## **ICANN**

## Moderator: Brenda Brewer March 4, 2016 7:00 am CT

Thomas Rickert: So just a little housekeeping note before we start. The registration desk is not open, so if you want to register for the ICANN conference you can do that.

Please note that you need a government-issued ID on you in order to complete the registration process. So don't do it now, you might do it during coffee or afterwards -- but registration is possible as of now.

So we would like to continue our discussion on how to best possibly structure our work for Work Stream 1 by (2:00). I apologize and I would like to invite Grace to shed a little bit of light on how drafting team - how design teams have been worked in the CWG.

And we should look whether we can cherry-pick some of those ideas so that we get closer to getting sort of a "straw man" project management approach for the various work items to be dealt with in Work Stream Number 2. And without further ado, I would like to hand over to Grace please.

ICANN Moderator: Brenda Brewer

03-04-16/7:00 am CT Confirmation # 7264569

Page 2

Grace Abuhamad: Thank you Thomas. So as we prepare to structure the work for Work Stream

2, the chairs had asked me to do a quick introduction on how we got through

our toughest part of the CWG Stewardship.

The way we did that - and it -- there's some differences -- so I'll explain the

CWG process and then, of course, the CCWG may just discuss adapting that a

little bit differently.

We picked up -- following the ICANN meeting in Singapore last year -- we

decided to change our work methods. And we started - we adopted a method

that we borrowed from the ITS using what we call Design Teams -- they were

small groups of work - of volunteers with specific expertise on certain - on

specific subjects.

So these groups were under ten people and they worked and - on different

timeframes and with - they had different lengths in their lifecycle. So the way

we started this out was after the Singapore meeting -- the chairs put together a

proposal -- or a sort of a template. And then asked different members of the

CWG to propose Design Teams based on different topics that they wanted to

work on.

And as part of the proposal, they had to put together a list of - actually, you

know, Brenda if you can scroll down to the template, I can go through that

quickly.

So I put together a version for the CCWG -- it may not be how we want to

work with it -- but I based it off of how the CWG template was designed. So

they put together a little background -- they put together some information.

Page 3

So in the CWG's case, there was information that we pulled from the IANA contract which doesn't apply here. So I modified that for this group and suggested maybe something called, you know, Existing Work Areas Documentation. This could also be the Issue Report or the "pre work" that

Alan mentioned earlier today.

And then the third part of this template would be some kind of a work plan -- a timeframe of, you know, requests for resources that may be different for each group or each topic.

And then the last part would be some sort of a composition or "expertise needed notice." So in the CWG's case, there were certain groups that required certain types of expertise -- some that were more security-focused or budget-focused, etcetera.

So either the individual proposing the Design Team already had a few people in mind, or that person would put in the request for certain expertise in their proposal -- and then we would turn that proposal out to the CWG for them to volunteer if they had that expertise.

So what we did is we had a proposal period for a few weeks. Where - there were about 15 Design Teams proposed by the different members of the CWG. And the chairs then took the - we made sure the templates were filled out, got - had as much information as needed.

And then the chairs went through those templates and proposed a sort of prioritization or - what we - a (sequenczation) of work -- if that's a word -- sequencing. Some - there's a sequence to the work that was established based on the 15 Design Teams. So not all 15 Design Teams ran at the same time.

We started with a few that we thought would run longer than others. There were a few that closed sooner than others and we - we've structured the work that way. It - all the work from the Design Teams was fed back into the (Plenary) group. The (Plenary) group made decisions about whether that work was acceptable or not -- whether they had questions or not -- whether the drafting met their requirements or not. And then all of those mini Design Teams then fed into the larger report.

So that's how we structured the work with the CWG. Brenda, if you can scroll down a little bit more. I put together -- this template is just a, you know, the information. But if you scroll down -- I did a quick example of what that template could look like. Of course there's not enough information probably in there based on the conversation we had today.

If you - maybe if you can zoom out and then can show the template. I'll circulate this to the list as well. But I did this example for the SOAC Accountability topic. The background I pulled from the report -- Work Stream 1 and X12. And then put some questions in and some potential, you know, expertise needed -- things like that.

So we - this template may be adjusted -- it may be different for the CCWG. Our process around the work may be different as well, but it's just an example of how we proceeded with the CWG.

Thomas Rickert: Thanks very much Grace. Does anyone have a question for Grace? And there's some in - Steve please.

Steve DelBianco: Thanks, Steve DelBianco. Grace, the design of the Design Team said no more than three at the same time. I think that was based on staff limit or was it

participants? And then in fact did you have more than three running at the

same time at any point?

Grace Abuhamad: Yes, I think so. I pulled these guidelines from what the CWG had originally

proposed. We did have more than three running at different times. I'm not sure

how many were running with our maximum. I think at one point we may have

had five or six running, but the frequency was different. Some of them had

meetings twice a week -- some had meetings once every month.

So there's - it depended on the work methods of the group. We encouraged the

groups to work on their mailing list -- we had set up mailing lists for each

group and we encouraged them to work on their mailing lists. But some

groups worked better on the phone and in using Adobe Connect.

Steve DelBianco: And to clarify, if staff becomes the scarce resource as opposed to volunteers --

if the working method is email -- staff isn't involved unless they're getting

questions. Staff gets involved, though, (it's) scheduling and staffing a call,

right?

Grace Abuhamad: That's correct.

Thomas Rickert: Thanks very much. Kavouss?

Kavouss Arasteh: Yes, I have no difficulty with the concept, but (as to) how it should look --

whether we need to say design -- they don't design anything. They're just

doing - working some process -- have (unintelligible) no issue.

(Unintelligible) want to raise, I hope, that this Design Team -- or whatever

you call them -- would not compromise the openness and inclusiveness of the

activities in the ICANN. Should not prevent anybody because first of all, the

difficulties is (sic) somebody say that you are not expert (sic). Because the first one who say you are not expert (sic), he should be expert -- I don't know who is going to make that decision that you all are not expert (sic).

If it remains open and inclusive, I have no problem. Thank you.

Thomas Rickert: Thanks Kayouss. Paul?

Paul Twomey: Yes, I just wanted to ask - just a similar question (to converse). Why was this number -- magic Number 10 devised?

Grace Abuhamad: So yes, the - they're - these are just - they were suggestions. At the time - the CWG came up - we wanted a small manageable group -- we thought seven to ten was manageable for a small group.

And I think that's the - that was the idea behind ten. So it doesn't have to be ten and it - there doesn't, you know, we don't have to have just three running. It would - these were just numbers that were developed in the process.

I wanted to quickly touch on one point. I forgot to mention that in some cases we did have where there were - there was expertise needed that extended beyond what we had available in the volunteer group.

We did reach out to experts on staff and experts that were outside of the working group in some cases. And in particular -- for the budget group -- (Zabia) who's in the back of the room helped a lot with framing the questions and providing information.

And for the - our - what we call now the (ARZERC). We had David Conrad come in with some expertise in the roots on some stuff -- so there we go.

Thomas Rickert: Andrew and then Alan.

Andrew Sullivan: Thank you. It's Andrew Sullivan here. So I just want to pick up on something that Grace said because I think part of the reason that this got suggested -there's some questions that people have been asking.

> And Grace mentioned that I think this got started because I believe it was (Abrey) who suggested that the CWG could adopt this and it's a thing that worked (from) somewhere else.

So in the ITF we use Design Teams when we've got contentious stuff and we need to get a very small number of people to just come up with some proposal. And the whole point is to get a very small number of people to come up with some concrete proposal so you have a - one thing to work from.

And that's the reason for the small number of people. You - I think maybe we can all concede that this group has demonstrated that drafting with 130 of your closest friends is not the most efficient way to produce a proposal on, you know, for the first pass.

And so the idea of the Design Team is that they come up with a concrete thing and then you can start hammering on that text. And that's a really helpful - I thought that worked really well in the CWG from what I saw. So I like this idea -- if people want to make progress on the Work Stream 2 stuff -- it seems it might be helpful.

Grace Abuhamad: And Alan, just to - I mean Andrew, just to piggyback on that -- I think the other thing that worked really well for the CWG that may not apply -- or may be different for the CCWG -- was that the topics the CWG was working on -

**ICANN** Moderator: Brenda Brewer

03-04-16/7:00 am CT Confirmation # 7264569

Page 8

or were working on were very specific and they were couched in -- at least for

the most part -- Clauses in the IANA contract.

So we were trying - we were - the work was very specific. If you look at the

list of topics we have for Work Stream 2, that work is much more broad. So

there may be a question there as to how you frame the questions and whether

you need multiple Design Teams for different top - within different topics.

Thomas Rickert: Alan?

Alan Greenberg: Thank you. A couple of things I guess I have to say. The - what Grace

described was the theory. And in practice, the concept of experts did not

always apply and it morphed into those with interest.

So I think it's really important not to focus on the experts. It didn't quite apply

there and it probably will apply less here. We may not be all experts on some

of the issues in Work Stream 2, but of us have some strong interests.

So that's Number 1. Number 2, as Grace said, they were designed to do a bit

of work and then disappear. One of them is still actively working,...

Grace Abuhamad: Yes.

Alan Greenberg: ...so it didn't quite all work that way. So let's be flexible if we use something

that, you know, this is not a formula that has proven itself perfectly and has to

be replicated exactly.

With regard to Andrew's comment that in the ITF it's used as a small group of

people to formulate something which then the larger group tears apart. In

general in the CWG, the group did a good enough job that there was little tearing apart. There was discussion -- there were changes because of it.

Here we're perhaps more likely to find -- because of the breath of the issue -- that that's less likely to happen. But again, just keep in mind -- if we're going to try a methodology, it's not -- I don't know if it's not rocket science or it is rocket science. It's - we're going to try something and hope it works and we may have to modify it as we go along -- let's just keep flexible. Thank you.

Thomas Rickert: Thanks very much. Kavouss?

Kavouss Arasteh: Could we have a combination of both -- either expert or interested? Thank you.

Thomas Rickert: Thanks Kavouss. Let me just check whether there are any further wishes to speak from those who are not in the Adobe -- that doesn't seem to be the case.

I guess we should understand this exercise presented by Grace as inspiration for what we could use. You know, it's not - we don't have to use this on a (verbatim) basis. So what I understand is that we should not - what - it looks like everyone likes the concept, right -- so I haven't heard any disagreement on that - on using this approach.

But we need to specify whether we need experts or not -- depending on the subject matter -- I guess that's up for the sub-teams to do - to define -- or for our group to define. We don't have to insist in making those groups work for a short period of time, but they can work for a longer period of time.

We might have multiple of those Design Teams inside some of these Work Stream 2 items. So it may well be that let's say the jurisdiction group sets up

**ICANN** Moderator: Brenda Brewer

03-04-16/7:00 am CT Confirmation # 7264569

Page 10

Design Teams to work on different aspects of jurisdiction -- where different

skillsets are required.

So we're not prescriptive on that, but you will remember that we didn't set the

expectation for this - we - to come up with solutions for everything that needs

to be done in Work Stream 2 -- but to agree on working methods and

approaches.

So I think this feedback is welcome. Grace, thanks again for this presentation

-- that's very valuable. So let's put that into our box of tools that we have. We

actually have another document which is hopefully available to be displayed

in the AC room and that's a little bullet point list on things that we might go

through for each of the Work Stream 2 items.

So let me pause for a second. More hands raise -- (Steve)?

Steve DelBianco: Thank you. I wanted to make a observation -- is that the Design Team

approach that was described -- had we known about it 14 months ago, we

would have said, "That's what we did."

We didn't have a name for it. But Work Team 1 and Work Area 1, Work Area

2 -- Jordan, remember this when we first met at Singapore? We did exactly

that -- we did a mailing list-based document pre and discussion.

