

ICANN

**Moderator: Brenda Brewer
February 4, 2016
6:00 am CT**

Coordinator: The recordings have been started.

Leon Sanchez: Thank you very much. So hello everyone to the CCWG on Enhancing Accountability Dedicated Recommendation 11 meeting on Thursday the 4th of February, 2016 at 12 UTC. And as you are aware the purpose of this call is to try to find a way forward in regard to Recommendation 11. And we would like to of course do the roll call based on those attending the Adobe Connect room as usual. And if there is anyone in the phone bridge that is not in the Adobe Connect room at this point we kindly ask you to state your name so we can add you to the roll call.

Greg Shatan: This is Greg Shatan. I'm on audio only.

Leon Sanchez: Thank you, Greg. Anyone else on the audio bridge that is not in the Adobe Connect room? Okay hearing no one else then the rest of the attendees will be based on what we have on the Adobe Connect room. And well of course the reminder to fill in your statements of interest if you haven't done so. And if you need any help to do so you can approach any staff member and they will be happy to assist you on filling your statements of interest or creating an

account for you in the wiki to comply with that (unintelligible) from our group.

And with no further delay I would like to turn to my co-chair, Thomas, so we can begin trying to find a way forward and continue with the finalization of this recommendation. Thomas.

Thomas Rickert: Thanks very much, Leon. Hello. This is Thomas Rickert, the GNSO appointed co-chair to the CCWG and I would also like to welcome you all to this dedicated call on Recommendation 11.

I would like to say a few words to introduce the discussion, hopefully fruitful discussion that we are going to have in the next 90 minutes or so. This group has come a long way. We have started with basically nothing but a community that was feeling strongly that ICANN's accountability was not good enough to enter into a post-transition phase. We have gone a long way trying to find consensus.

And I think if you look at the third report, even though not everybody is happy with it, we should all be proud. What we've done so far is a true testament of the multistakeholder model functioning. You all come from very diverse backgrounds and yet we've managed to come up with the essence of what accountability in improvements we need in order to make ICANN a better place and ultimately a role model for governments or global organizations.

So we've achieved a lot. We now need to deliver on the last few meters. I wouldn't even say that we are on the last mile but we are very, very close. If you look at what has happened over the last year we've been working in accordance with our charter so we've delivered reports, presented them to the

public, presented them to the chartering organizations, taking that feedback and amalgamate to that feedback into updated reports.

So this is an evolutionary process. And what has happened so far, again, is perfectly in line with our charter. That means that even those that are extremely frustrated with the situation that we are in now, seeing that the compromise that this group has found did not get every chartering organization's support is something that is sort of normal for this process.

However, we do think that we need to up our gain a little bit. And I'm not looking at any one specifically but we are now in a situation where everybody needs to be willing and able to make sacrifices so that we can get closure on the remaining questions.

You will have seen that feedback that Bruce passed on to our group after the board retreat. And that's good progress. We are moving into the right direction. Also, it seems a lot of discussions taking place after we had indicated we would need to take a vote on Recommendation 11. That caused many in our group to actually work harder than before to find compromise.

And since we as co-chairs saw new proposals getting traction we thought we should rather stop the exercise of voting and try to be more inclusive than voting amongst the chartering organizations members would be, i.e., working further based on the model that we've been using quite successfully over the last 13 months and that is consensus building.

Our group, and you will know that in order to make the transition happen before the contract expires, every week counts. And our group is on accountability and accountability means reliability, transparency and also predictability. And don't you think, and wouldn't you agree that what we are

requesting from ICANN should also be the standard under which we are operating.

So let's please ensure that the discussion that we are having now is fully transparent about what people want and need to achieve in order to be able to say yes as a chartering organization. So this has to be it, right. So and we need to have a reliable outcome because what we can least afford is additional feedback loops with chartering organizations that reject recommendations, not only this recommendation but all of the recommendations in a report.

Not everybody is equally happy with each of those recommendations but again, we should make sure that what we deliver with our supplemental draft is what the chartering organizations primarily can accept. So let's be transparent about what we need, let's not try to slice and dice wishes and then introduce them on an iterative basis so that we can be predictable. So that word that we raised during these discussions actually will stand.

We appreciate that all of you or most of you will need to go back to their respective organization to discuss the outcome of this call and see whether it gets approval but let's try to do this as efficient as possible -- as efficiently as possible to ensure that whatever compromise we will hopefully reach before 2359 on Monday will actually stand so that all the parties can rely on each other's work.

We think that this is key in being successful because the trust amongst the various component parts of this community have suffered from the fact that some felt that other parts are using a salami tactic in order to get their will one step after the other.

When I'm looking out of my window, you know, it's quite rainy over here but somebody has obviously used their central heating and various white smoke coming out of there so I can maybe even make a cultural reference here that we should be able to signal white smoke on Recommendation 11 to the outside world, to the community that is eagerly waiting for us to come to consensus on this Point 2.

