. Please do not hurry. We need to take it quite calm and do our best.

Another thing we need to negotiate. I don't agree with those people saying that we don't negotiate before. We have to negotiate with each other.

We cannot think that I thought that we (unintelligible). They could put any negative points in our proposal. And I don't think that NTIA will receive two proposals (unintelligible).

So I suggest that we negotiate, negotiations so that we agree with them but we discuss and try to find a workable solution. So that is the only thing.

I have one more question, one more issue is that we should not look for the (transaction). There is no (transaction) in anything. There is always a tolerance. There's always a threshold. There's always something that you have to agree.

So this is something and you have to find it and middleweight with business need. So it is very incumbent on you co-chairs to try to find a solution among all these issues.

With respect to Tijani's proposal yes (unintelligible) but someone should be responsible within the two meetings to make a summary of those (unintelligible) discussions otherwise there would be endless messages without knowing that what is the result of that discussion? Thank you.

Mathieu Weill: Thank you Kavouss. And I will just pick up on your last point. You are 100% right. I think that's a key aspect we need to work on is provide clear

summaries of the discussions and the direction we're taking after each call so that they can serve as a basis for informed a useful discussion on the mailing list. And I fully endorse this approach.

And regarding the duration of calls I think we'll do our best to do it in two hours and we'll keep the three hours slots planned but aim as much as possible not to fill them up.

And I am actually in the interest of time on this particular discussion so we will move to Izumi as the last speaker and then forward. Izumi.

Izumi Okutani: Thank you. So I basically agree with their framework of the suggested working methods and I'm fine with this additional calls.

I think what's being suggested that we actually focus on a particular theme and then have the (unintelligible) on to call would be helpful in preparing the comment in advanced to the call so that we can actually make the effective time of discussions at the call rather than starting the discussions from scratch at the call.

I have a question around how the information would be shared in advance about the topic to be discussed at the call.

So as I mentioned earlier I am trying to coordinate with thin the ASO on the possible issues that might have different opinions within the CCWG and (helpful) is it to provide a clear position so that we would have clarity on whether changing a particular element of the proposal would be able to maintain support from the ASO or would be a blocking factor.

So in order to - for me to do this effectively would this kind of information be shared in advance to the call on the possible suggestion for the changes and the different options on the way forward or is this something to be discussed at the call and then further follow-up online?

I just want to have a better clarity so that I can effectively collaborate with the ASO.

Mathieu Weill: Think you Izumi. I think the short answer is that hopefully by the end of the first reading at least and between the first and the second is going to be at least a week where you have clarity and you can engage with your community to ensure agreement on whatever change that would not - I mean that would create some uncertainty about acceptance. So that's my answer, my short answer to that.

Is that answering your question?

Izumi Okutani: Yes. Thank you Mathieu. Yes.

Mathieu Weill: Thank you.

((Crosstalk))

Izumi Okutani: Thank you.

Mathieu Weill: Kavouss is that a new hand a third time on the same topic?

Kavouss Arasteh: No sorry, old hand. I'm sorry.

Mathieu Weill: Okay. I was surprised. Thank you. So the next slide is going to be on the topics. You will see that we are providing some form of tentative agendas for an items for the various meetings to be fully transparent on how we discuss these different items.

Obviously for today's calls we picked some items that were not so controversial, sorry.

We also took into account the fact that as discussed earlier in this call the GAC and GNSO are still to provide formal inputs around mid-January, even 20th of January. So some of the items we might not be able to fully discuss before we get feedback from these groups so we tried to take that into account.

And of course this is also something where we try to include the items that where the board provided feedback that mentions some significant concerns depending on where we are.

So that's an attempt to balance sort of this - this has been circulated on the list. We can take these are comments now or on the list. There's still a level of flexibility that we can achieve on this.

And so if there are any significant concerns by members or participants on this we can certainly discuss this.

But that means as Malcolm was saying that on the Thursday call this week we will introduce something about inspection-wise in advance, something about the escalation time frames, something about the budget and especially the IANA budget and something about the mission statement as discussed for first reading. So that's already quite a significant agenda.



And if there are no further questions on this I think it is time to get into actually substantial recommendation work. And I'm going to turn over to Leon for the next agenda item on Recommendation 12.

Leon Sanchez: Thank you very much Mathieu. This is Leon Sanchez. And as we turn to the substantive part of this call you might have seen the public comment analysis tool that has been circulated. And this contains a summary of the different comments that were received by the community and also an analysis on these comments.

And there was also a document circulated along with the agenda on Annex 12, Recommendation Number 12 which is coming into further accountability working Workstream 2.

And this document on Annex 12 that was circulated along with the agenda has some markups that are intended - I'm sorry, that are intended to guide us through trying to discover key points that we have identified as per the comments received.

So these key discussion points you can see them highlighted at the top of the document. There are four key discussion points that we would like to discuss in this space of the call.

And the first one is to confirm with both the group and the board about the clarifications to the interim bylaw that we are proposing.

If we scroll to Page 8 of the document that we have on the screen you will see the markup additions this in turn bylaws. And these refer to the bylaws that

would guarantee that Workstream 2 issues would be taken care of further after the transition takes place.

So there have been some comments as for lack of clarity on how these interim bylaw would be written. And well we need to remember that what we have in the Annex 12 which is this Recommendation 12 is the guideline for our lawyers to actually draft the pilot that would be a proposed to be included into the bylaws.

So we made some clarifications to these guidelines. And you can see that this markup language takes care of one of the issues that was raised by the board as to having a finite or limited list of items that would be taken care of in Workstream 2. That has been addressed with the clarification made in this markup language.

And this was also something that was agreed in Dublin by the group. We agreed to have a finite list of items as opposed to an open list of issues that will be taken care of in Workstream 2.

We also made some clarifications on Paragraph 32 as you can see here about the training the commitment to Workstream 2 as a need to more transitional bylaw which would provide stronger guarantees as compared to an approach that would rely on a board resolution as a board resolution could be changed by the board itself at any time and the composition of the board also would change over time so it wouldn't be sure as to whether the next board would be actually holding to this resolution.

So what the CWG is proposing is to actually build into the bylaws, a transitional bylaw that would as I said guarantee that the work that needs to be carried out as part of Workstream 2 would actually take place.

So long with these transitional bylaws there are a couple of issues that are tied to timelines. And once we discuss and we hear comments from you on whether these clarifications that are marked in this document properly address the different concerns that were raised not only by the board but also by some other commenters in the public in the community then we would like to discuss the timeline on this.

So I would like I see Kavouss hand is up. Is that a new hand Kavouss or an old hand?

Kavouss Arasteh: With me, so I'm waiting for your greenlight.

Leon Sanchez: Excellent Kavouss. Thank you very much. So I would like to give the floor do you Kavouss if you have any comments so far. It would be...

Kavouss Arasteh: Yes.

Leon Sanchez: ...very helpful to raise them. So please go ahead. You have the floor.

Kavouss Arasteh: Yes I have a comment on that. Recommendation 12 has been commented by board in various areas, some of areas that they don't agree, some of the areas that they need clarification.

I would like to know how you want to handle these comments. Would you get into the source of the discussion and dialogue either on the call or the different ways with the foremost representative of the board in order to satisfy or in order to have a total agreement with them with respect to their Recommendation 12?

As I mentioned some of the areas of just clarification, some of the areas they disagree like saying that the term but not limited they don't like that. and I agree with him.

So I would ask you how you want to treat this recommendation. Thank you.

Leon Sanchez: Thank you very much Kavouss. And for this I think it's the perfect time to give the floor to Bruce so he can explain us and comment on the different concerns that were raised by the board on their comments.