But I want to add that what focused us on the deliverable was the co-chairs

saying to the (repertoires), "Week from Tuesday need you guys to be able to

present. You're second on the agenda -- we need you to present your inventory

of accountability."

Page 11

Or, "Jordan, we need you to be able to present the escalation process." And

those opportunities of presenting to the full CCWG aren't something that's

final -- but even a work in process. They ended up focusing the efforts

towards a draft we could all say we're ready to present.

But it's very familiar -- which you've described -- and it was a mailing list

driven with occasional calls, plus the, I guess the closure and urgency of

having to make a deadline for a presentation.

Thomas Rickert: Thanks (Steve). Kavouss, I guess that's what - that was an old hand, right --

new hand?

Kavouss Arasteh: Yes. I think how we should not go in too much detail of how these different

working group (sic) manage their work. Whether they should have a design or

not designed long or to deliver to them. I go into the circumstances in these --

they have established long two or three, so we should just to the highest level

and then the remaining will be left to them to decide.

Thomas Rickert: Correct. As I said, we don't want to be prescriptive, but we just want to agree

on acceptable working approaches -- working methods with this group. So can

we maybe have this small bullet point list up in the Adobe -- that would be

great?

Grace Abuhamad: And the bullet point list would be in some ways a way - a different way to

phrase the - to work on a work plan or a template. So we may not need the

template as proposed there or we may adjust the template...

Thomas Rickert: Correct.

Grace Abuhamad: ...based on that list, right?

Thomas Rickert: Correct. Yes, I can hardly recognize what's on the screen there because it was just a very ugly list of bullet points -- and our excellent staff has magically transformed this into something beautiful in a matter of an hour or so.

> So basically what we would suggest doing for all of the Work Stream 2 items -- if you agree -- is follow this five-step approach. That follows the themes that we've heard earlier in these discussion, so basically we would establish a sub-team or working group first. That's the first step that we've said -- set up a group to deal with a Work Stream 2 item.

> Then this group would itself select a coordinator -- so we need someone who is -- or multiple individuals -- that take responsibilities -- particularly responsibility for work products being produced and delivered -- and for them to be produced on time.

> We would ask them to establish an inventory of material available on the topic. Inside the CCWG, the - we would ask them to check work underway previously conducted outside the CCWG that would, for example, cover other initiatives working on human rights. Or other initiatives working on the Ombudsmen and so on and so forth in order to ensure that there is no duplication of efforts and no - yes, no expenditure - no spending of funds unnecessarily.

They would then propose the scope of work to the CCWG and establish a list of requirements. This is pretty much what we've done when we started the CCWG work. We did the inventory and we established requirements -- and there would surely be requirements for transparency.

Robin has mentioned some areas of concern for transparency earlier this morning -- but, you know, that would be the second step. Then the CCWG would review and adopt the scope and requirements -- and this is to ensure that basically the groundwork is done in the sub-teams or on the drafting teams or whatever name we might give them.

But full control over where this is going is maintained in the CCWG -- i.e. the (Plenary) CCWG. And after that, they are going to prepare a draft report for the CCWG. And if the CCWG is okay with the report, then it's going to be put up for public comment.

And after the public comment period is conducted, there would be review and the adoption of a draft -- we would then put out the final report for public comment if necessary.

We'd analyze and consider the results of the public comment period and define next steps for the working group. And that pretty much depends on the subject in question. So that's basically a "straw man" project plan that we could apply for all the work areas.

And I would like to open it up for question or a comment from your side. So basically the idea is irrespectively of when the different topics are started, they would all go through these stages so that we have a unique or a standard working approach for all the sub-teams.

And that helps us if allocate time to that -- that say T0 is the starting point for the working group who would allocate time slots, right -- you have three -- let's say one month for Phase 1. And then we would give time to the other phases and if we do that for all the exercises -- that helps us balance the workload -- that helps us synchronize the work with ICANN's meeting

schedule so that people can make best use of face-to-face time and so on and so forth.

There are hands raised -- Steve and then Kavouss.

Steve DelBianco: Thanks Thomas. Steve DelBianco. Earlier we discussed how staff would contribute to the scheduling of calls. But I'm looking at Step 2 there and wondering if there are other ways ICANN's staff can be if assistance.

If for instance we were looking at the jurisdictional Work Stream 2 thread, is there anything staff can do in terms of research and problem definition during Step 2?

Thomas Rickert: I think that's an excellent point. The idea of the - of this Phase 2 is - or Step 2 is actually to collect all the information that is required in order to do a drafting exercise.

So we can easily add -- and I suggest that we do so -- the idea that was brought up by Alan to have a desk research sort of what the folks familiar with GNSO policy making call the Issues Report.

And that is a report -- a research that's conducted by ICANN staff before. In the case of the GNSO, the GNSO Council takes a decision on whether or not a PDP should be initiated in order to inform that very decision. Steve, do you have a follow-up?

Steve DelBianco: Yes, I'm familiar with how we've done it in GNSO and you're right -- Issues Report would fit nicely in 2. So let me ask you about timing and staff availability.

If for instance we did jurisdiction -- legal jurisdiction -- how long would it take for staff to prepare an Issues Report? And sometimes that's a function of how much detail's in it, right? Because sometimes Issue Reports in GNSO can be two months in the making, right?

So we could potentially time-(box) to say, "Staff, give us the best Issues Report you can within six weeks. Give us the best Issues Report you can within three weeks." And that would at least give a heads-start to the process. But we could adjust that depending on the expectation of timing.

Thomas Rickert: Thanks, Steve, and maybe we should mark as an action item for staff to give us an indication of how much time they would need for Issues Reports on the subject areas for Work Stream 2.

I see Sam's hand is up, but before we move to Sam, let's hear Kavouss, Grace and then Sam.

Kavouss Arasteh: Yes, I think it sounds good. It may change from topic to topic, but we leave it as it is -- we don't change it. My questions are about 54. Why in 54 we say, "Define next a simple working group?" Do we open a Pandora box going back again to working group?

So could you clarify Number 54 please? Thank you.

Thomas Rickert: Sure. You're entirely correct that 54 is a little bit loose, but there - the reason for that is that what's going to happen in 5.4 depends on the feedback from the public comments. So it may well be that the CCWG finds out that we have forgotten about an important aspect and then maybe the CCWG hands back the report to the working group to further refine it.

Page 16

Or the work product is great -- it's going to be finalized and the group has just

wound down. So that's possible. It may also be that this is, you know, being

handed over to follow-up work. You know, we said that some work is

building on other work, so that - we wanted to maintain the flexibility

intentionally on that point.

You have a follow-up question, Kayouss?

Kavouss Arasteh: Follow-up question. Perhaps in 54, we could say taking required action as

appropriate. Thank you.

Thomas Rickert: I'm perfecting fine with adding that. Grace?

Grace Abuhamad: I'll lower my hand -- I'll defer it to Sam as the staff liaison.

Thomas Rickert: Staff? Sam, please.

Samantha Eisner: Sure, thank you. So this is personally in response to the question that Steve raised in terms of timing and then you followed up on for staff to develop

these types of Issue Reports or pre-work. I think -- and some of it depends on

the sequencing of when you'd need it -- we'd also need to understand the full

scope of the issues that would be expected to be within the Issues Report.

So if those were the items - so it would be one thing if we could rely on what

was in the Work Stream 2 portion. Or if there were additional questions that

are related to the topic that would need to be answered -- those all impact the

scope of potential research that we might need to do that would go into a

timing estimate.

And so it - if it's a take-away for staff to come back with different timeframes that it would need for producing the Issue Reports on the different topics that are identified for Work Stream 2 -- it would be helpful if we had a confirmation of this point we should go by the parameters that are currently within the Work Stream 2 appendix of the report.

Thomas Rickert: That's a great point, Sam. I think we might face a little bit of chick and egg here because usually -- as you rightfully pointed out -- the scoping should take place first -- so that those researching know what to research on.

> At the same time, the scope of the report might depend on the findings of the research. So maybe we should have two phases of scoping -- one initial scoping to inform the scope of the Issues Report of the desk research that you're conducting - and then we'll -- then the group would do a second phase of scoping in order to inform its own work.

Jordan?

Jordan Carter:

Thanks Thomas, just to add another dimension to this which I think is a workable way of doing things. We could add in our planning -- and that's a understanding of what we wanted to discuss at which ICANN meeting. So I think we should use the face-to-face ICANN meetings as a chance to get community input and forward in response to stuff we do.

So we've got a meeting in June somewhere -- probably in June -- and we've got a meeting in October -- and then next March. So there are three - so there within the next year there are three opportunities to get the ICANN community to consider these issues face-to-face.

Page 18

And I think we have - just have to put that in the mix. We shouldn't organize

our work in a way that accidently misses the opportunity of when everyone

(unintelligible) their offering and putting - they also understand where our

thinking is at.

Thomas Rickert: Good point, Jordan. I guess that we will need some brains to work on the

initial scoping. Part of that can be drawn from the archives of our working

group because we've been discussing these things preliminary earlier.

But what I think we need to do now -- and that's sort of to take away from this

session. First of all is let's try to take stock that this is a working approach that

we like and I haven't seen any objection.

So if you think that this five-step approach that we're suggesting -- combined

with the Design Team approach -- is not something that we should take as a -

as our repertoire (truth) to deploy when we're working -- and please do speak

up now.

Yes -- and there's a hand raised, Sebastien.

Sebastien Bachollet: Yes, I see some discussion on the Chat that they are with you -- I guess

one page or two on each topic because the work on the - under the leadership

of (unintelligible) about the Work Stream 2. We write page or two on each

topic -- it's why it's (would) up to be topic for Work Stream 2.

I remember that we spent some time in discussion about the SET about

accountability and so on and so forth. And we have already some document

(sic) we share with this - within this working group and it could be a good

start for each of them. Thank you.

Page 19

Thomas Rickert: Good point. Let's add that. So there doesn't seem to be any objections, so let's conclude that. Also, we will -- as a leadership team - come -- try to come up with a sketch of how things could be planned for the - for let's say the next 12, 15 months.

> So we come with a rough idea of a project plan. We need some people to work on these things, so we need to launch a call for volunteers. And I think that our prioritization will depend on whether we find sufficient volunteers for all of these exercises.

> And I think that the group will also guide us with the level of response to the different topics as to what they think needs to be worked on first and what can be worked on later. So we suggest that we launch a call for volunteers soon.

We will prepare an invitation in writing that will be spread to the community through the chartering organizations -- but also there should be a public announcement so that we can get interested people lined up.

Eberhard, your hand is raised.

Eberhard Lisse:

Yes. (Unintelligible). Can I suggest that we set a limit for number of working groups a volunteer can participate in so that not the same people sit in every group?

Thomas Rickert: I think that's an excellent suggestion and actually it's a point that we've discussed during our preparations for this meeting. And now that you mention it, we can disclose that, for example, we would not want an individual to chair or to be the coordinator for more than one group, right.

Also, we want to have different people with different expectations with different backgrounds working on the groups. I think we can't prescribe too much at this stage, so let's try to get people's interest first. And if we see that the balance is just entirely inappropriate, then we might need to step in.

There's another hand raised by Jan and then Grace.

Jan Scholte:

Yes, (unintelligible), it was just us, but so the specific measures you were thinking about in terms of the outreach to make sure that new blood and fresh faces and new ideas and beyond CCWG get involved in these Work Stream 2 debates.

Thomas Rickert: Well, certainly that's not only for me to decide, but I would assume that we communicate to the chartering organizations -- to the ICANN constituent groups if you wish. We should have an announcement on ICANN's Website -and I would hope that ICANN will use its social media channels also to solicit volunteers for this exercise.

And any ideas that you might have are more than welcome. Grace?

Grace Abuhamad: Yes, to Eberhard's point and to Steve's point earlier -- one of the reasons why on the CWG side there was a limit to the amount of DTs that were, you know, active was because there were many - there are few people - or - and more than a few who wanted to participate in multiple Design Teams.