Having said that, we would like to structure this discussion a little bit by having a first like 10 minutes allowing for individuals on this group to state their views, make general remarks on where we stand and what their wishes would be. And then we would like to give you opportunity to those who had ideas and have expressed them on the list to explain those ideas so that everyone fully understands what the ideas are and can ask questions to the presenters, which are - if memory doesn't fail me we had something from Kavouss, from Becky, Malcolm also introduce something. And then we are going to discuss these ideas.

Okay, so with that I would like to open the queue for general remarks on Recommendation 11. And let's maybe even discuss things a little bit broader because some see a strong linkage between 1, 10 and 11. So should there be any requests or any need for debate on Recommendation 11 where it touches 1 or 10, please also do bring that up so that we can holistically address the issue.

So the queue is now open. And Olga is the first to speak. Olga, please.

Olga Cavalli: Hello. Can you hear me?

Thomas Rickert: Yes, we can hear you all right.

Olga Cavalli: Just for your information, you may come to (unintelligible) 36 degrees now so you get all the snow in Germany so this is quite hard here. Well, a general comment. I've been following the list all the time, even this morning very early morning. It is difficult for me to go to my administration and go back with concrete proposals.

It is the same in the GAC list. We are working online, this day, yesterday, the day before and we hope to do that in the next day with the best period to find a way forward. And as you know, we have no single view from the GAC about this 11 recommendation.

So what would be very, very useful is to have a clear and I would say stable version of the different options maybe after this call because it's not -- it's extremely difficult to analyze and to perhaps hopefully reach consensus. I think it's the same for any constituency or any stakeholder group. But for the governments we are a large group, more than 150 governments. And at the same time we have to go back to our own administrations and inform them.

I had a meeting yesterday afternoon like three hours. And we concluded that we needed a clear version of the different options. So that for us, and I think for many of the colleagues in this call would be very, very useful. This is a general comment I wanted to make. And I want to thank all of you for the effort that we are doing.

Also, I would like to tell you that achieving that consensus in Dublin about the 2/3 was difficult. As you may recall, and both sessions were open, most of the countries in the GAC were not in favor of Stress Test 18 but at the end we could achieve that consensus in the GAC communiqué. So that, for our group it's something which is important. So just wanted to tell you those general comments. Thank you very much.

Thomas Rickert: Thank you very much, Olga. Does anyone else want to make some general remarks? Rafael.

Rafael Perez Galindo: Hello, can you hear me?

Thomas Rickert: Yes, we can hear you all right. Go ahead.

Rafael Perez Galindo: Hello? Thank you. Thank you. Thank you. Thank you, Thomas, for this important foreword. Just wanted to chime in to say something I was - along the lines of what Olga just said. Just want to underscore that the text in the said proposal was the outcome of very hard negotiations within this very group so in which everyone made some concessions. And that was very, at least good success.

So that crafted the language that's emerged on Thanksgiving Day which, I believe, was sort of a deal among these participants. So I am quite worried that that balance appears to be on the verge of breaking now. So that is my main concern.

So in order to focus the work ahead and to be able to get back to the voices and to the GAC, I would kindly ask colleagues to provide us, if it's possible, some sort of close set of possible arrangements that all of you, but mainly the GNSO, could live with. And then we governments, and the GAC, could examine the different possibilities and get back to you with an answer. Thank you.

Thomas Rickert: Thank you very much, Rafael. And before we move to Becky let me just confirm that I share the view that our group, I would say in our community, have worked very hard to craft the consensus that was integrated into our third

report. So I appreciate the openness. I think we all need to work and do our best in order to deal with the - and cope with the new situation after all, the developments that took place in Dublin. And I also agree - and this is the idea of this call that by the end of the call we would have clear language, a clear proposal that this group likes, and that all of you can take back to their respective organizations.

Becky is next.

Becky Burr: Thanks. And I just want to express my appreciation for how hard everybody has working and in good faith in the last few weeks to try to find something that can truly be supported by consensus of the ICANN community which is, after all, the requirement that we need to meet here. I mean, I think that, you know, the reality is that adjustments and arrangements that we made with respect to Recommendation 11 and Recommendation 1 and 11 in combination, just didn't get us to the place where we could claim this - where we could enjoy an earned support of the community broadly for this.

And so, you know, it's critical for us to realize that and to bring this one more burst of energy and burst of sort of problem solving to the floor. So, you know, I'd like to thank everybody and thank Kavouss for sort of putting this - the combined approach on the table for our consideration today. It builds on the adjustments and changes and improvements that we've gotten with respect to Recommendation 11 over time. And I am hopeful that we can reach closure and go out and earn the support of our colleagues.

Thomas Rickert: Thanks very much, Becky. Let's now move to James. And after James I suggest that we look at the concrete proposals that we discussed on the list. James, the turn is yours.

James Bladel: Thank you, Thomas. James speaking. And just to echo a lot of what Becky just said, you know, it's important to note here - I see some posts on the list about what the GNSO wants. And it's important to note, again, that the GNSO is a very large and diverse community and its various stakeholder groups had different concerns with the language of the third draft report. They may have failed to approve it but for different reasons. And so it's - it is challenging to come up with a unified position.