And I think that most of the questions that you have kindly raised will be already answered as Bruce comments on this issue. So Bruce could you please take the floor?

Bruce Tonkin: Yes thank you Leon. Yes I think the proposed approach is heading in the right direction. I gather what you've added in this it looks blue on my screen. I have blue line text is just adding clarity that the board would consider the Workstream 2 recommendations in the same way that we've done the Workstream 1 recommendations and that the recommendations need to make the NTIA criteria so that those are all concerns that we had raised. And it looks like those concerns are being addressed.

The one enhancement we - well a couple of points that we had having discussed this a little bit further since our comments - and this is just my discussion through mailing list rather than through any formal call.

But we think that this is an example of something that would be a transition bylaw. So it's a bylaw that relates to the transition to the new accountability mechanism. So it would be similar to the way the bylaws are handled in Article 10, so it might be Article 23 so of the bylaws today.

The other comment that I'd like to offer is that we think that the bylaw could be generalized a little bit. At the moment the language is all about the specific name of the group being CCWG accountability.

And we think it might be better to generalize that a little bit more to talk about just a cross community group in general and that that cross community group has at least four supporting organizations and advisory committees and at least three of the four endorse the recommendations of that group.

And the reason for that is to give a little bit of flexibility. Because as the most people have been on this working group now for more than a year and I think as was noted earlier in the call it's been a pretty heavy schedule -- lots and lots of meetings.

So I think there's an opportunity for chartering organizations to perhaps break up some of the Workstream 2 topics into separate working groups and appoint members to those working groups that have specific expertise in that area.

So, you know, you might have a group that has specific expertise in human rights or a working group that has specific expertise in document displeasure processes, et cetera.

And those working groups might work to different schedules rather than try to lock everything into one massive omnibus account group, accountability working group.

So our comments were in summary that this would make sense as a transition bylaw. And that we recommend the bylaw be crafted a little bit more general

that's referring to the name of one specific working group to define the working group concept more generally.

Leon Sanchez: Thank you very much for this Bruce. And answering to Kavouss question on how would the CW take these comments into account?

Well we should work as we have done so in previous comment periods Kavouss. But I believe that what we should do is to of course take into account the different comments coming in from the different commenters.

And from there we should evaluate and the CCWG At-Large and maybe in the subgroups whether the comments would require for us to make any substantial changes to our proposal and if so then as you might remember we would be actually building a supplementary report in the case it would need to be actually constructed that way. So that is the way that the CCWG should take on these comments.

And I know that we are six minutes before taking our first break so the next key point to discuss in this issue on Recommendation 12 which by the way after Bruce (interbation) I think we have already away forward on one of the five (unintelligible) public interest concerns. So that is I think something important we have achieved today.

The next key question...

((Crosstalk))

Leon Sanchez: ...(unintelligible) the timeframe. And I note that Malcolm Huty's hand is up. So Malcolm could you please take the floor.

Malcolm Hutton: Yes as a point of order I don't think we have had a discussion and the representatives and the board has just laid out a proposal.

We haven't had any discussion about whether or not they accept that proposal and how we would wish to adopt it, whether we would wish to adopt this or if we do wish to adopt it how we would wish to go about that.

Simply announcing as you've just done that we have achieved this I think is a little premature.

From my part I would say that while in principle I don't have objections to what the board representative was suggesting the way of phrasing they CCWG incorporated the principles and under which the CCWG has been incorporated in particular the principle of open accessibility to participation by all which was not at all signaled by the wording that the - that Bruce just mentioned.

So I think you're really jumping the gun by saying that we just accept that proposal.

Thank you Malcolm. I didn't mean that. I - what I meant was that from my understanding of Bruce (intervention) it is clear that the suggested clarifications that have been made to the document in the marked language in the document that you have on the screen on Page 8 of the document seem like a reasonable way forward that would also address one of the (unintelligible) public interest concerns raised by the board. That's what I meant.

I didn't mean that it has been either agreed by the CCWG or that we need no further discussion on this topic.

I am just signaling that from my point of view this can be a way forward and that we can of course go item by item on the proposed interim bylaw should there be a need for further comments or discussions.

Does that address your concern Malcolm?

Malcolm Hutter: Thank you. That's most heartening. I would then like to know how we intend to consider this and how we intend to move through consideration deliberation to a conclusion?

Leon Sanchez: Well as I said when I was beginning this part of the agenda we have four key discussion points which are highlighted at the top of the document.

And the first one is to confirm whether the clarifications made to the interim bylaw are okay and whether we feel that these clarifications do address both of the comments made by the community and by the board as well.

So we could go paragraph by paragraph if you choose to do that. And I believe that we continue discussion from there.

And of course the next steps would be to continue discussing the next key discussion points which are the timeline, whether this timeline should be a deadline and also confirming the relevance of enhancing the (unintelligible) role but that would be the suggested way forward.

And next in the queue I have Kavouss. Kavouss?

Kavouss Arasteh: Most of the comments from the board is description, explanation. We need a concrete proposal. That means we need that Bruce or anyone from the board



take the recommendation and propose complete suggestions for part of the recommendation but not on the main document because we jumped from main document to recommendation and vice versa. It is difficult to follow.

What I would suggest is if Bruce has any comments on the recommendation 12, take the recommendation go to the exact paragraph that we have and put concrete proposal with a revision mark on that. Then we can discuss that. Otherwise it is completely difficult because there is repetition and philosophy. Thank you.

Leon Sanchez: Thank you very much Kavouss. Next in the queue I have my co-chair Mathieu Weill.

Mathieu Weill: Yes I think that's an attempt to clarify some of the debate here because it seems we are running in circles.

The comments in the Word documents are pasted from the various comments we've received in the public comment including the board comment.

And on Page 8 obviously most of the comments are mentioned are those from the board.

The edits that are provided are suggestions that seem to be clarifying our report. It's not the new idea that the Workstream 2 recommendation would have the same status as the Workstream 1 recommendations.

And we've heard from - so it's a concrete proposal to be discussed by this group whether that is adequately capturing what we want to achieve with Workstream 2 recommendations and the interim bylaw.

And we've heard that Bruce was saying that it seems to be a reasonable direction for going forward for the board to address their concerns.

So I think for us in this group we can look at this document and check whether that was actually the group's intent as we as co-chairs understood it that the Workstream 2 recommendations would have exactly the same status as the Workstream 1 recommendations when being considered by the ICANN board which means that that there need to be consensus, they need to be assessed against the NTIA criteria, they need to be assessed against global public interest with the reservations that we mentioned earlier in the discussions.

And if the board wants to disagree it needs to be on the 2/3 threshold and it triggers a special dialogue.

And I think that's the key confirmation that we need here or actually disagreement that we need to surface if there is a disagreement.

But if we do agree on this then let's agree that this is our way forward so far in first reading and discuss this further on the list if need be and confirm next week.

At least that's the intent to have a concrete proposal on the table. Thank you.

Leon Sanchez: Thank you very much Mathieu. I see Malcolm's hand is still up. I don't know if that's an old hand or a new hand Malcolm?

Malcolm Hutty: Well, very small thing. In this - if we are coming up with a concrete proposal, I would like it that it changes the thing from saying CCWG to something else, as (Parus) has just suggested. I will say that it should also say - it should - the

proposal should also make clear that it is our intension that it should be open to participation by all comers.

Leon Sanchez: Thank you very much, Malcolm: and this is well noted in the notes. And I think that that is the way we have been carrying out the work in this working group. So I won't see any objection or any obstacle to actually have this as open and as inclusive as we have always conducted the work in this working group.