> And so the idea was to manage the volunteer over, you know, workload by structuring and sequencing the Design Team so that every volunteer - the opportunity to participate -- but not necessarily in all of them at the same time.

Thomas Rickert: Thanks Grace. Oh, there's a queue forming. That's interesting. Malcolm?

Malcolm Hutty:

Thank you. I agree with Eberhard's point insofar as you responded to it -namely that the -- it will be best to avoid having the same people in - sorry, I beg your pardon. I'd agree with Eberhard's point insofar as you responded to it -- namely that it's best to avoid having the same people chairing or in leadership roles in multiple working groups to the extent possible.

However, I would take a principled objection to going further in the way that I thought Eberhard's might have been suggesting -- namely we should not prevent anyone who wishes to take part in these groups from taking part.

Thomas Rickert: Understood. Thanks Malcolm. Bruce?

Bruce Tonkin:

Thanks Thomas. Just an observation -- I guess the Board has had a similar challenge each year when we look at Board committees -- so we have quite a few committees. We have some committees that everyone wants to be on -some committees that nobody wants to be on.

But - so we try to balance that, so - and our general sort of rule of thumb that as a member -- and we (all) say distinguished members from let's say observers or participants. But we set the membership of committees so that you're not a member of more than two committees and you're essentially a chair of only one committee, for example.

But the other thing that we look at when we form most committees is balance. So you want to make sure you've got a balance of views and perspectives on each of these working groups.

So, you know, if you have a working group that's looking at say transparency and it's all the people from the sort of modern commercial side that have

**ICANN** Moderator: Brenda Brewer

03-04-16/7:00 am CT Confirmation # 7264569

Page 22

expertise in that area. But you don't have any business people on there, you

know, I think you have balance.

So I think you ought to make sure that you've got some balance in your

selections. So my recommendation is you might want (unintelligible) up and

let (unintelligible) comment.

The other problem we've had at the Board level when we set up committee

structures is then trying to schedule a meeting. So at one site several years ago

we had, you know, half the Board that were pretty much members of

everything and it meant that you had to have three days of meetings because it

was impossible to schedule anything in parallel.

And luck was the teleconferences -- the others I need certain slots that sort of

had optimal time to the day or night when you got to get the maximum

participation. And then if you have every group trying to use the same slot,

you're not productive.

So try and make sure that you have the actual members that - spread across

and you're not members of more than two. And then as Malcolm pointed out -

- just as we have on the Board -- anyone can turn up and participate in a

meeting and listen.

But in terms of the actual members when you're trying to schedule a call -- it's

helpful if you're not members of more than two things at once -- and you well,

absolutely must be able to attend the meeting.

Thomas Rickert: Thanks very much Bruce. Jorge?

Jorge Cancio:

Hello. Thank you. Jorge Cancio for the record. I was just wondering and perhaps it's more a comment or a question - whether we - and there is any provision for structured involvement of the CCWG advisers into this work. Because probably in the framing of the issues they could not only provide us with their expertise -- which is important -- and but also with fresh views sometimes.

So I was wondering whether there could be a way to structure this involvement a bit more than in Work Stream 1. Thank you.

Thomas Rickert: (Unintelligible), I think that's an excellent point and I'm seeking eye contact to two of the advisers that we have in the room. I see nodding from here. Jan (Unintelligible), but he's also nodding and I suggest that we take note of that suggestion.

> Nonetheless, I think it would be good for the sub-teams to then agree on a working - or on a method of interaction with the advisers. But I think it's excellent to tap on their expertise in this phase as well.

Next in line is Siva.

Siva Muthusamy: My suggestion is to be (unintelligible) some vote to the - continue with the aspects of those involved in Work Stream 2 in the work of Work Stream 1 and work of Stream 2. And at the same time, pay attention to significant and diversity new blood for many Board member.

> When new Board members are seated, there is a ceremonial process of dissolving the previous Board and recreating a new Board. And is there such a process and if there is such a process - ceremony, but then in (France's) of (blood) from Stream 1 to Stream 2 -- then both the continuity of those

involved can be ensured -- and also some fresh thinking and external (of life) can be brought in. Thank you.

Thomas Rickert: Thanks Siva. Kayouss and then Jan.

Kavouss Arasteh: Yes, on the participation of adviser if was made - I think it is legal - applies. It should be some sort of provision that participation (unintelligible) are welcome -- but it's costly -- takes time -- money. So should be some approval of that -- either by the chair of the group. I don't know what does it mean in respect of the costs. Thank you.

Thomas Rickert: Kavouss, we're not talking about the legal advisers, but about the advisers picked by the public expert group. And if they get money, then at least it hasn't been brought to our attention yet.

So Jan, are the - are your - (unintelligible) full of...

((Crosstalk))

Thomas Rickert: ...full of dollars?

Jan Scholte: I can actually guarantee you -- I have not become a penny richer out of this.

No, just on the advisers otherwise, though maybe not only think about the advisers you've got at the moment. There are issues like the human rights where I think outside the current group of advisers you could get better

advice.

Thomas Rickert: That's a good point. And just - Alan reminds me that I should clarify that the travel and accommodation has been picked up for the public expert advisers, but they're not being paid for their consultancy.

Jan Scholte: Some of us are covering that as well.

Thomas Rickert: Okay, some of them are even covering that, so yes I do know, yes. So it looks like Sebastien wants to speak.

Sebastien Bachollet: Yes, just to tell you -- it's Sebastien Bachollet speaking. Tell my unit to say -- each time you talk -- that you are Thomas because in the report, it's always Leon, Leon, Leon, Leon and sometimes Thomas. But when you are speaking, if you don't say Thomas, you will not be recognized -- and that's a pity.

Thomas Rickert: I've asked the scribes to attribute all the bad sentences to Leon -- so that's why.

((Crosstalk))

Sebastien Bachollet: I know the girls, that's why. But you are to say a lot about (unintelligible) since the beginning of the meeting you are Thomas.

((Crosstalk))

Thomas Rickert: This is Thomas Rickert for the record and I think this has been a good composition about how we can structure the work in order in terms of project management. For those areas that need legal advice, we will -- in our preliminary proposal for project management for all these -- include feedback (loops) with the lawyers.

ICANN Moderator: Brenda Brewer 03-04-16/7:00 am CT

Confirmation # 7264569

Page 26

That will also enable us to cost control so there won't be incentive possibilities

to interact with the lawyers, but we need to structure that in a way that they

are being presented with specific questions.

And then if there's one or two feedback (loops) with the lawyers -- and that it

is it so that we can predict what the costs would be -- we will ask them for

quotes more than we did during this initial phase.

But you will see all that -- we will come back to the group with a proposal.

But now we would like to use the time that we have together on exchanging

ideas on what the substance of the Work Stream 2 discussion should be. And

in order to do that, I would like to hand over to Leon.

Leon Sanchez:

Thank you very much, Thomas. This is Leon Sanchez and I will - I won't say

bad sentences -- and if I do please attribute them to Thomas.

So we're trying to carry out the (unintelligible) about scoping of the different

issues that we will be covering on Work Stream 2. So what we would like to

hear is from all of you the different ideas that you have about which topics or

how to further develop and flush out the different topics that we have for

Work Stream 2.

We have heard, for example, from Steve that maybe the last four issues could

be encompassed in all the records that are being undertaken throughout PI

(constructure) so that's helpful. And I think we could (collaborate) them in this

group and we could share our thoughts as to which way we should be

directing our work.

So at this point I would like to open the floor for all of those who have ideas

or comments about the topic of diversity and of course we would welcome

any suggestions as to how to better drive the scope of this working group in diversity.

So I see that there are two hands already on. I see Bruce and (Horka), but I am not sure if those are - all hands, okay. So then Eberhard's would be the first one. Eberhard's.

Eberhard Lisse:

Eberhard Lisse for the record. We - you mentioned you're starting with diversity -- should we not perhaps discuss in what order we should proceed first - whether to - I'm not sure -- I have no position on this because the diversity is just one to start with.

But there have been concerns (unintelligible) would like to start with human rights (unintelligible) or something. Maybe we should discuss in what order we and I think we should do the Ombudsmen last. Maybe we should actually first before we discuss individual things to decide what order we are going to go.

Leon Sanchez:

Thank you very much, Eberhard. These are, of course, not meant to be in any priority at this point. So that's why we have just put them into the slide without prioritizing. And I understand that some people might want to prioritize at this point, but I suggest that if we - our mission is that if we begin prioritizing at this stage, we might get lost into that discussion and it wouldn't really take us to having a fruitful outcome at this point.

So I mean if anyone is against just going on the suggested order -- the random order that we have on the slide -- or if there is any opposition to that. Is there any opposition to go in the order that is in the slide on these topics? Kavouss?

Kavouss Arasteh: Yes, Leon. I never oppose to the chair, but I think most important item is human rights -- after that jurisdiction -- and then Ombudsmen -- and then list the others. Human rights was the first and then after that jurisdiction -- and then put Ombudsmen -- and the remaining on the list -- depending on the situation. So opposing to you, but just suggesting another order of priority. Thank you.

Leon Sanchez:

Thank you. Thank you very much. Okay, so we - yes, we're going to discuss all of them in fact, so why we begin with something easy -- human rights? Okay, so (Joe Kenoside), could we have some input on human rights? Let's begin with human rights -- can we have some input from you on human rights as to which way we should be scoping -- or which would be the scope for this subgroup on human rights?

And now the floor is open and I see (Horka), is that a ((Foreign Language Spoken 0:47:56))? I don't know if (Horka's) -- I don't see him -- so I think it's old hand (sic). So the first hand is (Paul Tooey). Paul.

Paul Twomey:

Thanks Leon. There's quite a - there's been quite a discussion about human rights on the CCWG this last month -- or I think there's a simply search to that will give you some of the criteria.

There's a general - I think a general perspective that human rights are a good thing, but the difficulty has been around several ones. First of all, to which functions of ICANN's operations and policy making do we wish this to apply -- that's one of the key issues?

The second question has been what set of rights -- and the third one has been are there models for implementation. And there's been a lot of the discussion of the pros and cons of the Ruggie Principles at the UN level.

And there may well be -- if I'm to understand the suggestion about their experts being (unintelligible) available -- there might be other models that are out there in international organizations to look to. So that's my understanding of the scoping of the working group.

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

Niels Ten Oever: Thank you very much. This is Niels Ten Oever for Direct (unintelligible). So the chair of the cross community working part, ICANN's corporate and social responsibility to respect human rights and participant in the working party for - and I think that we actually have a pretty clear way forward.

And I would like to build on what Paul said before that we have a very clear set of things that we need to work on in an X12 with a clear set of questions. And I again agree with Paul that its first very important to understand what we're exactly talking about.

Luckily, in the cross community working party, we have been also trying to deal with this question. And luckily there is also a standard for that and that's called a Human Rights Impact Assessment. And we'll present during our session on Monday a potential model in which we could go forward with that.

And I think that will be a constructive way forward to understand where ICANN impacts human rights positively or adversely. And then we understand the playing fields much better -- and then subsequently -- but that's further down the road.

Then we could see what different kinds of models would fit to that -- whether that would be Ruggie -- the year in guiding principles on business and human

rights -- which are often also referred to the as the Riggie Principles after the leader of the working group, John Ruggie -- or the UN Global Compact or many other standards that are out there in the industry.

So I would not go ahead into the discussion of how -- but first try to properly map what -- and agree on a method for that. And I think a human rights impact assessment could be one of that -- and I am very eager and willing to contribute to that process.

Leon Sanchez: Thank you very much for that Niels. Next on the queue I have Alan Greenberg.

Alan Greenberg: Thank you. Much of what I was going to say has already been referenced, so

I've got to rescript myself on the fly. I'm not an expert in human rights and I'm
the first to admit that.