However, I would note that at least within my stakeholder group, and I can't speak for the others, but there has been some receptiveness in the last few days and an openness to consider some of the paths forward that have been proposed by Becky and Kavouss, so thank you for putting that forward and obviously there's some details that need to be worked out but I think we're on the right track and I certainly feel much better about it today than I did on Tuesday.

And I think that we should just conduct a similar exercise with the other representatives and communities within the GNSO to say, you know, if you supported this before do you still support this with the proposals in place? If you opposed it before, is your opposition softening? And do you feel that there is a path forward here? And if we go down the list or go around the horn and check in with all of the communities in the GNSO I think we'll see that we probably - we're probably closer today than we were on Tuesday. So I'm encouraged and optimistic that we're on the right path. Thank you for that.

Thomas Rickert: Thank you very much, James. And I've asked staff to bring up the proposal that Kavouss has sent to the recently. And Kavouss has conveniently raised his hand. So, Kavouss, I'm sure that you want to speak to the suggestion that you made so I would like to hand over to you, give you the floor to explain the proposal.

You have restructured the components that were known to the group already. So I would appreciate if you could present that orally in addition to the written statement that you made to the group. And then let us please hear Becky to explain further the carve out part of the combined proposal. So with that, Kavouss, the floor is yours.

Kavouss Arasteh: Thank you, Thomas. I don't want to give a lecture or any intervention. You made everything much, much better than me. But what I want to just say I want to share my experience in any discussions like this, any of us comes with its own particular ideas, that is variety of each idea but at the end we go out and (unintelligible). Why? Because we need to work together, we need to understand each other and we need to have a sort of (unintelligible) and sharing and acceptance of some point among ourselves. So as you mentioned, we are very critical in a very critical situation.

I as a ICG (unintelligible) and I don't want the transition because ICG has almost finished its work many, many months ago. And in fact two communities, parameter communities and numbers communities, have done the work about a year ago (unintelligible). So it is more than a year that they are waiting. And we would have a call on 1st of March and we have to wind up our situation. So that is why after a lengthy discussion and extensive emails I tried with the help of some other colleagues, and thanks to Becky, put together a package which I call the compromise package.

I don't need to speak about the package. Everything you mentioned as introduction of that. And I leave it to you but I think that we cannot discuss the issues independent from each other. Any action of Recommendation 11 might have some impact on Recommendation 1. So we need to look at both of them.

And there were three proposals, if I say, it doesn't matter where it comes from, coming from me or from Greg, doesn't matter, coming from (unintelligible) there were three proposal. One from Recommendation 11, another a compensation for the Recommendation 1. And something someone else put another thing. And I put all these together.

It may not be perfect but it is a combination of all with the hope that at the end of this meeting at least we would have one single working element in order to discuss it at our next meeting. And all the procedural aspects or course of action, not procedure, has been mentioned so I don't want to go over this again. I leave it to you and to the others to look at the situation. But we need to really, Thomas and distinguished other colleagues, move toward each other. There is no way that we stick to our initial position. Everyone must give something and everyone must get something. This is the situation.

And this is the way that I have been educated and I have been trained. (Unintelligible) right but that is that. I did whatever I could. It is not my proposal; it is proposal of you. But I put them together. Thank you.

Thomas Rickert: Thanks very much, Kavouss. I suggest that we now move to Becky. You will remember that the proposal that Kavouss made is combining the suggestions made by him earlier in the process and that is reducing the 2/3 threshold to wait the 60% threshold and then embedding the carve out that Becky has presented into Recommendation 1. But I think we should get that information first handed so, Becky, would you be kind as to explain the reasoning behind your suggestion for the carve out to the group?

Becky Burr: Yes. So I was listening carefully to our recent calls to try to understand what it was that was giving people pause on the list. And I think that it was the

combination of a very high super majority threshold requirement for rejecting GAC advice by the board which had the effect of, you know, enhancing the authority of the GAC with respect to the traditional advisory role that it has played.

And the fact that although the GAC could, you know, had not made a final determination about where it wanted to play an advisory role or a decisional role, indications were that at least in some respects there was interest in playing a decisional role including a decisional role on undertaking by the community discussions in the community regarding exercising one of the community powers to challenge the GAC -- the board's implementation of GAC advice.

And so to address what people were concerned about as a -- as to our, you know, enhanced authority with respect to an existing power plus a second bite at the apple, the notion would be that whatever the board -- where the GAC's advice to do with respect to decision-making -- it's decision-making role.

Where the community is considering the use of a community power to challenge the board's implementation of GAC advice that GAC would remain in its truly advisory role it could of course participate in any kind of discussions or community exchanges. It could provide additional advice. It could play that's advisory role in the whatever way it wanted to. But it would not act in a decisional role with respect to that challenge.

So the notion, you can see up on the screen, is that we would modify the text of Recommendation 1 to indicate that the -- actually, this is the wrong (unintelligible) up here. I sent it in an email last night. Okay.