And we are 23 minutes past the hour. So we had agreed to take a break at this point. And if we all agree, we can take a break. I don't know; we had said 10 minutes originally, but I believe that many want 20 minutes, so I would suggest going to the middle ground as usual and break for 15 minutes, if we all agree.

Do we agree on 15 minutes? Okay, so (Chris) is asking for a 15-minute discussion - the 15-minute break. Okay, so let's break for 15 minutes and come back here.

It's 25 past the hour. So let's reconvene at 40 past the hour. And now we will break, thanks.

Man: Check.

Leon Sanchez: Hello, everyone. So it's 40 minutes past the hour and we had agreed to reconvene at 40 minutes past he hour. So I see that their recording has been started already.

So we are reconvening now. And while we were discussing Proposal 12 - (unintelligible) the Recommendation 12 in regard to Workstream 2 and

explained, very clearly, the intent of this exercise. And I believe that we can discuss, of course, the different amendments that were proposed by Mathieu on this document that - just to be on our screen - that is not anymore.

And as I said when we started this agenda item, then we would have three more discussion key points to actually discuss. So what I would suggest is to actually have a discussion on the different amendments proposed on the entering bylaw. Offline, we can do this in the list signaling whether we agree to - whether we agree to actually go forward with these clarifications.

And as an except, I would say that we could discuss the timeframe for Work Stream 2 to happen. And we have said that we would be carrying out Work Stream 2 work during 2016 and hopefully end it by the end of 2016 and also maybe would be the need to extend this timeline through to mid-2017. But before I go deep into that, I would like to just make attendance check and see if we have any objections to proceed as I suggested on commenting offline on the list on the different clarifications that have been proposed by Mathieu on the document that was (unintelligible) 12.

And if we don't have any objections, that must mean that either we actually don't have objections or that nobody has come back to the call. So any live signals as to know that we are all...

Man: We're here Leon.

Leon Sanchez: Excellent, excellent. Okay, good. So the next key discussion point would be the timeline to actually carry out the work on Work Stream 2. And as I was saying, we have proposed to carry these - this work along 2016 and maybe extending it as per Implementation 2 mid-2017.

So I would like to hear the views from the different attendants in the call as to whether this timeframe would be appropriate or if this was a timeframe that is realistic. We have heard the concerns about the - a very tight timeline that we have been working on. And we don't want this to happen in Work Stream 2, so we would like to listen from you whether you think carrying this work throughout 2016 and maybe 'till the mid of 2017 sounds realistic and whether we could actually compromise to carry out this work through this timeframe.

So I see the first in the queue is Malcolm Hutty. I don't know - Leon Sanchez:, is that an old hand or a new hand? So if that's a new hand, please go ahead and take the floor.

Malcolm Hutty: My apologies.

Leon Sanchez: Okay, so then we have Kavouss. Kavouss, could you please take the floor? Kavouss, might you be on mute? We can't hear you.

Kavouss Arasteh: Cannot hear me?

Leon Sanchez: Yes. We can hear you now.

Kavouss Arasteh: Okay, now, what I said that we should not say 2016 and maybe 2017. Certainly, part of the work could be done - or would be done - in 2017. It is two sides. We don't know the scope of the work of the (unintelligible) 2.

We don't know the feedback from (unintelligible) 1 to (unintelligible) 2. Therefore, we should say that we start 2016 and we continue in 2017 with some objective date but not a deadline. Thank you.

Leon Sanchez: Thank you very much, Kavouss. Next in the queue, I have Niels ten Oever.  
Niels.

Niels ten Oever: Thank you very much, Leon. I'm here in a bit of a Catch 22 that is because in the ALAC comments to Recommendation 6, they said that they could not agree with Recommendation 6 because they did not believe the human rights framework could be developed in a year. So I think that there is an interrelation here between Recommendation 6 and Recommendations 12 and even though I think we could be doing this within a year, I think if we are negotiating and discussing the different annexes, there is a specific interrelation I do not certainly - I do not necessarily know how we can solve this.

So this is just an issue that I shortly wanted to bring up and look for wisdom from the crowd on how we could best solve this issue.

Leon Sanchez: Thank you very much, Niels. There is definitely an interrelation between not only this recommendation but maybe old - other recommendations. As to your point on the concern by the ALAC on the side of maybe not being realistic to develop the framework of interpretation for the human rights bylaw, I would say that that is a point for discussion here, actually, to see whether this (unintelligible) is actually realistic or if it isn't.

So I see that next on the queue, we have Alan Greenberg. So he might have a little bit more to comment on the timeframe. But I suggest that we listen to the different points of view from those who are already in the queue, and from there, we can continue discussing whether this timeframe seems realistic or if this timeframe should be adjusted.

So next in the queue, I have Alan Greenberg.

Alan Greenberg: Thank you very much. Just to be clear, the ALAC didn't say we couldn't do the human rights framework in a year. We said it was - we thought it was - inadvisable to have a bylaw commitment to do that, which meant should we not be able to do it, for one reason or another, we would be in violation of our bylaws.

And that comes to the general gist of what I was - what I put my hand up to say. We've demonstrated we're not really good at estimating timelines for this kind of thing or in predicting where the real sticking points will be. So I agree with Kavouss. We should not have deadlines; we should have targets.

We should have realistic targets, we should adjust them as necessary. But let's not put stakes in ground - in the ground which are just going to punish ourselves if we can't meet them. The level of exhaustion of some of us is such that - as implied by Bruce - the people who are working in this group right now may not be the right ones for all sorts of different reasons to follow the process into the next stage.

And I think we need to have some level of flexibility both in the timelines and in how we select the people doing it. Thank you.

Leon Sanchez: Thank you very much, Alan. Next on the queue, I have Steve DelBianco.

Steve DelBianco: Thanks, Leon. Page 2 on Recommendation 12 have two parts to this - your timeline. The first would be this notion of completing by the end of 2016.

I think we are not talking about completion but only that the CCWG would arrive at consensus recommendation for Work Stream 2 and we would target that for the end of 2016. And I think that's an appropriate target.

So to repeat that, at the top of page 2, we could say that the CCWG - the goal for the CCWG would be to adopt a consensus recommendations for Work Stream 2 recommendations by the end of 2016. But let's acknowledge that the bylaws obligation on the board is only to consider those CCWG recommendations and not necessarily adopt them and approve them, and even if they did, implementation takes, often, quite a bit longer.

So let's set a realistic goal for what we can control, which is our ability to come up with consensus recommendations for the bylaws changes that are needed and then acknowledge that we'll have to have other mechanisms to ensure that the board not only considers but approves the ones and then we implement them appropriately. And I did want to remind everybody, the obligation is not to implement, not to complete, but only to consider - that's right underneath the paragraph 5 on page 2 - is to consider.

What is our fallback if the board considers but rejects the bylaws change? We don't have an ability to force a bylaw and it is not something that an IRP could be done on. So I guess we are left with the power of spilling the board or spilling directors to express the designate or dissatisfaction with a board that won't implement the Work Stream 2 recommendation that has full support of the community. Thank you.

Leon Sanchez: Thank you very much, Steve and this is very useful. And I believe that this timeframe is needed as it has been said in the chat box because we actually need to have a target date to finalize the work as for the proposals for Work Stream 2. As Steve rightly noted, this doesn't mean that this needs to be fully implemented by the target date, but just to have a - the recommendations agreed and consensed (sic) by the working group.



And I see Chris Disspain's hand is up. Chris, could you please take the floor?

Chris Disspain: Thanks, Leon. And just a question for Steve. In parting - well, although I think it's important - unless I misheard, isn't it right that the Work Stream 2 recommendations are highly likely to being dealt with under an ICANN that has been reformed in accordance with Work Stream 1?