It's really important that whatever we end up doing gets (Wide-by) and including from those who are not experts in human rights. And the kind of scoping we just heard about of just what does human rights mean within ICANN's limited scope is a really important issue -- and it's got to be put in words that those of us who are not experts understand.

And I think it's - and that reiterates my earlier comment saying we need the prep work done ahead of time and maybe the CCWG that Niels referenced is doing some of that.

Even if whatever statements are made are going to be controversial -- and I suspect some of them will be -- it's really important to get things down so that we can all, you know, critique it and work from there.

It's an area which is clearly important in the real world and clearly not well understood within ICANN just what it means from our perspective. You know, where are the areas that not having such a statement in place means we have violated human rights? Are there such areas -- how do we go about rectifying them -- what is the impact of those?

I think it's got to be understood widely -- not just by the experts. Thank you.

Leon Sanchez:

Thank you very much Alan. That's absolutely useful because sometimes when speaking about rights, we tend to hear - speak words that not many people actually understand.

So it's very important that we -- whatever the outcome -- we've heard this from this group - has -- it's produced in a language and common language that people without a great knowledge in human rights may be able to understand.

So next in the queue I have Avri Doria. Avri?

Avri Doria:

Thanks, Avri speaking. I'm not going to repeat -- I think the things that were said about what that group should be working on -- we're good.

One of the things that I did want to address was the conversation that has gone on in the Chat about -- whether other groups working on human rights within ICANN maybe we shouldn't reinvent wheels -- we should just let them do it.

First of all, I've never been against reinventing wheels -- that's how we get better ones. But they have broader scope in some sense than I think the specifically-scoped -- as was written in the report, WS2 questions.

And so - and also there's a group in the GAC and there's the Human Rights

Working Party that has some of the SOAC in it -- but by no means all. And I

think for the Work Stream 2 effort, it's really important that those groups

continue to contribute -- continue to feed information -- arguments, what have

you -- into the Work Stream 2 effort.

But I really do believe that we need to have an effort that specifically targets

the questions and issues of that framework that was requested in, you know,

that they got in during Work Stream 1. So I just wanted to speak to that

particular issue.

Leon Sanchez: Thank you very much for that Avri -- that is so, so, very useful. Next on the

queue I have Kavouss. Kavouss?

Kavouss Arasteh: Yes, I think the first thing that (unintelligible) to the human rights is in part of

172 -- our reports -- or proposal of the CCWG. Second, I think we should

think whether we need to have this multiple group -- GAC -- working of

human rights -- GNSO working on human rights -- ccNSO human rights and

so many thing (sic).

Why not we put all them together and have one area that all experts coming

there and talking about the human rights -- unless we are talking of different

human rights? Human rights for the gTLD -- human rights for this and this

and also (for)...

So isn't this part of working -- is it required? Thank you.

Leon Sanchez: Thank you very much Kavouss. I have Avri and then Eberhard's. So Avri?

Avri Doria: Sorry, I...

Leon Sanchez: Oh.

Avri Doria: ...(unintelligible).

Leon Sanchez: Oh, was Eberhard's - report...

Avri Doria: I can...

Eberhard Lisse: I wanted to have a go at this...

Leon Sanchez: Okay.

Eberhard Lisse: ...from as much as I'm not against talking to others and getting information,

this Work Stream item that we decide we need to do -- which means we need to do this. I'm also not worried about a budget -- we have all the money we need. We may be a little bit careful in spending it, but we cannot have again --

or whatever -- have decisions be subject to availability of funds.

We will make the decisions as we see fit and will try to make it in a small a budget as possible. But I'm totally against of trying to (flop) off things that we decide - that we push from Work Stream 1 to Work Stream 2 with a little bit of heartbreak -- and with the specific condition attention that we've all attempted that we now say, "No, (unintelligible) can (flop) this off on

somebody else." That really would irritate me.

Leon Sanchez: Thank you very much Eberhard. Avri?

Avri Doria: Yes, thank you. To build on what was just said, I think that we're having all

these efforts in all these separate places because these groups have different

concerns on human rights. And I don't think that we want to try the whole boil -- the whole ocean of human rights in this Work Stream 2 effort.

We have a very specific build-a-framework. I think within the working party, we're going to be looking at issues related to specific PDPs. I think in GAC they're going to be looking at human rights directed to various specific issues that are under discussion. Sure they'll be contributing to this Work Stream 2 framework issue, but there's also the current issues that are being discussed — and I think that would be much too much of an ocean boil for achieving the Work Stream 2 effort.

Leon Sanchez:

Thank you very much Avri. Next on the queue I have Erika Mann.

Erika Mann:

It's difficult between all the waters to find a mic here. So I - what I would to do is to talk about the issue maybe and frame it in a little bit different way.

I - I'm - I was (part) in the last years -- and many years -- 20 years actually when I worked on Internet legislations. And the most recent decisions the European Court of Justice took their - many of them which impacted Internet companies -- they're actually based on human rights' relations.

But it's a very sensitive and a very problematic issue. And it's not easy actually for ICANN to find a way to frame it in such a way that we were not impacted by it without knowing negatively.

So I would say we should - when we frame the topic, we should have somebody who is really experienced. I'm not just talking about in the European -- but this goes much beyond Europe -- just taking the ECR - ECG decision is one example.

So I think we should invite somebody who is really knowledgeable in this

field from a legal point of view to tell us what it means if we include a

reference to human rights.

And what it would mean if we don't do it -- because both examples are

interesting because we have to apply human right (sic) standards anyhow

independently if we frame it and have it part of our - part of the way - part of

our ecosystems. But if we include it -- it publicly might have a different

meaning.

So I think we should have somebody invite somebody who's really

knowledgeable in this area -- and is an expert in our field. So I think it's not

helpful to have an - a lawyer looking into it who never worked in this field --

but somebody who's knowledgeable and understands the domain name world.

And somebody who really can understand and investigate what this means --

what we are doing. And the second I think coming to what Avri said -- I think

I agree with her on - in many ways. I just would love to have first somebody

looking into it and give us, you know, from a more objective and neutral

perspective -- and then I think it might be easier for us to frame the topic.

Leon Sanchez:

Thank you very much Erika. So what I'm listening on these discussion (sic) is

that the orientation of the discussion should also be mindful of which

operational aspects of ICANN does - do we relate with human rights

discussion (sic).

That - to take into account the different models of implementation that have

been discussed -- both on the mailing list and in the working party that took

care of the discussion on human rights -- whether it's from the principles -- the

(unintelligible) Declaration on human rights, etcetera.

ICANN Moderator: Brenda Brewer 03-04-16/7:00 am CT

Confirmation # 7264569 Page 36

So we need to define that framework. We also need to take into account what

is the potential impact of ICANN's actions in human rights. And that will also

be part of the discussion and the output. And we also need to build upon the

work that other groups have done already because we don't want to duplicate

efforts -- we don't want to duplicate our work.

Of course we don't want to reinvent the wheel -- as Avri was putting it -- so

we should be mindful of what work we can take advantage of -- what work

can be reused for - to fitting into this subgroups work. And we of course need

to define humans and human rights within ICANN's limited scope.

What are we talking about -- we need to not only name the piece -- but we

have to describe the piece. So there's also another task that we will be

undertaking this - in this working group. And the clear - the language for

others that are not experts in human rights -- the more welcome the outcome.

So we will be trying to conduct this work in very clear and understandable

language. And we also need to avoid broadening the scope of this working

group.

As Avri pointed out, there is also another cross-community working group

already working on this. But they have a broader scope on human rights, so

our task or our focus should be to specifically target the questions that were

raised on Work Stream 1 in regard to human rights.

So that would be my first impressions on human rights and since we've

already tackled and if you want -- let's jump to the other easy discussion --

jurisdiction.

((Crosstalk))

Okay, so the floor is now open for thoughts and ideas on jurisdiction -- and I

see Kavouss.

Kavouss Arasteh: No on that, sorry, excuse me -- just one point. Too many (sic) emphasis was

given to the external advisers. The group that you've (elect) sic was open to

everybody. We have sufficient individual expert on human rights -- and the

group was open -- anyone could come.

We don't need to make a specific invitation to somebody coming from the sky

and saying to him, "I am the adviser of the human rights." What you actually

say, "Please follow." He is welcome -- she is welcome -- they can come and

contribute like others without any specific privilege that I am adviser (sic) --

listen to me.

So let us execute that. Thank you.

Leon Sanchez:

Thank you very much Kavouss -- that is important. And as Thomas said

earlier, we will be calling for volunteers at some point to form this group, so I

think that everyone will be actually welcome to join any of the groups.

So we'll keep this as open and as inclusive and transparent as we have

conducted the rest of the work in this working group.

So now the floor is open for thoughts on jurisdiction. And I see two hands up

that I'm not sure if those are old hands or new hands -- I see Erika and I see

Alan. So could you just please...

Alan Greenberg: Yes, it's a new hand.

Leon Sanchez:

Okay, sorry Erika.

Erika Mann:

You want me? Okay. It actually fits to both topics. So the human rights topic and to the jurisdiction. And it was in reference to what Kavouss just said. I think Kavouss, I'm not saying that we need to invite outside expert (sic) on the human rights field forever. But you need sometimes expertise which is really looking into a specific topic -- which is so controversial and which is so actual and currently debated in the legal environment, which can be so challenging for our particular system that it is sometimes important because we will not automatically have the knowledge available.

We do have a lot of knowledge, and I agree with you. But you need sometimes somebody coming in because it is so, you know, so new and so fresh, you know, how it is - a topic is reviewed that we will need it.

So I'm - in principle I agree with you. We have enough knowledge in our environment. But there will be occasions, and this would be my - maybe talk about the jurisdiction as well.

This would be my plea that whenever it is needed, we don't need to have a constant team of legal advisors talking to us all the time, but sometimes there will be a particular topic which is so conflictual. And this is in jurisdiction as well when you talk about international law and local laws and how they clash and how you - and in particular and in our environment, maybe we need some times some kind of advice. And I would urge us not to overlook this. I hope it's understood.

Leon Sanchez:

Thank you very much (unintelligible). I think it's very clear. So next in the queue I have Alan Greenberg.

Alan Greenberg: Thank you. I'm going to make a comment that some people may consider lighthearted or not. I suggest we defer this topic for nine months until we find out who the incoming US president is. It may change some people's perspective.

Man:

Well that is a factor to consider actually.

((Crosstalk))

Man:

(Unintelligible).

Leon Sanchez:

Thank you Alan. I don't know what you are referring to. That's totally alien to

me.

((Crosstalk))

Mathieu Weill:

So what I want to remind all of us, and I think that's worth stewing it on each of the topics is the amount of discussion we've already had on jurisdiction as part of Work Stream 1. That work was pretty much focused in the first months of Work Stream 1.

We haven't touched a lot, this part of our report since the first public comment actually. But we have actually already tried to outline the multifaceted approach of jurisdiction. And identified a, sort of a preferred way forward, or at least one facet we thought would be valuable in investigating.

And I would encourage us not to be open everything, but stay focused on that facet which was the contractual - the jurisdiction of the contracts, mostly if I'm not mistaken.

Page 40

And I think that's something that we'll need to - that would be useful for

when we come to Work Stream 2 is not to reinvent our own wheel. We can

reinvent other wheels if we want to, but maybe not ours. And so that's the one

point - the first point.

Second point, and that's part of the call we've had with our independent

lawyers before we come into Marrakesh a few days ago. And the notes have

been circulated to the police now.

The lawyers specifically pointed at this particular item as one where some

legal input in terms of terminology and general concepts might be useful to

avoid people talking past each other in the course of the work.

And that's very much echoing what Erika was saying earlier. So I think that's

- those are the two points that wanted to put on the record for that Work

Stream 2 item. Thank you.

Leon Sanchez:

Well thank you very much Mathieu. Next in the queue I have Samantha

Eisner.