So that would - so that in the case of where the community is considering the exercise of community power for - the purpose of challenging or blocking the board's implementation of GAC advice, so that GAC would remain free to participate but it would not - in its view would not count towards decision making.

And that the notion here is that we would preserve the ICANN board's unique obligation to work with the GAC to find mutually acceptable solutions to implementation of GAC advice supported by consensus but also protect the community's power to challenge board decisions regarding that.

To do this we need to modify the threshold table in Annex 2 to reflect the carve out. And then just combining the - so that was my proposal as a way of addressing what was perceived to be two bites at the apple particularly in the situation where the threshold was being raised.

Now as we saw on the call last week, there was interest in the community in that approach but standing on its own that did not appear to gather the support of the community to move forward. And it was the combination of Kavouss's very constructive suggestion to set the threshold for board rejection of GAC advice to a super majority level but at a slightly lower 60% standard but in combination these things might get us where we need to be.

Thomas Rickert: Thanks very much, Becky.

Becky Burr: And I just want to - I just want to make sure that everybody understands that, you know, this is, you know, the combination here kind of reflects the way that we have been working. We had, you know, we had made important enhancements that for example, were critical to getting the Registry Stakeholder Group to support the proposal. So for example, our agreement to

say that all SOs and ACs - or that ACs would provide rationale for their views all of that is still, you know, the decisions that we made that this is sort of the final enhancements to those - to kind of tweak it to get us over the line.

Thomas Rickert: Thanks very much, Becky. Let's now open it up for questions first. Does anyone have a question for Becky or Kavouss to understand the suggestion that has been made? Kavouss.

Becky Burr: Can I just respond - can I just - oh...

((Crosstalk))

Thomas Rickert: Yes please. Let's - Becky, please respond first and then Kavouss.

Becky Burr: Yeah, I just respond to Julia's question. In the draft that I sent out last night or yesterday earlier in the day, I inadvertently narrowed the proposal that has been on the table from the beginning. From the beginning my proposal has been that the GAC not act in a decisional role where the community is considering or using a community power to challenge the board's implementation of GAC advice. I went back and I read my very first in many emails on it and that has always been the proposal on the table.

When I was drafting this up I immediately dropped into independent review mode and added the standard that said challenge GAC advice that exceeds or violates the bylaws. That is the - that would be the standard where the community power being exercised as an IRP. Obviously the standard is different in other places where the community power is being exercised to challenge GAC advice. Now frankly, I think it is most likely to arrive in the IRP context and so that will be the usual case. But it is not the only case.

Thomas Rickert: Thanks very much, Becky, for these clarifications. And thanks, Kavouss, for being patient and let Becky speak first. Now the turn is yours, Kavouss.

Kavouss Arasteh: Thank you, Thomas. I think two things. First Jorge mentioned that it is difficult to understand. I put in the chat what is difficult to understand. Does he want a further clarification either Becky or myself could provide. And second, in the email exchange Julia from Denmark mentioned that she was much in favor of the initial Becky's proposal. I don't think that that proposal has been changed, it's still there.

So if Jorge wants any explanation my understanding is that Recommendation 1 currently empower GAC like any other to participate in decision making if it so wishes. We do not inter into the decision of GAC. GAC may decide not to participate at all or participate in a case by case. We are not dealing with (unintelligible) right to exercise the power is even.

The decision to exercise that it is by GAC. However, in the proposal of Becky, if I understood it well, is the following. If the board action relating to the GAC advice is objected by the community and IRP is invoked GAC, as the SO/AC, would not participate in that process as a decision making. The maximum would be an advice, that's all. No other right to be taken from GAC. That is the only thing that is in the Recommendation 1 Paragraph 23, the addition.

Nothing else change in that and GAC still has (unintelligible) to participate but whether they participate or not that is internal decision of GAC, that CCWG would not wish to intervene. I know that GAC has not yet decided to participate or not participate. We are not dealing with that. This is not the business of the CWG. Thank you.

Thomas Rickert: Thanks very much, Kavouss. So we don't seem to have any further clarifying questions so let's now hear responses to the proposed solution. And I would appreciate if you could speak up in support of this suggestion and also I would like to hear those who have concerns with the proposed solution and while doing so I would appreciate if they could make alternative suggestions or suggestions for tweaks so that we can make it work. Steve.

Steve DelBianco: Thanks, Thomas. Steve DelBianco with the CSG. First, speaking as rapporteur for the Stress Test Work Party, I want to verify that the proposal on the screen, the combined proposal, continues to address - adequately address and satisfy the condition that was identified as Stress Test 18. So that's a positive. It definitely satisfied Stress Test 18. And I am very confident that it continues to satisfy Stress Test 18 to the satisfaction of NTIA, but we are going to wait until NTIA speaks to that. But given that the 2/3 recommendation, 2/3 threshold did, it's my believe that the 60% would as well.