And so therefore...

Steve DelBianco: Of course. And under that reformation...

Chris Disspain: So, therefore, the question - under - well, therefore, under - isn't the question of what the board's rights or not rights to accept those recommendations will be dealt with with all of the checks and balances in place from Work Stream 1. (Unintelligible)...

Steve DelBianco: Not necessarily. This Recommendation 12 is for a specific new bylaw that the board would be required to consider. The CCWG recommendation...

Chris Disspain: Yes.

Steve DelBianco: ...(unintelligible) Work Stream 2, Chris.

Chris Disspain: Right. But...

Steve DelBianco: So therefore...

Chris Disspain: ...any action by the board is still open to all of the community empowerments that have been - that will be put in place on Work Stream 1, isn't it?

Steve DelBianco: It is exactly. And I reiterated that even under all of those powers, if the board considered, under its obligation, a Work Stream 2 recommendation of CCWG this time next year and said, you know, we're not going to go for it, so that meant that the board rejected; a bylaw has changed that they were obliged to consider and they're allowed to reject what they considered.

At that point, Chris, I just simply said to everyone and reminded everyone that under the Work Stream 1 changes that we've made, the community's only sort of redress to that would be to spill one or more of the directors. There's no way to force the board to accept a bylaws change under the Work Stream 1 recommendations that we've made.

There's no IRP for that, right, because the board has already fulfilled its bylaws.

Chris Disspain: Okay, I'm not sure that I'm - I'm not sure that I agree with that, but let me go away and check that and come back to you. Thanks.

Leon Sanchez: Thanks, Chris. Thanks, Steve. So what I'm hearing is that the timeframe should be a goal but not a deadline; not a hard-coated date for us to achieve anything. But that - I am also hearing that we should definitely have a timeframe so we don't get lost in - a state while we develop our work.

So I would like to call for any oppositions to actually have these proposed dates as we have them in this Recommendation 12, which is to finalize consideration of Work Stream 2 recommendations by the end of 2016 and hopefully end implementation by mid-2017. These, of course, as I said, not as dates set in stone but as a target and as a goal that we should be looking up to.

And, of course, with the flexibility embedded into it as needed by - and decided by the CCWG, if the case may be. So do we have any objections to adopt this timeframe? I am aware that we will not be taking in positions in a single call, but this would be, of course, the agreement that would be subject to a second read on our next call.

I see Kavouss' hand is up. Kavouss, could you please take the floor?

Kavouss Arasteh: Yes, perhaps we could put some qualifiers that “subject to further (unintelligible) later (unintelligible), this is the provisional target date but subject to review, and if necessary, to revise at later (unintelligible). Put some qualifier in that.

Thank you.

Leon Sanchez: Yes, Kavouss; that is exactly what I mean. And as (Robin) points in the chat box, this is the proposed timeframe that is not set in stone and should be flexible if the group so decides to.

So are there any objections to have these as our way forward? Okay, so I see no objection and this would be subject to our second reading in the next call. And finally, in this second item, we should confirm the relevance of enhancing the (unintelligible) role and function and, if need be, clarify the topics considered.

So at this point, I would like to open the floor for comments on whether their should be this clarification. We have a knowledge that this is a matter of (unintelligible) Work Stream 2 and, actually, it was missing in the chart or the graphic that was presented on page number 3 in Recommendation 12.

And Mathieu is already suggesting that we include these in this graphic. So I see that Mathieu hand is up. Mathieu, could you please take the floor?

Mathieu Weill: Yes. Just to elaborate on that, it was mentioned in the list, not in the graph. It's a couple of comments said they wanted to - more details about what we meant by enhancing the (Umbridgement) beyond, obviously, the request for reconsideration (unintelligible). And so I think we would need a volunteer to craft a paragraph or two to explain the kind of discussion that we're planning to have on enhancing the (Umbridgement) role.

And so that's more of a call for the - anyone to volunteer to craft this short description of what's behind this item, which as only mentioned in passing in the current recommendation.

Leon Sanchez: Thank you very much, Mathieu. So do we have any volunteers to actually draft this? And I see Avri Doria's hand is up. Avri.

Avri, might you be on mute; we can't hear you. Or is that hand up because you're volunteering? We can't hear you, Avri; you might be on mute.

And I see that (Becky's) happy to draft the general descriptions, so we have a volunteer. And I'm not sure, as I will turn here - Avri - I'm not sure if Avri wants to join that drafting effort or if Avri wanted to comment on the issue. Okay, so while we try to get notice on Avri, I know that (Becky's) happy to work with Avri and then we would be expecting to have this draft circulated to the working group.

And from there, we would, of course, continue the discussion on this issue. And with this, I would like to move forward to the next agenda item. And for this, I would turn to my co-chair Thomas.

Thomas Rickert: Thanks very much, Leon. This next agenda item is related to Recommendation 4, but let's please be very clear that we are not going to discuss everything that has been commented with respect to Recommendation number 4. But we're only going to discuss one aspect thereof.

So when you are raising your hand to make interventions or when you type something into the chat, please do bear in mind that we are not trying to sweep under the carpet all the other comments that have been made. But this is just to be focused on one aspect of Recommendation 4 and to be specific with respect to the individual board member removal.

There has been a concern that no one would ever be brave enough to try to remove a board member if he or she who brings up the concern against an individual director has to live with the risk of being sued for defamation or otherwise by the board member in question. So what you see in front of you in the Adobe room is the approved-read excerpt from our third report on an (unintelligible).

Actually, at the beginning of this document, you find as you did with the previous document that we had on the screen, the key discussion points. And then, since this annex certainly deals with all community powers, you will only need to scroll down to paragraph number 39 which actually includes a proposal on how we can bridge the gap between the commenters and our third draft report.

So the question is whether we can simply remove the concerns that have been raised by including pre-service letter in our recommendation to be signed by the director to mitigate the risk of litigation. So, basically, the board members - prior to being seated - will sign a letter setting out some of the conditions in

case they're ever dismissed. But we'll get to that in the moment at a little greater level of detail.

And, we would also like to ensure - and we are board members on this call - that the board has no significant concerns with the implementation guideline. And implementation is key on this point. We suggest that we do not offer glorious detail or engage into wordsmithing inside the CCWG, but actually, that we offer some guidance and instructions to those who are actually going to flash out our recommendation as we move on and transform that to bylaw language.

Alan, I see your hand is raised, but let's just wait for a little moment so that I can give you an introduction of where we are. So please take a look at paragraph number 39 of this document that shows where the concern comes from. You see a note - a comment in the document that (Marjorie) has put in that points to the fact that ALAC, IPC, and others during webinars have raised this concern.

And this proposal to include an additional paragraph with instructions to the drafter is actually taking from an implementation guideline in which we worked on the webinar, which has been edited by our lawyer. So it looks like the board is in agreement with this point. On the left, we would like to get some - get explicit confirmation for that.

And since the edit that we're suggesting to the recommendation is only brief, I will read it out for the benefit of the whole group. And what we suggest adding to the report - or to the annex - to be specific is this. The absence of the guarantee that a CSO or a (unintelligible) will be able to raise reason for a director removal of board recall without the threat of being sued for defamation in any of its forms.

Such removals may never be possible. In the implementation phase, consideration will be given to appropriate (unintelligible) position and other protections should a claim arise. This may include requiring a formal agreement signed by each director before they are seated on the board with appropriate covenants not to sue, to protect the entire community, and the appointing as (OAC).

So this does - this is not too prescriptive; it gives them wiggle room for the implementation but what we're suggesting to clarify is that there should be some safeguards in place in order to avoid that - the absence of such indemnification will have a deterring effect on the - as (OACs) or its leaders to ever invoke the community power in question. Alan.