Samantha Eisner: Hi, this is Samantha Eisner from ICANN staff. On jurisdiction I think that

there are others on the list that could also fall into this, but this is one where

there is a clear experiential base within ICANN and ICANN staff that deals

with the operations of how this works.

And I think that that's a really important input to be taken into account. We

have a group within ICANN that works on globalization efforts that have

actually in the past couple years have innovated some of our contracts to

allow for different jurisdictions to be taken into account.

And so these are the kinds of - it's not just about going outside of ICANN and asking what you can do, but I think it's really important to get the inputs on how ICANN operations impact and what they've already done. What they've looked at. What they consider in terms of this.

And take that as another input. And potentially work collaboratively with them so that we don't run into a place where we have recommendations that might not be legally feasible for the organization. I think there's a good path to collaboration here.

Leon Sanchez:

Thank you very much Sam. And I think that kind of complements what Mathieu was highlighting. There is - there are more topics into jurisdiction than just where ICANN is based. So I think that the work that this group within ICANN staff has done should be a very valuable asset for this working group.

It should be definitely taken into account. I think it could be a very good starting point to flush out more details about jurisdiction. So next in the queue I have Siva.

Siva Muthusamy: Leon, (unintelligible) just helps me explain my point more (briefly). I was going to propose that the topic of jurisdiction could even be renamed as justice or global justice or judicial framework because ICANN could act in a fair and just manner even without the change of jurisdiction.

> And then when we talk about jurisdiction, we tend to have an approach related to which lawyer we engage and which (court of law) we go to. That if we rein in the topic and look at the topic a little more broadly, a lot more aspects could be covered. And the topic could proceed less controversially. Thank you.

Leon Sanchez:

Thank you very much Siva. I wouldn't jump into renaming the issue at this point. I would rather defer it for the group that will be taking care of the issue to actually decide whether we should rename it or not.

For the moment I would like to remain consistent with what our report states. So I would keep away from renaming any of these at this point. But that's definitely also a constructive view Siva. Thank you very much. Next in the queue I have Steve.

Steve Delbianco: Thanks Leon. On this particular one, jurisdiction, it strikes me that it is more descriptive than normative. The task of this work stream is to understand the jurisdictional aspects of not just ICANN per say, but contracted parties, registrars, registrants, end users and so on because that is the confusion that has caused us so many times to ask what does applicable law mean.

> And we deferred it to Work Stream 2 since it wasn't essential to resolve these questions in Work Stream 1. And I am as eager as anyone to understand the jurisdiction. In particular, there was an RSTEP for XYZ.com that got into this whole notion of jurisdiction.

And I want to know more. And the business constituency where I work, we submitted comments on that that really just ask questions. So because this is more descriptive than normative, right, it takes some of the pressure off at trying to come up with recommendations to change things.

So I don't really - I mean I enjoyed the humor about wondering who the next US president is. But like Avri, I don't think that's relevant to the question of descriptively, where you're doing business, where you're incorporated, where you're registrar is based and where ICANN is based.

Page 43

How do those all factor into the question of what is the applicable law that

applies to the conduct and content on the web. Not a lot of which has much to

do with ICANN frankly. But it would be useful for us to discover that.

Leon Sanchez:

Thank you very much Steve. Next in the queue I have Pedro (unintelligible).

Pedro da Silva:

Yes thank you Leon. This is Pedro from the Brazilian Government. I think during the short period that we have discussed the issue of jurisdiction, and as Mathieu reminded us was right at the beginning of our work, I think we have made quite some progress.

We actually all agree that this is not is a simple issue. It's quite a complex and entails many aspects. And we even came to making a, let's say a list of - initial list of items that this concept would entail.

But, and if you allow me Mathieu to a little bit disagree with you. But I think we should - since this list was made let's say it's an informal brainstorming. And let's say long time ago I think we should revisit that list.

And as an initial task of this working group is to redo that brainstorming. And based on the, let's say the experience we have had throughout this last year and all the months we have worked. And I think reassess all the items that we have indicated here, probably adding new ones.

I think for example during the discussion on human rights also some issues related to jurisdiction also came into the discussion. So I think as a first task of the working group we should definitely revisit the concept and really list again what are all the aspects related to it. Thank you.

Leon Sanchez:

Thank you very much Pedro. And just as you highlight some definitions are missing in this exercise, just as (Steve) was also pointing out. We need to understand what does applicable law mean. And that is something that feeds also into the human rights discussion.

So I see already some linkage between the work from one group to the other. So that is something that we should also factor in when deciding the groups and of course carrying out the work of each of the groups. Next in the queue I have Sebastien Bachollet.

Sebastien Bachollet: Yes thank you Leon. Sebastien Bachollet speaking. Just as you take notes here about this topic to repeat what I say earlier this morning. There is - there was a president strategy committee who work on that issue long, long time ago. But it may be useful to take those documents to this working group. Thank you.

Thank you very much. So it seems to be clear. It was a (pull) to me president strategy committee on this question. And you may also be helpful. Thank you.

Leon Sanchez: Thank you very much Sebastien. Kavouss.

Kavouss Arasteh: Yes, jurisdiction is an extremely complex issue. First of all, I think it might be good that we do not talk about the elections in our group here. That this is something outside of a Monday. And we should not talk out discussions on the jurisdiction, depends on the result of elections.

That means we're prejudging or we're entering in something which is not our duty at all. So I suggest that if possible, we should not mention that. It's (for certain) very good we have. But I think that it doesn't really reflect the views of anybody here. So it's not good to talk about that.

And I don't think that election of individual would have impact on the legal

issues in the work. Jurisdiction is legal issues. I don't think that X and Y

would change that.

Outside of (expert), good provided that would not dominate and would not put

anything as a status that what I'm saying is so. We should all prepare to listen

to that if the area is so difficult that we don't have. But I don't see any major

output out of that.

Applicable law, 125 mails have been exchanged, and there is no argument

what is applicable law. So extremely difficult, but please kindly be aware of

that. It may not come to some sort of results that you expect. Thank you.

Leon Sanchez:

Thank you very much Kavouss. Anyone else wants to share their thoughts or

ideas on this topic? Okay, I see no one else raising their hand. So just to recap

a little bit on what we have heard.

We should have outside expertise available and ready to provide any advice or

any knowledge in a neutral and objective way outside ICANN. We also have

to take advantage of the work that ICANN staff has done already in the

globalization working team. That should also be taken into account because it

could be a very valuable asset for the discussion.

We should be mindful that this is a more descriptive than normative

discussion. And we need to find out a way to define what applicable law

means in the (remint) of ICANNs and in the (remint) of this sub-working

group.

ICANN Moderator: Brenda Brewer 03-04-16/7:00 am CT

Confirmation # 7264569 Page 46

We might be needing to revisit the concept of jurisdiction about what does

jurisdiction mean. How we focus the discussion on the different impacts that

jurisdiction might have on the different areas within ICANN.

And of course, we should have a look at the work that (unintelligible)

mentioned about this committee. That work on this issue years ago that we

might have also available and prepared that someone else has already done.

So it should be taken into account.

So to continue our discussion, we have tackled two of the issues. And I would

like to continue with the next topic, SO and AC accounts for the team. And I

see Erika's and Siva's hands are up, but I'm not sure if those are old hands or

new hands. Erika is that a new hand or an old one?

Erika Mann:

It's...

((Crosstalk))

Erika Mann:

But I have something else which I would send by email. Just something which

was written not here, not really responding to what we said. But I'll do this by

email.

Leon Sanchez:

Okay. Thank you Erika. Siva is not here. So I assume that is an old hand. And

I see Olga Cavalli hand is up, Olga.

Olga Cavalli:

Hello this is Olga Cavalli for the record. Thank you Leon. My comment was

going to be addressed for diversity. But I think it's relevant for SO and AC

accountability.

I think that part of the things that should be revised in relation to the structure of the SO and AC is related with accountability. There is no accountability if it's not related with diversity. If - as far as I've been participating in ICANN for more than 10 years, I don't see a part of the board internet community reflected in the ICANN structure today.

I don't see small or medium enterprises of Latin America, which are an essential part of our economy, reflected in the business constituency. And although I see the GAC growing, we still need relevant participation. So there is a lot of to do within the SOs and AC to improve diversity. And that would bring more accountability to these groups.

We have learned some lessons in the past. I think that we could learn from them. New gTLDs was a good example that if you do some events, it's not enough to bring the board diverse community to what happens in ICANN. So I think this is discussed - this discussion is really linked with diversity.

We have done some efforts. There are some documents that I was involved in with my time of the GNSO. So I would like to work in this aspect and also in the diversity group. Thank you.

Leon Sanchez:

Thank you very much Olga for highlighting the importance of the linkage between accountability and diversity. I have a queue that goes for people in the AC room and outside the AC room. So I have Alan, (John), Thomas, Eberhard and Avri. So Alan could you please.

Alan Greenberg: Thank you very much. A very brief intervention. I think this is another one that we need to have a common understanding or at least a common statement of what we mean by it so others can critique it.

Page 48

The concept of accountability, if it's accountability through the people who

are in the room, it's one thing. If it's accountability to the wire groups, some

of them who do know ICANN exists, it's a completely different thing.

And I think we need to understand what we're trying to fix by making sure the

ACs and SOs are accountable before we try to fix them. It's - we're talking

about some very, very different constructs and different situations.

And we really have to have a common idea of what we're trying to fix or

we're going to go off with multiple directions with things that don't

necessarily make sense. Thank you.

Leon Sanchez:

Thanks Alan. Mathieu.

Mathieu Weill:

Yes, just a reminder that I think we've discussed this question a few times

already, every time we've discussed SO AC accountability. And it's - our

approach has been constantly that it's about SO ACC accountability to the

broader set of stakeholders that each SO or AC is designed to represent. I

think that's the wording we've used.

So it's definitely the broader approach from - in your options. So that how

does the CCN - how is the CCNSO accountable to all CCTLD managers, for

instance. Just to make - to use the easiest approach, but trust me, from a

CCNSO perspective it's not that easy. But it's - that's the approach.

Leon Sanchez:

Alan, do you want to follow up on that?

Alan Greenberg: Yes, just a very quick one. You're right. We have said that. But every time we

actually have the discussion, many of the people who are intervened are

talking about a different accountability. That's why I said we have to come to an agreement, not just say the words.

Leon Sanchez: Thank you Alan. Next in the queue I have Jan Scholte.

Jan Scholte: Yes thanks. Jan Scholte. Just that we have already done a lot of work in Frankfurt and afterwards and in the proposal, the framework of analysis for accountability.

And I think we can take that and apply it to the question of SO AC accountability. And I think then we basically have a conceptual framework. We've largely done the work. We don't need to redo it.

Leon Sanchez: Thank you Jan. That's also true and very important. Next is Thomas

Thomas Rickert: Yes, thanks Leon. What I'd like to understand, and maybe you guys are clear about this and it's just me. Is the plan in this group to come up with general principles applicable to all SO ACs on how they should improve their accountability to their respective stakeholders?

Or are you actually reviewing SO AC accountability one by one? Coming up with specific recommendations on let's say (Steve) and his BC should not raise membership fees to \$500,000, excluding everyone but the richest companies in the world to be able to participate.

Likewise, we've heard a request for more transparency in the GAC's operations, right. So is the group's intention to come up with a list of recommendations for individual groups? Or how were you discussing general principles without accountability for all SO ACs. I think that leaves me an unanswered question so far.

Leon Sanchez:

Thank you Thomas. And if I may comment on that. I think that the scope of our work in that subgroup should be focused on designing general principles for different SOs and ACs rather than digging into each of the SOs and ACs.

We have a system for SOs and ACs to establish their own governance rules, et cetera. So we don't want to go into each of the SOs and ACs particular, but rather design general principles that all SOs and ACs should abide to in their respective ambient or environments to be held accountable and transparent to the different constituencies and SOs and ACs.