Second is with regard to the CSG or Commercial Stakeholder Group, that I represent, the Business Constituency was fine with Rec 11 as proposed in the third draft and therefore would be most likely supportive of the compromise here on the screen. And I do not have a definitive answer from the IPC and the ISPC who are both present on the call and can speak to whether they've begun to form an opinion on that yet. But thank you to Kavouss and to Becky for pulling this together. I do think it's the right path forward. Thank you.

Thomas Rickert: Thanks very much, Steve. Any further intervention in support or criticizing the proposal on the table? James. James, you indicated earlier that it would be great to hear from individuals whether the concerns that individual parts of the community had are adequately addressed with this new recommendation or with this new proposal. So maybe you can speak to that for the GNSO as

GNSO Council Chair or even - and also for the Registrars whom you're representing.

James Bladel: Thanks, Thomas. And if you don't mind I would prefer to answer on the part of the Registrars and not speak for the GNSO because we have a number of other folks here representing other constituencies. And as I indicated in my previous statement the Registrar Stakeholder Group was opposed to Rec 11 as it was written in the third draft. And that opposition tentatively, again I don't want to make any promises, but tentatively appears to be fading in the light of this combined proposal that we have on the screen here.

So I think I feel fairly confident that at least that one segment of the GNSO that was opposing Recommendation 11 is coming around. And so I think this is the path forward and we need to focus on those other segments of the GNSO that have indicated that they could not support or could not reach consensus to support Recommendation 11 and see if we can continue to either confirm that this addresses their concerns initially or - and then also confirm that it doesn't introduce new concerns for those groups that have already supported it.

I think we've heard from myself, we've heard from Steve and I think there's a few others on the call that maybe could similarly give their impression of how their positions may have changed in light of this proposal if at all. Thank you.

Thomas Rickert: Thanks, Steve. That's very encouraging. I saw Brett stating that he would prefer 50% but that he could live with 60% as a compromise. So maybe more folks could put into the queue please to speak to this. Brett.

Brett Schaefer: Thomas, just to - you can hear me?

Thomas Rickert: Yes, we can hear you loud and clear.

Brett Schaefer: Oh okay, sorry, my Adobe was going a little sideways earlier. Just to clarify, I can support the 60% providing (unintelligible) there not just as a standalone proposal. Thanks. But in general as a package this seems acceptable to me.

Thomas Rickert: Great, thanks. Noted. Malcolm.

Malcolm Hutty: Firstly, I'd like to congratulate those that put so much hard work into achieving something that looks like it may actually get us through and over the hill on this so an enormous thanks to those that have done this. This is a compromise package and I think it needs to be understood as that. It is still not - I don't believe - going to result in everybody being happy. What it could result in is everybody being willing to accept. Everyone can be willing to meet everyone else halfway on this at this point.

What that means is that it is important that people do say that and do agree that they accept this compromise. If any one part of the community stands out and says actually no, we're not endorsing this, then that rather takes away the incentive for others to agree to this compromise because it is part of what they're getting from it is the fact that other people that disagree with them in the other direction, are also willing to go along with it. So I think it's important that people do say that they support it.

And I - I mean, I'm not (unintelligible) to speak on behalf of the GNSO or the - or on behalf of the ISPCP on this issue either. But I think that this is the best we're likely to get and I hope that people will be able to come together on this. But I would certainly be looking to hear from GAC members as well that they feel like likewise.

Thomas Rickert: Malcolm, quick follow up question. I understand that you're supportive of this compromise, do you think that it could carry to the ISPs without, you know, making any promises?

Malcolm Hutty: I'm not authorized to speak on behalf of them but if the GAC are also willing to say that they can also support this compromise I am very hopeful that this will indeed be something that the ISPs will be willing to support with understanding that the GAC in particular, and others that have expressed concerns, their support for it is also part of the nature of the compromise. So if we all jump together I believe we can - I hope that we can all come on this. And I believe that that is likely to be something that the ISPs could agree to, although I'm not authorized to make a commitment.

Thomas Rickert: Understood, Malcolm. Just to be perfectly clear, at this stage I think we - it would be (unintelligible) too much if we did ask every component part of - constituent part of the ICANN community to support what is sufficient is that the lack of objection or rejection of this recommendation or updated recommendation. Let's now move to Paul.

Paul Rosenzweig: Actually, you know, I wanted to emphasize kind of what Malcolm has said. In negotiations in the United States we have a phrase, nothing is agreed until everything is agreed. And those instances in which the compromise that Becky and Kavouss have put on the table probably satisfies nobody. Certainly it doesn't satisfy the GAC members who want 2/3 and it certainly doesn't satisfy those portions of the GNSO who think that the 50% threshold that has been in place for the last several - many years is what should remain.

But as Malcolm said, this is one of those things that at a minimum could only be adopted if everybody agreed either to support it or as you clarify, Thomas, to not object. I see in the chat several members of the GAC community who

are still in opposition to portions of this because of the reduction from 2/3 to 60%. And I understand and appreciate that - their position.