Alan Greenberg: Thank you very much. I think the paragraph addresses the concern. The wording, however, in several places, I think, has - to use an English expression, has the cart before the horse.

I think there are two different aspects. First of all, you start off within the absence of a guarantee. Now, guarantees are absolute and I'm not sure we - that's the right word to use.

And it's not with - it's not only without the threat of being sued; it's without the threat of incurring liabilities. So I think the intro has to be more general and then you go on to indemnification with yields indemnification is a way of making sure that the individual does not personally pay and you say, as part of that, you may have pre-service letters.

The pre-service letter I understand to be a preventative measure to try to make sure that the person does not sue. Indemnification says if we're wrong and

they do sue anyway, then the person is not personally liable. So I think the paragraph has all the right components in it, but it needs to be re-juggled so that it flows properly.

And I'd be glad to work with someone on that if that's of use.

Thomas Rickert: So you stole my words, Alan. I think you've made a great pitch to come up with some alternative language. Just to be clear, I think what this includes are several components that you mentioned that let me just put them - try to put them and - or lay them out clearly for everyone. Pre-service letters shall help avoid a litigation in the first place.

But then, the indemnification part shall serve the purpose of, you know, in the unlikely case that the dismissed or to-be-dismissed director still goes to a court, that the acting persons or organizations are going to be indemnified. But in order - you know, because nothing can prevent a person from actually going to a court or trying to act contravening its commitments in a pre-service letter.

So we want to try - want to try to fix it in all letters. But we're not wedded to the concrete language. We can work on that between this and the next meeting.

Next in line is Tijani and just as a heads up, I'd like to go to the queue after Alan.

Tijani Ben Jamaa: Thank you very much, Thomas. My comment is almost the same as Alan's one with a small difference. I agree with the aim of this paragraph.



I don't agree with the paragraph - the text of the paragraph because it make a link - a relationship -- a strong relationship -- between the fact that there is no reason for - there will not be reason for the recall and the fact that the board director can show the SO or AC or the leader of the (unintelligible). I don't think it is the reason.

We said that there will be rational. We will not remove a director like this. There will be a rationale.

There will not be a list of reasons that will be - are not in the bylaws and that will allow for removal. No, that will be the rationale given. So it is not this reason, even if you give a rationale - if you give reason, you may be sued, so the letter is necessary.

So I propose that you remove the - this - how to say - this link between no reason and this (unintelligible). Thank you.

Thomas Rickert: Thanks very much, Tijani. Just as a reminder for all those that plan to speak on this topic, let's not try to work much. You know, I said at the outset that we're not trying to wordsmith as a group exercise.

This is why we are putting this through the implementation phase in the first place and, secondly, we're trying to give instructions to those who are going to implement. And we should get agreement on the idea and two of you have already confirmed agreement with the general (unintelligible) what we're trying to achieve here.

And next step should be to have volunteers work on the concrete language with the assistance of our lawyers with whom I think we should certify with

the assistance - assisting us on this topic and then bring it up again in a week's time. Kavouss.

Kavouss Arasteh: Yes, Thomas, I don't know which part of the recommendation you are discussing -- if you are discussing all the (unintelligible) of the board. You know that ICANN board has sent six pages of comments. Are you considering those comments or not? Thank you.

Thomas Rickert: Thanks, Kavouss. As I mentioned, we're only discussing the aspect of mitigating the risk of the lawsuits or liability for individual board members. We will discuss the board recall question at another call and that will be announced previously.

Bruce.

Woman: Do you have a minute?

Thomas Rickert: Bruce, it's your turn. Bruce, you might be on mute or there's a technical issue. So let's then move to Alan and get back to Bruce afterwards.

Man: (Unintelligible) Bruce.

Alan Greenberg: Thank you very much. You already addressed my first point which is can we get the lawyers involved since (Pauli) had volunteered. So thank you for covering that already.

It would be useful - and this is another lawyer issue - it would be useful if we could know under California law - or other law for that matter - are we legally allowed - is someone legally allowed to waive the rights to take action

knowing whether that is something that is, in fact, a tool we can use or not would help us draft this. It's a relatively simple answer, certainly, I presume under California law.

Wider jurisdictions may be more confusing but it would be useful to have a little bit of legal insight as to whether this is something that can be waived or not. Thank you.

Thomas Rickert: Thanks, Alan. I think that - let me say I'm hesitant to make this point a point where we ask the lawyers to speak to the question of whether our recommendations might be void because we have all our recommendations legally reviewed. And I think that it goes without saying that our lawyers will notify us wherever our recommendations are at risk of being called void in the court.

So...

Alan Greenberg: That's an acceptable answer to me.

Thomas Rickert: But we have rosemary and holly on the call and maybe even more of their colleagues -- they've heard our discussion and I'm sure that they will take good note of your concern and put special attention on this point when helping us with this. Bruce, are you back online?

Bruce Tonkin: Yes, I am. Thank you.

Thomas Rickert: So it's your turn, Bruce.

Bruce Tonkin: Thank you. My understanding of the process is that in removing a board director that there's a due process that's followed. And part of that due

process is a community forum where people would presumably be speaking and giving their reasons either face to face or on a phone call as to why that - the lead director should be removed.

The board has also requested a written rationale which, again, is, you know, reasonable due process thing for at least the affected board member to be able to respond to and see what the rationale is for why the community's calling for their removal and either address that issue or respond to it in some way. So I think those are all reasonable things the board is asking for. I also understand that people are worried about committing themselves either verbally or in writing to make a statement and then there needs to be some protections there.

I do want to put a caveat though that statements people make do need to be factual. I think it's unfair, for example, if someone says I think this such and such a board member is a murderer and therefore they shouldn't be on the board. I would expect that that would - should have some basis in fact as in, you know, that a court has found them to have committed murder or whatever it is. But I think, you know, it's unreasonable for people just to make statements that are not factual.

Thomas Rickert: Thanks, Bruce. I guess that's good advice. Let me get back to your first point. We have included in the escalation power or in the community power as such the requirement to offer reasons for the board member removal.

And I think we're on the same page that there must be transparency about the reasons why the community has an issue with an individual director. I would like any of you to object if you think that this shouldn't be in writing. I think there should be an issue with that.

And I also think that the lawyers will help us with coming up with language that does not limit the director's possibility to defend him or herself beyond what's reasonable because if you claimed that somebody's a murderer or a fraud, what have you, then I think the person, you know - the protections for the SO or AC leader should end there. But I'm sure that this is something that the lawyers can take good care of.

I - so I see a queue forming now. And it's Malcolm and Chris. I think the way forward for us would be to certify the lawyers to do some wordsmithing on this to capture the idea of what we've discussed today and we should then reconvene to discuss niceties.

Since - okay, Chris has withdrawn and await notes from the lawyers.  
Malcolm, does the same apply for you?

Malcolm Huty: Yes. With - surely, the principle that we are putting forward is simple -- that the community should not be dissuaded from removing the board for fear of legal repercussions and that there should be effective means in there. I don't think we need to go any further than that.

(Bruce's) idea that this community would, as a community, say wild accusations of murder or whatever against a director entirely without foundation seem to me quite plentiful. These aren't individuals that are being protected by this clause; this is a community mechanism that's being set.

Thomas Rickert: Thanks very much, Malcolm. So I think with these reasonable conclusion remarks, we can actually close this topic. So we have a way forward on this.

You should expect language to be offered by the lawyers soon so that we can continue the discussion on the list. And with that, I'd like to hand over to Mathieu.