So I think the short answer is general principles. Next in the queue I have Eberhard.

Eberhard Lisse:

Eberhard (unintelligible). I'm very grateful for the remarks of the represent - GAC representative for Argentina to include the GAC in increasing its accountability.

Leon Sanchez:

Thank you very much Eberhard. Next in the queue I have Avri.

Avri Doria:

Thank you. Avri speaking. I think it's interesting the last couple comments made. You sort of anticipated where I was going to go in my comment. I think that we have a real issue here in terms of even understanding what we're talking about when we're talking about the seller because it's easy, as Alan said for example to say are we talking about the general or are we talking about the specific accountability of a particular SO or AC.

And we're able to say sure, we're talking about accountability in the world.

But we're only looking at it through the microcosm of CCTLDs when it's

CCNSO or gTLDs. So basically we don't have a one group that represents all

Page 51

people. And so it is global, but it always has to be specific to the kind of

orientation.

I think the larger question goes up, if there's some group that we are not

including in one of our SOs or ACs, then how are we dealing with that? So

that particular question is complex in that you have to deal with both the

foreground and the background. Is it global or is it specific?

I think, and this comes out partly from what Eberhard has said, we've had

various conversations about is Group X accountable enough or Group Y

doesn't have, you know, sufficient accountability measures. And we had

within certainly, you know, NCSG a certain concern about GAC

accountability.

But when looking at that, and this is why I don't think we should get into the

specifics too much. But we also have to realize that each of the groups is

essentially so very different so that the notion of accountability within that

group, but still situated within the global is confusing and is complicated.

So I think that even before we get to a framework, we really have to get to an

understanding of what we mean by select or AC SO accountability and how

we parse those difference in the foreground, background discussions.

Leon Sanchez:

Thank you very much Avri. Next in the queue I have Kavouss.

Kavouss Arasteh: Yes I was typing here that if as what you said, we establish a principle to

make a given SO or AC accountable to larger group, if it is not

implementable, it is useless. Thank you.

Leon Sanchez:

Thank you Kayouss. Next in the queue I have Sebastien Bachollet.

Sebastien Bachollet: Thank you. Sebastien Bachollet. Yes, just to add one point, I think that each group needs to be accountable to their population or member participant, whatever. And we need also to find a way to have accountability between SO and ACs. And that may be one part of the work of this working group. Thank

Leon Sanchez:

you.

Thank you very much Sebastien. And that - I think that has been discussed and reflected in a mutual accountability roundtable that at some point we discussed within the working party. So I guess that's an idea that will need to be further developed and pushed out throughout the work of this sub-group. Next in the queue I have Alan Greenberg.

Alan Greenberg: Thank you very much. Sebastien just mentioned members, and Thomas made reference to the fees someone may charge to join. I think we have to keep in mind that this may not apply across the board.

> There's a very different issue about who you are accountable to or who you should be accountable to if they had a mechanism to make you accountable, versus your members.

At Large for instance claims we are representing the interest of end users, all end users, 4 billion or whatever the number is today. The number of people who are members of At Large or the groups, are those with an interest in ICANN? I have news for you. Most end users don't have an interest in ICANN.

And if we do our job right, that will stay that way. So who you are representing, who you should be accountable to for doing your job right, not necessarily the members who have to pay your fees or join. Thank you.

Leon Sanchez: Thanks Alan. Next in the queue I have Brett Schaefer.

Brett Schaefer: Thank you. I'm a bit confused. I thought we were talking about diversity, but

we seemed to have merged the two topics.

((Crosstalk))

Leon Sanchez: Thanks Brett. I'm closing the queue with Chris Disspain. I have Steve

DelBianco and then Chris Disspain. So the queue is now closed, Steve.

Steve DelBianco: Thank you. I wanted to remind you all and I put this in the chat. In our Work

Stream 1 recommendations, the ones we published, in X10 is on SO AC

accountability.

We already have a recommendation for Work Stream 1 in the bylaws drafting to say that in the review of SO and AC accountability mechanisms in the independent periodic structural reviews because as you know, ICANN does periodic structural reviews of the ACs and the SOs themselves other than the GAC.

And we said quote, "These reviews should include consideration of the mechanisms that each SO and AC has in place to be accountable to their respective constituencies, stakeholder groups, regional At Large organizations, et cetera."

Mathieu you made this point earlier in clarifying the answer to whom is it accountable. So we have approved that. And so we are expecting our lawyers to come back with a small bylaws change to the section of the bylaws on reviews of ACs and SOs. So that is a Phase 1 item.

Page 54

One of the reasons it's Phase 1 is our stress tests, in fact they were suggested

by NTIA after our first draft in May. And NTIA asked about accountability.

And we are relying upon this improvement in the structural reviews to be sure

that there are mechanisms in place that would allow something like DC

membership to challenge this idea of raising dues to an exorbitant level and

excluding people who couldn't afford it.

So some of this is in Work Stream 1. I realize Work Stream 2 is described in

X10, but Work Stream 1 takes a bite out of this issue for us.

Leon Sanchez:

Thank you very much Steve. And Chris has lowered his hand. So just to do a

very quick recap, some of the points that we heard here and that are captured

of course in the notes are the link between accountability and diversity, which

Olga raised.

The need for a common statement or a common understanding on what do we

mean about or in regard to SO and AC accountability. We already have a lot

of work done as part of our Work Stream 1 efforts. And that should definitely

feed the work of this sub-group and should definitely be taken into account, as

(John) pointed.

And we would be looking for defining general principles as opposed to

reviewing particular issues of each SO and AC. We need to refine the focus

on whether this work or this accountability should be something global or

specific.

And the idea of the mutual accountability roundtable is still on the table. So

we should definitely revisit that idea and see how accountability from

different SOs and ACs to each other relates and flush it out.

So with that, I would close this item. And I would turn to my co-chair

Mathieu for the next issue.

Mathieu Weill:

Thank you very much Leon. And indeed you've fill it well with some very interesting issues already. So the next on the list is diversity. Diversity is a word we've been using a lot in our discussions and discussing a lot in the course of our Work Stream 1 efforts.

Just as a reminder, we have formal contribution by our external advisors that there was a strong linkage between the diversity of stakeholders involved in the ICANN processes and the ability for ICANN to make decisions that are consistent with the global public interests.

It was better worded than that in the report. But I think that's what's really the core fact that made it one of the key issues for Work Stream 2. And so I think we also need to recognize that there are multiple dimensions to diversity, multiple views and also that diversity discussions are very, very widely documented in corporate governance, political science, everything, sociology, everywhere.

So there's certainly a lot to take from existing experience into increasing diversity into a specific organization or culture. But having said that, which was really what we had in Work Stream 1, let's start the exchange of ideas.

And I would like to turn to Brett because you said you were deferring your comments until we come to diversity. So maybe you want to take the floor first and then I go to the queue?

Brett Schaefer:

Thank you. My comment is not about the subject matter, but what actually underlies it, which is the question do we have statistics on the diversity of ICANN in the SO and ACs and in the general discussions currently?

And then do we have statistics going backwards so we can see trends over time? I think that kind of information would inform the discussion and find out exactly what the areas lacking might be.

Whether there's been improvements over time and so whether this just needs a nudge in the right direction or whether this is something more serious than that. And I think metrics on this issue would be helpful in trying to inform the discussion. And that's basically my comment.

Mathieu Weill:

So I'm not going to answer your question, but I think it's a really good idea to start with actual data for such a discussion. Thank you very much Brett. Erika is that a new hand? No. Okay, so Sebastien is next.

Sebastien Bachollet: Yes thank you. Sebastien Bachollet. I totally agree with Brett. And I would like to extend that to not just SO and AC, but to all the ICANN bodies. We need to have those metrics. There are plenty of others. Not just SOs and ACs or not just at the level of SO and ACs. We need to do that. I think it's very important.

> And I just want as you say it Mathieu, but we have a document on the 24th of July, 2015 about diversity who could be a very good document to start with because we had the sub-group working on that. And it could be a document to start the work on this working group. Thank you.

Mathieu Weill:

How could I ever forget the work party street document on diversity, chaired by my fellow co-chair, with your contributions Sebastien. Next is Paul.

Paul Twomey:

Thank you Mathieu. I raised diversity as an issue in one of our public meetings last year. And I've thought about it very carefully. I wonder if I could make a couple of quite pointed comments. And they're pointed in the sense that I just wanted to focus on one aspect of diversity.

And to take a quite hard-nosed, rare politic view of ICANN's future, which I think is important. It's always been my personal analysis of ICANN since 1999 that the only two groups within its broad range of constituencies who have the power to destroy ICANN or who at a minimum had the power to change the global nature of its functions or limit the global nature of its functions are the technical and network operating groups. The actual geeks or its governments.

And coming - I think the chances of what we're doing here in the ICG work, et cetera and the involvement of the various constituencies limits and keeps engaged the technical and geek part of the world. But I think we should be clear that since 1999 the environment around governments has changed significantly.

If you think about the formation of ICANN, it was formed at the peak of western influence in the 1990s where the - and not only the peak of western influence, but the peak of (rule cerien) thinking American influence.

So American policy has over time varied between (unintelligible) ideals. So the global ideals of the technology community and the global ideas (rule cerien) reflection of universalist values in the Americans all came together in 1990s when ICANN was formed.

ICANN Moderator: Brenda Brewer

03-04-16/7:00 am CT Confirmation # 7264569

Page 58

And so if you look at the way in which we think about who attends the values

we've put forward, it's a globalized meritocratic, bottom up architecture that

we talk about. But we are now in a different world. And we should be quite

clear about that.

And Kavouss please forgive me, I am going to mention specific countries in a

general sense. But, you know, we are definitely in a time when the US -

there's a debate about overage.

We're at a time when China, which is generally adhered to (unintelligible)

state principles during its rise is now clearly indicating in broad senses that

it's willing to rewrite the rule books in various things.

Europe's got a hybrid. Russia, which sees itself as the essential state and

culture in Eu-Asia is also showing strength. Middle East is changing. The

point I'm trying to make is we're not in the same world order.

Which brings me to the statistics people asked about because it strikes me we

do have to look at the issues, not only about our own culture and bottom up,

but from the outside perspective. Do we continue to maintain legitimacy?

So to give you some specific numbers people asked about. And I've done the

numbers on board participation at ICANN. (Unintelligible). And if you look at

the board representation in ICANN until last year, 32% of the years of board

years are held by Americans. Twenty-seven percent is held by the rest - is

held by Europe, less than 1% by China.

The rest of Asia Pacific is 17%, of which Australia takes up a fair amount.

India it's 4%. Russia it's 0. Africa and Latin America together is 19%. But if

you then turn around and say who the majority (uses the Internet) today, it is

China.

Then we've got - I think I've made my point. So it's a - this for us is going to

be a very difficult issue because I think it says without method of bottom up

participatory election processes, which I think are incredibly important, we do

have to think about what we have to do or where are we failing to not at least

have some bit of reflection of the world as it is today as opposed to the world

it was in the 1990s.

Leon Sanchez:

Thanks Paul. That's - I think that's an excellent point. I'm going to close the

queue after Kavouss on this item because I'm conscious of time. And I want

us to still have time for the last remaining two items, although it might be a

little shorter. Next in the queue is Tijani.

Tijani Ben Jemaa: Thank you Mathieu. Paul just spoke about one aspect of diversity, which is

regional diversity. And you are right to include the multiple dimension of the

diversity. We need to have all other diversities that are widely documented

that Sebastien spoke about.

But even for the regional diversity, I think that things have to change because

if you dig deeper, the choice between the country where they are leaving and

their original country, you may end up having people from the same spirit and

with the same interests because for sure, I may be born in Indonesia, but living

all my life in France.