But they are going - if this compromise is to work at all it is going to have to be a situation in which those of the GNSO and those in the GAC who hold opposing views agree to proceed as structured if everybody were at least to agree to proceed on this basis without objection I think it would be the last piece in an important puzzle and we would succeed in getting this adopted both by the supporting organizations, the ACs, and more importantly by the NTIA.

So I speak in favor of the proposal as written, with the caveat that everybody has to jump off the bridge together.

Thomas Rickert: Thanks very much, Paul. Kavouss.

Kavouss Arasteh: Do you hear me, please?

Thomas Rickert: Yes, we can hear you.

Kavouss Arasteh: Yeah, yeah, just I want to reply to Rafael. Rafael mentioned that what is the tradeoff between this proposal and third proposal of CCWG? Rafael understands or understood that the third proposal was accepted by everybody. No, is not the case. It was contested drastically therefore we could not say that what GAC is gaining, the third proposal was not agreed by everybody. It was discussed about a month and a half, therefore we should not refer back to the third proposal in which GAC was given all possibilities to participate in the decision making with the 2/3 of majority for rejection.

That is not on the table because that third proposal was considerably rejected by some constituencies and so on so forth. So we should see the point from here. We are not dealing with the third proposal, we are dealing with the evolution of that. Thank you.

Thomas Rickert: Thanks very much, Kavouss. Any further interventions on that? So there seems to be indications of support by various parts of this group reflecting the community. I think it would be great to hear more views from the GAC representatives or from the government representatives. And I guess the question at this stage actually is not - this is something that you really like, this would be far too high expectation. But rather is this something that you could live with in the spirit of compromise.

So again, I think no one is expecting people to be very enthusiastic about this compromise but question is do you think that you could maybe defend that compromise as the outcome of an evolutionary process over the last 13 months? I guess Chris is making a good point that GAC representatives don't want to go back with a proposal unless they know exactly that the GNSO will not turn it down. This is what I tried to address with the notion of being transparent and reliable and ultimately predictable with the outcome of these discussions.

Kavouss.

Kavouss Arasteh: Yes, having heard the situation from GAC that we want some sort of indication from GNSO could we ask the representative of various sub-constituencies of the GNSO to make every effort to sell this compromise at this stage of this hour to the entire GNSO for sub-constituencies or constituencies their own support and perhaps I say we come back on Monday

or any time on your Tuesday meeting. If that is the wish of GAC. But just this is a request, a possibility.

I am not forcing, I am not asking well is it possible that now GNSO thinks that there is a tendency that closer model people are supporting this compromise package. Perhaps they could make every effort to encourage their constituencies inside the GNSO to make some sort of confidence to GAC that they also work inside the GAC to tell themselves that look, this is the situation, currently you have only 50% to rejection of the advice, now you have 60%. You gained.

The difference between 60% and 2/3 is only one vote. And during the last 17 years only two times the advice of the GAC was rejected, 2008 and 2011, if my memory serves me right. So could we ask the possibility of the GNSO colleagues to further discuss the issue with their colleagues and come back at a time that you, chair, define or determine? Thank you.

Thomas Rickert: Thanks very much, Kavouss. Now I guess the question is for everyone whether they think that their respective groups would object to this suggestion that's on the table. Let me just pause for a second to see whether there are further wishes to speak on this. Paul has raised his hand. Paul, please.

Paul Rosenzweig: Yeah, hi. I just want to respond to something that has occurred in the chat and that Kavouss said and kind of echo my own point in a different way. I think it's quite fair to ask the GNSO people on this call who might have doubts about this compromise whether they're willing to take it back and affirmatively support it in the context of their own organization. James has already said that about the Registrars, that sort of thing.

But I also think that it's - that that agreement or at least my agreement should be contingent upon the same thing being asked of the GAC. There are many of my colleagues on this call with whom I've had sharp tussles about this for a number of months, are they willing to take this back to their governments and to the GAC and say look, this is the compromise we reached, we don't like it but we think you should not object.

I would be happy to go and fight for this proposal in the GNSO but only if my colleagues in the GAC who have been strongly on the opposite side are willing to do the same. And if they say they are then that's enough to move forward. But if they want the GNSO to go first and then come back to them and then the GAC will take its time to think about what it thinks that's the kind of two bites of the cherry that makes this negotiation hard.

Thomas Rickert: That's helpful, Paul. Thank you for that. I think what we should be doing now or at least that's the suggestion, we should do a little straw poll that's explicitly not a vote but you could use the green ticks or the red ticks so you might wish to get prepared for that, so that we can see if people are objecting personally to the proposal on the table.

So if they are rejecting it or inclined to reject it or advise their respective group to object to this they would tick red. And if they like it, or if they could convey to their respective groups that the group should not reject the recommendation and not oppose they should tick green so that we can proceed.

But before we do that let's hear Kavouss. Kavouss, please.

Kavouss Arasteh: Don't think that that should be a course of action. Votes should start to move towards each other. I don't think that we said okay, you will start first and I

Speak after you. So I don't think that courses exist. Both of them independently, separately, they could make every possible effort, utmost effort to understand the situation and join the consensus. Consensus once again means that they may not be happy with this but they can leave with that. Thank you.