Mathieu Weill: thank you very much, Thomas, and we're moving now to the agenda item related to the appropriation of the ICANN 55 Marrakech meeting. You will remember that we are planning for a face-to-face meeting for March before - so it's the Friday before the Marrakech meeting starts.

And we have been - we were asking ICANN for confirmation that this could be organized and facilitated. We have just received an answer from ICANN. I don't know if Theresa is on the call and could provide us with these elements of response.

Theresa, can you...

Theresa Swinehart: Sure, Mathieu. I'm happy to provide...

Mathieu Weill: Yes, and then that - we'll need some discussion after that. So please, Theresa.

Theresa Swinehart: Sure, I'm happy to. So I think, as many on the call are aware and there was some discussion I saw on the list over the holidays, the ICANN 55 meeting is actually the first meeting under the meeting strategy working group that had been put forward. And as a result of that, the meeting's team is really looking at how to implement that strategy which includes - excuse me, sorry - which, includes a six-state format in utilizing the time of the meeting itself to focus in on the details.

And as such, we're really trying to look at not to go around the community strategy that was put into place and as a result, are encouraging the

community to look at utilizing the timeframe and the days that have been put forward for the Marrakech schedule as such. And Mathieu, I've sent you a note with the specific references to the strategy working group's work, which was a community - a two-year project.

Mathieu Weill: Okay, that's Theresa. We will - I will check my e-mail and forward to the full group, obviously. So I think that's something that will call for us to revise our plans because my understanding is that there's not going to be any meeting supported outside of the Saturdays to Thursday meeting timeframe.

And that is something that's - and we know we still have the need for a number of meetings to frame the Work Stream 2 discussions as well as ensure we are providing clarity on the implementation of Work Stream 1, which, hopefully, will be underway by then. So I'd like to open the floor for any comments, discussions, suggestions on how to proceed with how to adjust these plans.

We know we - it's already late in the game. Certainly it's our mistake on the co-chair's side not to have read in the strategy - meeting strategy in details for that, but we are looking forward to hearing from you in the group for suggestions. Bruce, I don't know if it's an old hand.

That's probably an old hand from Bruce. And to answer Greg's question in the chat whether -- what is ICANN's suggestion -- ICANN's suggestion is to use a number of the slots and probably even get more slots during these Saturday through Thursday timeframes so that we can organize the same amount of work but during the agreed-upon timeframe for the meeting.

That's my understanding of the ICANN's proposal. Sebastien, you are next.  
Sebastien?

Sebastien Bachollet: Can you hear me?

Mathieu Weill: Yes, now I can hear you.

Sebastien Bachollet: Okay, thank you very much. I will try to be as calm as possible when I hear (unintelligible) are thinking the smithing strategy working group results do not allow this CCWG on accountability meeting prior to the meeting. I was the chair of this cross-community working group and we, effectively, try to put everything that it's a normal work of the community into the six-day, four days, and seven or eight days - seven days in the (C) meeting.

I really think that what we are talking here, it's a really - an extraordinary working group that might lead to the transition or not. And please don't choose the result of the meeting strategy working group to say no. Say no because you want to say no - ICANN staff or ICANN board or whatever decide to say no.

But don't choose our result of our cross-community working group on new meeting strategy for that, please. Really. Please. Thank you very much.

Mathieu Weill: Thank you, Sebastien for this excellent use case on how implementation oversight is the key in good policy-making. Kavouss, you're next.

Kavouss Arasteh: The reservation of hotel and the (unintelligible) reservations -- if the - I did reservations for including just a one-day report and now I have to change and I have to pay penalties with that. You know, we buy the - what is called the mark -- the (unintelligible) - the lowest price.



If you change the date, then you have to pay penalties. Now, my question is that is it a general practice included that there would be no face-to-face meeting of CCWG outside the normal working days of ICANN and you know that GAC has one day - start one day before the ICANN. They start on Saturday afternoon.

So in future, we have to know that because not like some of you -- we can do the last day. Some of us do it early days because we pay less for the ticket. And sometimes we'll (unintelligible) tell you we have difficulty now. There will be difficulty to change the hotel because sometimes you have to pay penalties.

So about this (unintelligible), but in the future, do we have this as a general policy that there will be no face-to-face meeting of CCWG outside the normal GAC - sorry, ICANN meeting? Is it possible to answer that question firmly and severely? Thank you.

Mathieu Weill: Thank you, Kavouss, and I noticed that Theresa was back on the line. So I hope that she can provide an answer on the grounds of whether it's - within ICANN's policy or not. Certainly, we do not have, as co-chairs, a policy on this. Alan.

Alan Greenberg: Thank you very much. Sebastien said a lot of what I was going to say. The meeting strategy group was trying to look at how to manage ICANN meetings and the general participation at ICANN meetings.

If the hotel or the meeting rooms are booked on Friday, I can accept that. There may be logistical restrictions. Using the meeting strategy as the excuse, I think, is poor.

I've - this is not a new comment for me. I've said it before when I've tried to arrange a meeting of five administrative people and being told, "Sorry; you can't do that outside of the meeting - you know, the overall meeting guidelines".

I think this meeting strategy is being used for things that are not what it was originally envisioned for and the solution of we can allocate more meetings within the six-day window I think completely ignores the fact that some of us are at ICANN meetings to do other things. We already have tight schedules and to say, "Oh well", you know, we can arrange some half days for the CCWG completely ignoring the fact that there are other things scheduled in parallel which - to which some of us are committed, I think, really does not understand what some of us are doing at meetings. Thank you.

Mathieu Weill: Thank you, Alan. I will close the queue after Sebastien's second intervention. Malcolm.

Malcolm Hutty: I'm sorry.

Mathieu Weill: Your hand is up but if it's...

Malcolm Hutty: (Unintelligible).

Mathieu Weill: ...an old hand or anything...

Malcolm Hutty: Please move on.

Mathieu Weill: ...(unintelligible).

Malcolm Hutty: I - it doesn't seem to - I'm sorry. Please move on.

Mathieu Weill: All right. Andrew.

Andrew Sullivan: Yes, thank you. I'm just trying to understand whether the invocation of the meeting's policy relates to the CCWG because it is trying to arrange it next to ICANN meeting or not. So a way to test this - it seems to me - is to ask what happens to ICANN staff support if, say, the chairs were to determine that two weeks before the Marrakech meeting, the CCWG desperately needed to meet in person in, oh, I don't know, Patagonia.

What would the ICANN stance be on that? And if the answer is, "Oh, well, they would support it fully", then I suggest that the same support could happen in Marrakech. And if the answer is, "Well, we won't support it there either", then I think we know what the ICANN, as a corporation, support for - on the CCWG meetings is.

And now we can, you know - we can fiddle that question.

Mathieu Weill: Thank you, Andrew. Very constructive. Theresa.

Theresa Swinehart: Sure. And this is a very helpful conversation and, certainly, I'll bring this back, also, to the meeting's team. Look, the ICANN 55 meeting and the work that went into the preparation of the schedule around it including, obviously, those who were part of the meeting's strategy working group and all of that had been thoughtfully prepared.

And I think the suggestion here is given that the new structure is a community structure that has been into place, that we take a look at how to utilize the time and the resources and the room allocations that exist in that window of the meetings to best support also the work of, obviously, the CCWG and its

ongoing work. I think, as we'd heard earlier from Leon in the discussion around the Work Stream 2, you know, we're moving into a phase of an extended period of work that, I think, Leon or some others and (Robin) had also shared in the chat room doesn't necessarily have the same parallel involvement to the ICG-related work as the Work Stream 1 has.

And that a large part of the Work Stream 1 work, based on the dialogues and, I think, the intensive schedule that's been put forward for January for the CCWG is also looking at try to bring to conclusion there. And so, the real question is is it possible with the ongoing work of the CCWG to look at integrating that into the frameworks of the existing meetings that have been put forward and outlined there.