So I will not have the interest of Indonesian people in mind. So I think things

have to change in this regard. And we have to be clear about what is the

original diversity. It is not if you have roots anywhere, you are coming from

this region. Thank you.

Mathieu Weill:

Thank you Tijani. Next is Malcolm. I think what's really what valuable here if we highlight new items that need to be considered in the (unintelligible). And let's not reinstate the points that have been made already. That is my comment.

Malcolm Hutty:

This is not a point that was already made already Mathieu. Thank you for the floor. ICANN, to a large extent, unlike the rest of the (ISTAR) organizations, has always sought to be operated according to (be), to a very large extent. Taking pride in being and succeeded from being a largely meritocratic organization.

And by meritocratic, I mean where people bring their ideas and propositions and demands to it. And they're evaluated by those that do the evaluation on the basis of the content of what they say and not on the basis of who is saying it.

I think it is extremely important that this is preserved. It has only worked and only successful and only can create real legitimacy if the people that are there and that are willing to come to bring - raise those issues really reflect all the people that are impacted by the decisions that are brought forward or the issues that are brought forward and the decisions that are made.

If it is a small and closed group, and if those who are - have legitimate interest in the matters and the discussions, either are unable to or feel that they are unable to take part fully. And that significantly undermines the legitimacy and the effectiveness of what is being decided.

So it is very important that outreach mechanisms and things like travel support plans and things are looked at and extended so it's ensured that the

community can really affect those that were impacted by the decisions that the

community takes collectively.

However, Mathieu, you spoke about a range of political and sociological

views on this. And I think we are all aware that there is a big strand in

diversity science. I've met scientists who are (unintelligible). Diversity theory.

That seeks to construct privileged sociological groups that determines whether

or not ideas are given away according to who is set speaking and not accord -

and their characteristics. And not according to the content of the idea itself.

But instead, divides us into (types). I would - in my view, these things can

(verge) (unintelligible) on out and out racism. There should be no place in

ICANN for this. So we need to be very wary as we look at the diversity issue

of ensuring that we improve and build upon and reinforce the ability of this

community to give full voice to all those that are affected by and wish to

participate in and encourage the support of those who are impacted by this

community's work.

And do not revert into essentially warring tribes where we count the value of

what is said according to some status in a hierarchy sociological groupings.

Thank you.

Mathieu Weill:

Thank you very much Malcolm because you're framing exactly the kind of

difference of views that exist about how to approach diversity in corporate

governance, political elections, whatever you want.

And that's exactly the kind of discussion we need to have in this diversity

group. I'm not going to step into that right now, but I think from the looks I'm

seeing in the room, it's obvious we'll have some discussions on that.

And that's very, very welcome. Next is Olga. I think had had closed after Kavouss, but Olga.

Olga Cavalli:

Thank you Mathieu. This is Olga Cavalli for the record. I would like to support what Paul (to me) said. And I welcome the statistics. I would encourage also to add one other dimension, which is the gender diversity.

It is clear that all the (ISTAR) organizations need more gender diversity, especially in their leadership positions. So I would encourage to add that dimension to it.

And I also would like to support what Tijani said about define where people come from and where they live. Thank you very much.

Mathieu Weill: Thank you Olga. Kavouss.

Kavouss Arasteh: Yes, Mathieu, once again, a variety of issues. Expertise, knowledge, qualification diversity, cultural diversity, linguistic diversity, sexual diversity, ability versus disability diversity, any diversity, social diversity, and so on and so forth. You can write a book. You can write five page.

> Unless you have criteria to implement that, it would remain what's in the book. Not implementable. Thank you.

Mathieu Weill:

Thank you very much Kavouss. And it's good, excellent reminder. And last but not least, Siva. And then we'll break for coffee.

Page 63

Siva Muthusamy: Thank you. Diversity is very important, but at the same time the topic has to be approached in such a manner that it's not politicized, otherwise we'll end up with 210 board members.

> And have a sub-committee for developing (sub) and board and so on. So I suggest that we approach it very carefully. I recall that only the (unintelligible) At Large would say that At Large works in the best interest of Internet users.

> He would not say At Large represents the interest of Internet users. And so expect - if we have a structure that maybe can say that ICANN acts in the best interest of the global Internet user and global Internet community, and that should be good enough rather than have gender diversity, geographic diversity and every country represent having a seat on ICANN and so on. So thank you.

Mathieu Weill:

Thank you very much Siva. Now I think that highlights very much what the size of the issue is going to be on this item. Certainly a very interesting one to follow. I encourage everyone to participate.

But from now on, being conscious of time I think we can have a welldeserved coffee break. We will resume with these three other items and try to narrow a little bit the amount of time that we can dedicate to them at this point. So that we can end up roughly on time. But we can just definitely take 15 minutes break and reconvene at 25 past. Thank you very much.

((Crosstalk))

Mathieu Weill:

Okay, let us resume our meeting. We are - we took a little bit more time on the previous agenda item. So we still have three Work Stream 2 items to shortly discuss.

ICANN Moderator: Brenda Brewer

03-04-16/7:00 am CT Confirmation # 7264569

Page 64

And I'm very aware of the timing of the meeting. I don't want to delay you

too much. And it's certainly not to the point where the sun would be setting

and you would not be able to enjoy it anymore.

So the next item is the staff accountability item. We had a few discussions in

Work Party 3 about the potential code of conduct approach that could be

developed around this.

And I think it was pretty well framed. You will note in the document a

comment by Sam, Sam Isner, and (our staff here) obviously her input is very

valuable to this particular item that we need to be careful about not interfering

with the employer/employee relationship in this kind of matter.

And I'd just like to keep it at this. We would need to add the point about code

of conduct which was one of the approach that was discussed earlier to the list

of item here on the document.

And I'd like to now turn to other short, concise contributions that need to be

taken into account when discussing this item, if there are any.

There doesn't seem to be any which proves that this is right to the point. And

that our framing has been excellent. So I will - I think we shouldn't dwell on

this too much at this point. It doesn't really create an issue.

The next item is transparency. And transparency has several dimensions that

are already outlined in our Recommendation Number 12. There is the IDP,

document information disclosure.

There's transparency of board deliberations. There is transparency of interactions with governments. I'm missing I think at least one of them, but certainly the room will remind me.

I think we've already had a number of significant discussions on this. But if anyone wants to add a clarification or things that would be out of the scope for this group, that's also very useful because it helps us focus.

But to me, we've had already extensive discussions about transparency and how this is a key aspect of accountability in many ways. Robin.

Robin Gross: Sorry, I was trying to raise my hand online, but it wasn't seeming to register. I

just wanted to add that we had talked about creating a culture of transparency throughout all of ICANN's operations and the way it does business. So that

was something else to put on the list. Thanks.

Mathieu Weill: Thank you Robin. (And out).

Man: Just maybe an issue with effective transparency. It's one thing to disclose

documents. It's another thing to make the readable.

Mathieu Weill: Thanks. Okay so once again, I think we framed that discussion quite well in

our past work. So shouldn't be too much of an issue, but Malcolm.

Malcolm Hutty: I mean this may come under cultural transparency, but something I think the

principle transparency. Meaning that things should be open unless there's a

good reason not to be, as opposed to the other way around.

Mathieu Weill: Thank you. That's indeed been something we've discussed in the real time.

And finally, out of - the issue is not working anymore? But Ed.

Ed Morris:

Thanks guys. Ed Morris for the record. Could we - I don't know how to phrase this. One of the things that interests me that we should probably take a look at are board - I love my board members. And they would never do anything unethical. I know that.

But they're board members in the year 2025, I'm not too sure about. And external speaking (fees), speaking before trade associations, the income received from that. Is there some way we could talk about and take a look at now other corporations deal with this, but seeing whether that should be something they should have to disclose under the guides of transparency.

Mathieu Weill:

Thanks Ed. Jonathan and the Alan and then Avri, and then we'll probably wrap this up.

Jonathan Zuck:

Mathieu I know you want to wrap this up. And at the risk of sounding redundant, on this notion of effective transparency, I think the only way that you can define that is by outlining the goals for transparency.

And I think sometimes we make the mistake of treating transparency as an end goal, when it's not. It's a means to an end, which is sometimes accountability or something else.

And operational accountability is partly what will help define whether or not you have effective transparency. So transparency without context is a useless term. And I think defining objectives for it and measuring the success of those objectives is how we'll determine whether we have the good transparency.

Mathieu Weill:

Thanks. Very, very useful indeed to have - to map to different mechanism with their respective goals. Alan.

Alan Greenberg: Thank you. The question was asked earlier, do we want to merge any of these items. And I and others said no. But I will point out this one and the previous one are closely linked.

> A lot of issues of lack of accountability of staff are because they can do it invisibly. And the two are heavily linked. Thank you.

Mathieu Weill:

Thank you. That's a point to keep in mind, indeed. Avri.

Avri Doria:

Thanks, Avri speaking. One of the things I wanted to mention, and it's a point related to many of these is that in the previous two ATRT outcomes, documents, there were lots of recommendations made.

So I think one of the things, especially this group more than many of the others, is to make sure to go back and hit those and compare them and such. Thanks.

Mathieu Weill:

Yes some background work really needed on this because there's a lot of documentation already. Excellent point Avri. I have Kavouss and then Brett, Kavouss.

Kavouss Arasteh: Sorry Mathieu, when you deal with the staff accountability, I missed one point. I don't - unless this relationship coming from the report, I don't think that we should talk about the relationship. We should talk about hierarchy, but not relationship.

> We don't (interpret) the business of relation within the staff, employee, employer. We are talking hierarchy. Any accountability should not impact the hierarchy, but the employee and employers. So we should not want to destroy

that order that employee should be treated under the hierarchy in response to the responsibility they have.

We don't want to undermine the duties of the hierarchies people with respect to their staff. So perhaps instead of relationship in the first bullet, this is hierarchy, but not relationship. Thank you.

Mathieu Weill:

Thank you Kavouss. And certainly there must be a proper legal wording for that aspect in English that I'm not familiar with anyway. Brett and then we'll go to the next item.

Brett Schaefer:

Thank you. This has a bit to do with both staff accountability and transparency. But I would like to make sure that the issue of ICANN's conflict of interest policy is examined or reexamined in one of these two areas.

I was talking with someone earlier, and apparently there's a question about how that conduct of - or conflict of interest policy is actually interpreted. And there is apparently some ambiguity there.

And I don't think that it's good to have ambiguity on that matter. So if there is indeed ambiguity over conflict of interest policy, who is covered under what circumstances. You have to report a conflict of interest if you are a covered person. I think that that needs to be resolved and clarified. Thank you.

Mathieu Weill:

Thank you Brett. So I think what we can conclude and take stock of regarding transparency is that there are many dimensions. I think the point raised by (unintelligible) about linking these dimensions to a specific accountability goal is extremely - is going to be extremely useful if we want to prioritize, but also explain the purpose of what we are introducing. And that was a valuable discussion.

Page 69

The last item on our list is the ombudsman. We've - we have identified a

number of potential improvements, discussed this already a bit earlier today. I

mean just like for other items, if there are any substantial inputs about how to

frame this discussion, I'm seeing Siva's hand up to initiate the discussion,

Siva.

Siva Muthusamy: My suggestion is that not only the independence of the ombudsman should be enhanced, but (the states) also needs to be enhanced. Ombudsman must be plenty (portant sheri), no pun intended in using this term that he does not have

to depend on the pleasure or displeasure of anybody in ICANN.

And he has to decide whoever to accept the case or not accept the case. And not accept only those cases that are pre-screened. And there are several

barriers that are associated with the office of the ombudsman.

Everything must (grow). And the (stature) of the ombudsman must be enhanced to a sufficient level so that he's fully empowered. And if there is a need to make any provision to remove the ombudsman, the removal process of the ombudsman should exceed the thresholds that are specified for removal

of a board member. Thank you.