Thomas Rickert: Thanks very much. And Olga has raised her hand. Olga, please.

Olga Cavalli: Hello?

Thomas Rickert: Hi, Olga. Go ahead.

Olga Cavalli: I'm sorry, I was on mute. What I would like to say is something that our chair said in the chat. And about the suggestion of saying I like it or I don't like it whether green or red. Honestly, I need a clear version and go back to my government and make presentation. So it is a little bit awkward for me to say green or red. We are representing our governments and that may take time.

And just for you to know there will be some holidays for Carnival in the next days. So the time is complicated. I think we reviewed different versions up to this morning and I will have a clear version after this call. And then I have two also - we all have our regular work. So have that in mind when doing that sense in the room of I like it or I don't. Thank you.

Thomas Rickert: Thanks, Olga. And let's be perfectly clear, everyone in this group appreciates that government representatives as well as representatives of other groups need to go back to their groups and discuss concrete language. What we're trying to do here is get a sense of whether this group is navigating towards consensus or maybe we just think we're moving to a consensus while still we

are divergent. So before moving to Chris let me repeat what the idea of the straw poll would be. And I will do it again before we move to the straw poll.

You would tick red if you object to the proposal. You would tick green if you either support it or if you think you will not object to it. And we will give everyone the opportunity to clarify further what concerns might be or what responses from their respective communities should be expected. Chris, please.

Chris Disspain: Can you hear me?

Thomas Rickert: The audio is very bad but let's try.

Chris Disspain: Okay. So I understand that some people may be uncomfortable voting on the proposal - on the proposal we're talking about this one on the screen which is the combined Becky/Kavouss proposal. I understand that some people might be uncomfortable voting, especially governments, and I also recognize that governments especially or government representatives especially find it troubling passing an opinion without going back.

I wonder if the question should perhaps be this. Is this a proposal that you, as a member of the CCWG, are prepared to take back to your governments or your community and seek acceptance? It's as simple as that. Are you prepared to take it back and ask if it's acceptable. So rather than requiring another group, so the GNSO to say it's acceptable before you take it back rather than requiring another group so the GAC to say it's acceptable before taking it back, are you all prepared to take it back and see whether or not it's acceptable?

Seems to me if we could agree that we could all take it back and we can all see whether it's acceptable or not. Thanks Thomas.

Thomas Rickert: Thanks, Steve. To be quite honest, I am very easy with respect to how we asked the question as long as people find it helpful. So I'm more than happy to go with your suggested language. This is currently being captured in the notes section. I am gladly concerned with the word "approval" because I think what we are really looking for is non-objection. And so individuals might not be willing to go back to their group and say yes, please do support this but they might say okay, in the spirit of compromise I suggest that our community does not object to or reject the proposal.

So if, Chris you can come back on this but I think we should get the question as clear as possible. Kavouss.

Kavouss Arasteh: Yes, Thomas. I think I am much in favor of your initial wording. I don't think that the question saying are you ready to take it back to your organization with no opposition, you are not relying on one person or, the question that you raised, if you have clearly formulated either in the chat or after the meeting for me is much better.

But one thing, Thomas, I would like that you emphasized, we are dealing with this package. We are not going to decompose elements of the package or dis-integrate part of the package. Any reply is with entire package. And you need to emphasize that. If you break the package into sub elements and start to play with that we are on square one. So we should be very careful.

I suggest that kindly yourself with Becky and if you want to include me it is up to you or others co-chairs provide a text that we want to ask the question

very clear and so on so forth and encouraging but emphasizing question is replied to the entire package without any change. Thank you.

Thomas Rickert: Thanks very much, Kavouss. And rather than making this discussion on the process overshadow our substantive discussion I would suggest that we move on with the language suggested by Steve -- by Chris Disspain to start with because that got some traction particularly from government representatives. So we are now asking for feedback on the Kavouss/Becky proposal as discussed, as explained, as on the screen. And let me read out the question for you again.

And that is, as a participant or member, I should that to the notes, do you agree you can take it back to your community for an agreement or I would rather say for confirmation of non-objection. So please do use the green and red ticks now. We note that Eberhard Lisse has asked us to record a green tick on his behalf because he can't do so due to technical reasons.

So if you can take this back to your group to ask for confirmation of non-objection please do tick green. If you can't please do tick red. So I'm trying to double check whether my Adobe is playing tricks on me. But it looks like, except for Jorge, who has stepped away, and Olga, who has also stepped away, and except for Robin Gross disagreeing, we have everyone ticking green.

And this is quite an overwhelming response. Megan mentioned in the chat she can't tick green but she would if she could so let's add that to the notes. And as Oscar, Mike also in disagreement and Rafael also stepping back. So let's add that to the outcome. Julie Hammer says she's explaining. This is not a formal vote. We are just trying to send the atmosphere. Malcolm also stepped away. Steve says BC is (unintelligible). IPC and ISPCPs still pending.