And so that's really where the conversation is. Now, I'm happy to bring the feedback back to the meeting's team and to see what can be worked out in all of that.

But I think the broader question is the working methodology as we're moving into the next phase of the CCWG's important work - and it's been outlined, you know - was probably going to look at towards the end of 2016 or 20 - you know, into early 2017 and how do we best look at using the existing meeting structures, the time slots that are there, allocating some parallel dialogues that can happen during that timeframe and really leverage both the volunteer time, the travel time, the travel support, staff resourcing, and administrating logistical support resourcing for remote participation and allowing all the participants who do attend these meetings to then also try to share in the experience there.

But I think that's the context of this. It shouldn't be seen as not wanting to support or not being supportive. It's really just trying to look at the path

forward as the Work Stream 1 work comes to conclusion and the important work of Work Stream 2 as moving forward and being respectful of the community's time.

Mathieu Weill: Theresa - this is Mathieu speaking - I think that there's certainly going to be, unfortunately, a need for further discussions on this to make sure we have clarity both on Marrakech and beyond. It's a little bit unclear to me exactly who's making that type of decision within ICANN on that level of support on the group such as ours.

It seems to point to the meeting team, but surely they - they're not the ones that decide exactly what's appropriate or not to support in terms of meeting. There would probably be more in a position to say what's possible or not possible. So exactly with whom do you think we should have this discussion about - as Andrew said - the kind of policy we need to clarify because, obviously, there's a change here -- a change that we had not realized at this point.

So who's the right person to talk to on this?

Theresa Swinehart: I - Mathieu, this isn't a change; this is looking at the conclusion of the Work Stream 1 work and the movement forward as far as the continuation of the work goes. I mean, I think as you and the chairs have yourselves acknowledged, there's been an intensive period of work that has required a different kind of support overall including the work because it's been running in parallel to the ICG-related work.

More than happy to take up the dialogue with you and the meetings team, also the team that's overseeing the community travel support, and having a subgroup discussion with this, if you'd like. I'm more than happy to do that.

And I'll certainly bring back the feedback from this to the group and provide that and get back to you.

Mathieu Weill: And you haven't really responded to my question about - it's our group that decides on its work plan and comes up with proposals. And if we come back and say can we organize a face-to-face meeting in between sessions or just before a meeting in Panama or whatever - in Puerto Rico - surely, there's someone in ICANN that is the decision-maker whether or not to - this support can be made.

If the board is - is it the CO, is it a - one of the vice-president -- who is that?

Theresa Swinehart: Mathieu, it's a cross-group. So, I coordinate, obviously, closely with the meetings team in order to be working on the schedule. We also coordinate closely with the team that's providing the overall community travel support.

So this is a cross-group and, certainly, the management is involved in this. So I'm more than happy to bring this back and I'm more than happy to set up a call. But as you can imagine, the work of the CCWG itself has an impact on other departments and other resourcing within the organization.

So that's coordinated across the organization. And in the context of the ICANN 55, given that it was a new meeting strategy put forward by the community - and I appreciate the remarks by Sebastien and Alan and I understand where you're coming from on that. We want to also be respectful of what the intention was there by the community when they put that forward.

So my suggestion was I bring this back, we come back, and we have a conversation and figure out the next steps on this.

Mathieu Weill: Fine with that but I think we are talking about a 24/48 hours turnaround maximum because, honestly, the lead time to the meeting now is so short and people are making arrangements - have been making arrangements - that are somehow jeopardized right now and we need to know very, very fast. As Kavouss is saying, we really need a firm answer and that's an important thing.

I had closed the queue, but I'm seeing a few others. Let's be all conscious of time and of our goal to close before the three-hour limit. But Tijani, you were definitely in the queue, so please take the floor.

Tijani Ben Jamaa: Thank you very much, Mathieu. Sebastien and then Alan said what I want to say. But I want to say that the decision of having a face-to-face meeting is the decision of this group. It is not the decision of the staff or any other part.

It is a decision of the group and the group has to ask for a face-to-face meeting if there is a need. And in this case, the staff or the board can say no, we don't have money or something like this but don't - they cannot say the - new meeting strategy don't permit it. So now, again, I say that this is the group decision -- the working group - the CCWG decision.

It's not the decision of anyone else. We need the meeting so we want it. If it is not possible, tell us why. Thank you.

Mathieu Weill: Thank you, Tijani. Sebastien.

Sebastien Bachollet: Yes, thank you. I will - very short two things. The first one, I guess, we have a discrepancy between where we think, as a group, we are and where Theresa and staff thinks we will be and that's a major issue.

The second -- I am very sad that I didn't get the possibility to have an implementation working group taking care of this - a new meeting strategy. It would have been, hopefully, different. Thank you very much.

Mathieu Weill: Thank you, Sebastien. Kavouss.

Kavouss Arasteh: We are not following the discussion properly. CCWG needs to clearly mention and indicate whether or not they need a one day - additional day, face-to-face meeting outside the normal six-days ICANN meeting. Put the question to the board.

If the board says no, then we know what to do. But we need to raise the question. So the necessity of having a face-to-face back-to-back to the ICANN meeting presumably before the start is something that we have to decide. It is not ICANN who decides that we should or we should not have.

We should decide whether it is possible that inside the meeting we could have a one-day meeting. In my view, it is very difficult, so we need a dedicated one-day back, raise the question from the co-chairs to the ICANN board, and have the answer -- yes or no. and then, if the answer is no, then we know what to do.

So please, can we take that question and ask and answer within maximum one week from now? Thank you.

Mathieu Weill: Thank you, Kavouss. That's approximately the way forward that I would have summarized in the end. So I'm in line with that.

Very quickly, Jordan, Roelof. I see Bruce is adding himself to the line. It would be great to have his view as (unintelligible). Jordan.



Jordan Carter: Thanks, Mathieu. I'll try and be as quick as I can. Can you hear me?

Mathieu Weill: Yes.

Jordan Carter: Is (unintelligible)? Great. Okay, thanks. And look - I think that the new meeting strategy shouldn't be (unintelligible) here because we're doing work in this group that is sort of on the business, if you like, rather than in the business.

All of us are ICANN participants because of the work that ICANN does in various policy and commercial-related matters and regulatory matters. It's important that we can do that work and that we can talk with the rest of our groups about the work we're doing here in the CCWG which is why cramming all of the working sessions into the normal ICANN program is a problem when you're working on ICANN itself because it means that you can't have those community discussions that you need to have in order to be connected to be an effective connection to those constituencies.

Ironically, we make ourselves less accountable if we are forced to do this program. So I think the principle is that this group will determine what it needs to do to meet. I think we need to get a work on just explaining why we would need a meeting there in terms of Work Stream 1 and implementation and Work Stream 2 kickoff.

I don't expect that we should be having endless face-to-face meetings as Work Stream 2 goes on. And I think that co-locating that alongside but separate to ICANN meetings is a really nice way of minimizing duplication of resources, minimizing duplication of venues, and letting us do our job effectively and

working on ICANN to help improve it in a way that can be, you know, most resource-intensive and time-intensive for all of us.

So Theresa, I think that you and your team need to have a bit of a think and a change of position on what you've outlined tonight.

Mathieu Weill: Thanks, Jordan. Roelof.

Roelof Meijer: I'll happily let go - let Bruce go first, assuming that after his comment, my comment will no longer be necessary.

Mathieu Weill: Excellent. Bruce.

Bruce Tonkin: Thank you, Mathieu. I guess, in setting the meeting schedules, you have two types of meetings. You have a face-to-face meeting and you have fine meetings.