And Avri is entirely correct, this is not a question for members only. All individuals on this call please do respond. Let's just give this a few more seconds so that we accurately capture what individuals want to express.

So we have Oscar, Mike, Robin and Snehashish is ticking red. We have Jeff Newman, Jorge Cancio, Lyman, Malcolm, Olga, Rafael, Thomas Schneider stepping away. And the other individuals, and I apologize for not taking the time to read out all the names so that is not in evidence of disrespect to you including Eberhard has ticked green.

And I would like to thank you all for joining this little exercise. And I would like to give those who have expressed disagreement the opportunity to speak to that. Surely you don't have to, I don't mean to put anyone on the spot but this would be an opportunity for you to explain why you take the position that you took. So again, those who have ticked green and also those that stepped away, if you want to speak to this and explain please do.

Okay obviously we don't have volunteers that want to speak on this. So I think that we can take this as a good indication that the new language that was discussed on the list as well as during this call should be our new reference model to be confirmed as the new consensus position on the upcoming call.

I think what we should be doing now is put out this updated recommendation to the list, and see what the responses are. We will keep them Monday time slot for further discussion. This can be a very quick call but let's just seize the opportunity to discuss more should there be a need to do so. And if we can confirm that the group is choosing this proposal as their new reference for consensus then we take that as submission, timely submission, to have a second reading on the call next Tuesday.

Chris's hand is up. Chris, please.

Chris Disspain: Yeah, Thomas, I think it's great that we've got lots of green ticks but I want to make it very clear that the green - unless I've misunderstood and since I made the proposal I don't think I have, the green ticks are I as a green ticker, and prepared to take the proposal currently on the screen back to my community and ask if it's acceptable. So it seems to me that the next step would be a what's a reasonable time within which we can expect the people who are - the representatives of the members of the CCWG who are prepared to take this proposal back to their community and ask if it's acceptable.

What's a reasonable time with in which we can expect them to come back and say it either is or it isn't. There will be arguments about what a reasonable time is that it seems to me that we can take a reasonable time that will be equally unacceptable to all and say that it, certainly in my view, isn't likely to be the call on Monday although I would like to think it is but it's probably not going to be.

But I don't think we can say that we have agreements around the proposal also that we have agreements that the vast majority of the members of the CCWG and indeed the participants in the CCWG are prepared in good faith to take the proposal back to their respective communities and ask if it is acceptable without first seeking to find out if it's acceptable to other communities.

Thomas Rickert: Chris, I guess that's a good point. So let me try to respond to that. The way this group operates is that we are looking at cool in this group objects to a suggestion or a considerable objection would mean that this group has a consensus position.

And what we are trying to do here is a multi-layered approach whereby we don't only want to see whether this group has consensus but we want to be able to rely on the feedback that will ultimately come in response...

Chris Disspain: Correct.

Thomas Rickert: ...to our group putting out this consensus position in our final report. And maybe this is over optimistic, if it is please do let me know, but I would assume that those who personally object to this suggestion would not be willing to pass it on to their respective groups and ask them whether they are fine with it but we can do an additional test on that one.

For the time being, I think we could end this call today with what we have so far. We don't have, you know, apart from the objections that we've noted, we don't have any alternative language that has been suggested. So let's try to confirm this as the group's view next Monday and bring it back to the plenary next Tuesday to confirm this as group consensus.

And hopefully we will be able to get feedback from individuals that have already managed to consult with their respective groups whether the groups would not object or whether it varies further concern remaining. So I hope this clarifies things.

I think we can do much more on this today so I think we can adjourn. This has been very positive. Kavouss has his hand raised so, taboos, you get the last word.

Kavouss Arasteh: Yes, just last comment, I fully agree with the way that you put the issue but I don't think that we expect that people saying that we agree if the other agree. They should give their opinion independent of the other. So I don't think that

one should wait for the others and it's not a good thing (unintelligible). Thank you.

Thomas Rickert: Thanks very much, Kavouss. So with that we have reference language that everyone should consider. We seek to get this confirmed by this group as our new reference next Monday, try to get this approved as our new consensus next Tuesday. Excuse me. And hopefully we will get feedback from the chartering organizations and other parts of the ICANN community very soon.

So the full version, Jeff, is going to be sent to the list so that everyone can review that individually and with their respective groups. And with that I think I can hand over to Leon for closing remarks and we can adjourn.

Leon Sanchez: Thank you very much, Thomas. This is Leon Sanchez. And I would like to thank all that attended this call. Thank you, Thomas, for the great work and this great effort. And we will be distributing the version in the list so that everyone is able to actually see the final (part) that has been proposed, as Thomas said. And from there we will be continuing the discussion.

And at this point I would like to call for any other business so if there are -- if there is anyone that wants to raise something as part of any other business this is the time to do so. Okay so seeing no one I think we can adjourn this call so thanks again, everyone. And we will talk to you soon. Bye-bye.

Cheryl Langdon-Orr: Thanks everyone.

Thomas Rickert: Bye, everyone.

END