Fine meetings are fairly accessible to most people in the world so you can get fairly wide participation and those that are not travelling can attend by phone. (Unintelligible) you have face-to-face meetings, you have a very - as you know, you get a very different level of participation.

Those that are participating face-to-face get a much richer experience than those that can't attend. So I guess my encouragement would be to try and find a day. And I understand that the staff could make a room available for all of Monday, for example.

And I know, usually, there's not constituency or advisory committee meetings on a Monday, as far as I understand. They're usually on the sort of Tuesday and Wednesday. That, to me, would be a day where, you know, the 2,000 odd

people that are attending the ICANN meeting could also attend and participate in the CCWG -- work face-to-face.

If you move it to a Friday, then it becomes just the limited set of people that can either afford to add an extra day to their schedule or that are funded by ICANN that can attend. So my recommendation would be to see if there is a way I - as I said, I understand the staff allocating Monday or are able to find a room on Monday and that, to me, would maximize the face-to-face participation.

See if that can work first and then, as a last resort, yes, we could look to see if we could extend the day on a Friday and find the venue, etcetera. But just note that that would have a more limited ability for people to attend than it would if it was on the Monday.

Mathieu Weill: Thank you, Bruce. I note that the Monday has the high-level meeting for the GAC which might be a conflict for some of our members. Roelof, do you still need to speak?

Roelof Meijer: I'm afraid so. Thank you, Mathieu. Yes, Bruce, I understand your point but I will just - would like you to remember that we had Friday face-to-face meetings before and I don't think that attendance was a problem -- neither a face-to-face attendance or through telephone lines or (unintelligible).

The general point -- I think ICANN expecting us to do this work during the regular ICANN meeting days is a bit like us, as members, expecting the CCWG work to happen during office hours.

This is exceptional work, we're in an exceptional process, and we need exceptional arrangements to suit this. So this just is not going to work if in

addition to the normal work that we're already putting aside to make this happen during all kinds of hours -- most of which are not office hours -- if we now also have to cancel some of our regular ICANN work - or a lot of our regular ICANN work to make this process go through just because ICANN finds it difficult to have arrangements (unintelligible) during or before other ICANN meetings.

I think - and some others have said - it's the CCWG that determines when the meetings take place and where and I find it very strange that ICANN has noticed - automatic position of, "Okay, tell us when and where and we will make it happen". That should be the policy (unintelligible).

That should be the way ICANN is with this.

Mathieu Weill: Thank you, Roelof and I think we are not going to be able to conclude that ICANN, unfortunately, today. It's clear that there will be a need for significant face-to-face time around Marrakech and we need to know exactly what kind of policy we have for actually gathering and to finalize Work Stream 1 including implementation and work on Work Stream 2.

So we'll, as co-chairs, we'll follow up with Theresa and probably also with Bruce in his capacity as board liaison at least so that we can provide you with clear answer. And we'll, hopefully, be able to report very soon on exactly how we can proceed. But the sanction that there is a need from our group expressed for face-to-face time in a significant manner and that does not interfere with our ability to interface with our constituencies in the regular meeting because that's a big problem, for instance in the ccNSO.

There's a full-day meeting on the Monday, on the Tuesday, on the Wednesday. And in the last Buenos Aires meeting, we spent countless hours

on accountability as well. So I think we're - it's really challenging and we need to keep up this discussion going because it's - we're not at a point yet where we can find a common way forward and that's what we need to achieve also in terms of work plan.

And with that, let's turn to Leon for (AOB).

Leon Sanchez: Yes. Mathieu can I (unintelligible) a final comment? It's Bruce speaking.

Mathieu Weill: Oh, yes, Bruce.

Bruce Tonkin: Yes, sorry. Yes, thank you all for your comments. I will commit to work with staff and try and get back to you pretty quickly. But I will do my best to make the meeting on the Friday happen.

Mathieu Weill: Thank you so much, Bruce. That's much appreciated.

Theresa Swinehart: Yes, and Mathieu, if I may - this is Theresa.

Mathieu Weill: Yes.

Theresa Swinehart: This has been a very useful conversation. It also provides us some insights into some of the next steps here. So I want to thank everybody for their comments and their input and we'll certainly bring it back and I'll work with Bruce, obviously, in the team in order to outline some of the next steps on how we can move this forward.

But thank you very much. This was very helpful and a very constructive dialogue.

Mathieu Weill: Thank you very much, Theresa, for being part of this call and participating in such a constructive manner and being open-minded about this discussion. So Leon for (AOB).

Leon Sanchez: Thank you very much, Mathieu. This is Leon (unintelligible) again. And at this point, I would like to call for anyone wanting to raise any other business in this call.

We are just eight minutes before the top of the hour. So if there is anyone that wants to raise any other business, this is the time to do so. I see two hands up which are (Theresa's) and (Bruce, but I assume those are old hands.

If they are not, please feel free to actually take the floor. If they are old hands, then I will kindly ask you to lower them. Theresa, is that an old hand or a new hand?

Theresa Swinehart: Oh, I'm sorry. That's an old hand. Apologies.

Leon Sanchez: Okay. So are there any other business that anyone wants to raise? Okay, so if I'm not mistaken, there was a certification on human rights that (unintelligible) was pending.

So this could be part of our any other business and I'm not sure if maybe Thomas, would you like to comment on this. Thomas.

Thomas Rickert: Yes, the - thanks very much, Leon. There was one point, actually, that we wanted to bring up during ABO. It's not going to be long but the question was whether we wanted to get our own legal view - legal input on how the risk of ICANN being exposed to lawsuits can be mitigated.

You will remember that the board had commented on the inclusion on - of human rights in the bylaws and they had cautioned that if we follow through our recommendation as it is in our third report, that ICANN would be subject to the risk of mitigation. And we think it might be a way for our group to deal with this by asking our lawyers to chime in and let us know how they can help us mitigating that risk.

And that, you know, that could actually be a way to bridge the gap between the board's concerns and our recommendation. So I see (Ed) in the chat saying this is a good idea. But Leon, I turn back over to you to manage this.

Leon Sanchez: Thank you very much, Thomas. I have Tijani on the queue. Tijani, could you please take the floor?

Tijani Ben Jamaa: Yes, thank you, Leon. Yes, you have to address the concern raised by the board but there are other comments about the recommendations about the human rights. And please, try to take them into account and when we discuss it, we have to discuss the whole comments about it. Thank you.

Leon Sanchez: Thank you very much Tijani. I saw Niels ten Oever hand was up, but it's now down. I don't know; do you want to comment on this, Niels? Okay, so he's just - yes?

Niels ten Oever: (Unintelligible) Leon. Thank you very much, Leon. I think it's a very sensible way forward. Of course, we had, with our own lawyers, also done their own analysis and we think that there is no risk.

I think it's great if we can take away this concern of the board by asking another group of lawyers what they think about it. I think it's great. Let's just

carefully draft the ask that we bring to these lawyers and then I'd be more than happy to do so. I think that would really help us get forward.

Leon Sanchez: Thank you very much, Niels. So we would be framing the question for the lawyers so they can actually ask or provide an answer and we will send the request to the list. And if we have any feedback on the request, we will, of course, incorporate it to the question that we will be certifying to the lawyers.

So were there any other business on this call? We are just three minutes before the top of the hour. And if there are no other business, I would like to thank you all for your attendance, for your patience, and for your contributions which I think have been very fruitful and very useful in this call. So thank you everyone and this call is now adjourned and talk to you soon.

Theresa Swinehart: All right, thanks.

Mathieu Weill: Thanks, everyone. Bye-bye.

END