Mathieu Weill:

Thank you Siva. Important points. Avri.

Avri Doria:

Thank you. Avri speaking. I think one of the issues that we have to discuss in terms of the ombudsman is at the moment the role is very limited to sort of remediation giving advice, giving comment. But really has no - there's no issue on which the ombudsman is a decider.

Now some of the discussion we had across the year had the possibility of using an ombudsman's decision as a gating mechanism for some further process. And that would be a deviation from that, probably a good deviation. I'm not judging it.

But really there's - in that role, are they purely - is it purely a suggestive mechanism - (mediative) mechanism? Or are there any points at which an ombudsman actually has some decision-making capability? And not trying to prejudice that discussion, just I think it's one we need to have.

Mathieu Weill:

And you're right to point this out. It's been a constant question being raised and raised and discussed again on our list every time we've discussed the ombudsman. Ed and then it's going to Chris, Ed.

Ed Morris:

Okay thanks guys. I think some of the earlier comments can be dealt with by saying we need to look at the hiring, firing and retention of the ombudsman. Who does it right now? It's the board. And he's responsible to the board. That can't go on in our new. So, you know, the question is who should do it?

Number 2, the access of employees to the ombudsman. Currently at ICANN employees cannot take problems to the ombudsman. I think that should change or something we should look at.

The criteria the ombudsman can use to render decisions. We had the discussion on list about this, but fairness tends to be the Number 1 criteria. Should that be expanded? Should he be able to evaluate on other criteria?

And then if so do we, in this community, want and ombudsman? Or are we looking at something more like an inspector general or some other unique classification? Because some of the things that folks have proposed for the

Page 71

ombudsman to do generally are not within the remit of a classical

ombudsman.

So I think we should take a look as to whether an ombudsman suites what we

want best or whether some other classification could work better. Thanks.

Mathieu Weill:

Thanks Ed. And Chris is next.

Chris LaHatte:

Thank you. Chris LaHatte for the record. This isn't the time for me to tell you about the model of an ombudsman under the International Ombudsman Association principles. But if you come to my session later on in the week, I can tell you about that in more detail.

One of the purposes of that session is to do the sort of information gathering rather than necessarily the recommendations out of it. I want to get ideas about what people want.

But I think the real purpose for me speaking now is to adopt what Eberhard said that the discussion about the ombudsman role should come at the end of this process.

The ombudsman has a role in virtually all of the previous topics. So once you decide on the sort of issues for accountability and those previous topics, things like diversity, things like human rights, you'll have to think well, should this be something we send to the ombudsman. Is this an area where the ombudsman should have a specific mention as the mechanism for exploring problems which have arisen?

Page 72

I already have specific jurisdiction on diversity for example and to some

extent human rights as well to the limited extent that they've been raised in my

office.

And things like transparency, the document disclosure policy. I've been very

surprised that people haven't utilized my office to try and get access to

documents because if you look at my bylaw it says I've got access to

everything.

Now how often when you're trying to dig through the DIPP policy have

people thought well, let's ask the ombudsman to have a look at that. That

might be my fault for not explaining that sufficiently well to people. But there

are powers which are there.

And so therefore my session will hopefully consider some of these issues and

just start thinking on what I can actually do. But I can tell you now that

decision making is unlikely to be something that would make my office - an

ombudsman office. If you want to get somebody to make decisions, then it's

not going to be called an ombudsman. Thank you.

Mathieu Weill:

Thank you very much Chris. That's extremely useful. And I mean what I'm

taking from this discussion is we need to be clear on the requirements first

before thinking about the tool whether it's an ombudsman or an inspector

general or any other tool.

That the one thing we need to be clear about, and that's going to be true for

every Work Stream 2 item is what are our requirements, what are we trying to

achieve and why. We have - Avri, is that an old hand or a new hand?

Avri Doria:

Okay.

Mathieu Weill: Old hand. And so Kavouss, Sive and then we'll move to our next agenda item.

Kavouss

Kavouss Arasteh: Yes. I am checking something. First of all, Bullet 2 is not clear. Removal process threshold for ombudsman should exceed threshold for removal of the Board members. Are you talking of the recall of the entire Board or what? What (makes it clear)? Should not exceed.

Mathieu Weill: I think at this point we should probably be less specific about this in this document. It's about should there be a removal process for the ombudsman.

Kavouss Arasteh: So they put in that way because you are just putting (exclusive). And then the...

Mathieu Weill: We haven't agreed on that.

Kavouss Arasteh: Yes. Difficulty. What is the first one? Is it from the proposal of the CCWG that no longer ombudsman report to the Board and no longer appointed by (him) or is it something we want to study?

((Crosstalk))

Mathieu Weill: ...in the discussion and one of the questions that was raised was the independence of the ombudsman and how it can be placed in the structure. I think once again we need to reframe this sentence in a more generic way because it's - in no way have we agreed on this at this point.

((Crosstalk))

Kavouss Arasteh: Before I have problems.

Mathieu Weill:

I agree. And we will rephrase this. Next is Sive.

Sive Muthusamy: So well ombudsman said that decision-making is unlikely to be within his purview. But does he strike distinction between a decision and a ruling? And ombudsman is supposed to make a ruling. And if he is to make a ruling on whether a decision is right or wrong, then that also becomes a decision. And so there is some clarity needed on that.

> And on Kavouss, I was just suggesting the idea of the (stakes) of the ombudsman. That it should be very high. (Stakes) have to be (eliminated). And the details that I suggested they're in a manner of speaking. I was not conclusively saying that this and that. Thank you.

Mathieu Weill:

Thank you Sive. And Chris, maybe you should be allowed maybe you should be allowed an opportunity to answer the question from Sive.

Chris LaHatte:

I don't make decisions. I make recommendations. There's a very important distinction. What I hope is that if I make a recommendation to the Board or one of the other bodies that they will adopt it. And I haven't often had to make recommendations. But from time to time I do. And the Board has respected those. That's very different from a binding decision making power. And an ombudsman would never have that.

Just one other quick thing. In terms of removal, my bylaw says that there has to be a 75% majority of the Board to remove the ombudsman. So the protection is there.

Man:

Not bad. Not bad.

Mathieu Weill:

Okay. So I think it's really fleshing out this discussion and it's very useful. Overall taking all these items into account, I repeat what I said earlier and what is actually - was actually coming out of our process discussion. We really need to be quite strict into starting to discuss the requirements. Agreeing on requirements before getting into (unintelligible) any solution or tools to address these.

Otherwise we - we're not going to be efficient with our own time. We're not going to be cost-efficient. And we will definitely lose sight of priorities. So that's going to be a challenge.

We managed to do that in Work Stream 1 by prioritizing. And at the requirement level I think it's going to be essential that we do the same approach with Work Stream 2. And there's a lot of (action) substance in our quite short discussions item-by-item highlight how much diverse and important work we have to do still is ahead of us.

So I think it's quite a good feeling to finally get into these topics. Let's not underestimate the workload that's ahead of us. And remind ourselves that our top priority is to finish Work Stream 1 but we can slow start and do the background surge and all this volunteer work to make sure that we are up and running as soon as Work Stream 1 is finished to get these items underway.

With that, we will now turn to our - I think it's almost our last agenda item, which is the resources discussion. It's a discussion where we specifically invited our friends and colleagues from the Board Finance Committee because as you know, there have been a number of discussions between the CCWG, the CWG stewardship, the Board Finance Committee, the chartering

ICANN Moderator: Brenda Brewer 03-04-16/7:00 am CT

Confirmation # 7264569 Page 76

organizations about the management of the cost of the IANA stewardship

transition as a whole.

And we - there has been a lot of progress made in terms of reporting on these

costs. And one of the examples that's currently on your screen is a focus on

the accountability track costs that is on - published by ICANN on a regular

basis now thanks to Xavier's team. I'm trying to capture where Xavier is in the

room if he is. Okay. You're here.

So that's giving us some - a view on a regular basis about where we stand.

And clearly - and purely on a factual basis if you compare the estimate at the

beginning of fiscal year '16, which starts on July 1, 2015 and ends on July - on

June the 30th, 2016, there's a big gap between the estimate and what the real

figures are going to be.

So that's the - the key issues is how to address the fact that there is a gap. It

was not predicted. And we want this under control in the future because that's

also part of the accountability to be accountable to the way we are spending

ICANN's money. And that's a collective responsibility for members,

participants, staff; everyone has a voice in this.

So there's been a number of discussions. We did discuss this already during

previous calls. Out goal today was to first take stock of a proposal that has

been pushed forward by the ICANN Board Finance Committee and look at

how we will be learning from the past experience to improve the way we are

managing resources in the future for the CCWG Accountability.

So if we go to the next slide. We have received and shared on the list a

proposal by the ICANN Board to set up a pilot that would first work on

developing reliable estimates for the rest of the fiscal year '16. So we still have three months to go basically if I'm not mistaken.

And I'd like to maybe offer Cherine the opportunity to speak to that proposal - that pilot proposal so that we can consider it together, ask questions if need be and see how we move forward on this. And don't think it should be too controversial but I think it's good for you Cherine to introduce the proposal if you will. Thank you.

Cherine Chalaby: Because this is on public record, just want to put some historical perspective if you allow me for a minute. The historical perspective has not been part of our DNA and our multi stakeholder model to have any one person or any group of people responsible or having the authority to make decisions including on costs.

And also historically I think the SOs and ACs have not been able to obtain the - a lot of detailed information about costs of their work, meeting stuff, et cetera.

But the sums involved over the last couple of years and in FY15, FY16 almost to the tune of \$25 million and the future expenditure potentially between six to nine million in FY17 makes us think together collectively -- and this is not just the Board or the Finance Committee; I think the SO and AC leaders are - and yourself are on this -- is that it would be good practice to produce some reliable estimates and to consider how we can manage costs going forward.

This would (then) present a real change in culture for the community. But to introduce a change we better have a step-by-step approach so that we don't jump in in one go but do one step at a time. Listen to each other, learn and then formulate the next step.

Page 78

And the first step is what we called a producing (reliable list). Why do we need that? So and then I say what is the suggested idea collectively by the SOs

and AC leaders and yourself will talk to.

To get a project of any magnitude going requires a real transparent dialog

between all of the parties concerned. From those that request the resources, for

example, could be the SO and AC Chairs and they request resources let's say

for Work Stream 2; the SO and AC Chairs then have to evaluate this request.

And then the Board that has to then fulfill its fiduciary responsibility by

saying are these estimates reasonable and how are they included in the annual

budget.

For this conversation to be and this dialog to be really transparent and

meaningful and effective, we need some reliable estimates. Okay. And to get

those reliable estimates it's hard to do it on a part time basis. It's hard to do it

on a sort of ad hoc basis.

And the idea here is that why don't we pilot the idea of putting a small team

together consisting of project management experience, some legal

management experience, financial planning and administration. And that

group is not a decision making body. That group is not a management body.

That group is only a support body and for a short period of time.

And we would ask for this team to do two things. One is to look back on

historical expenditure and learn from there how and where we spent our

money, where we could be more efficient, what assumptions drove the

expenditure and then take those and be in a position to project future

expenditure and produce reliable estimates for us.

So that's the whole idea about producing those estimate in those way. And then we think that could take four to six week, maybe a little bit longer; I don't think it should take much longer there.

Then once we have information and data, we can then group together again and decide what do we do with it and how do we go forward with it and continue this open dialog and transparent dialog. Thank you.

Mathieu Weill:

Thank you very much Cherine and I want through you to thank the Board Finance Committee for their - and Xavier for their continued engagement on this topic. I think it's extremely useful to insert this into the way we manage the group as we move forward.

I'd like to ask whether there are any clarification - questions for clarifications or reactions to this proposal, which once again to me does not seem particularly controversial. I am seeing Sive's hand up. Sive. No. Old hand. So Roelof.

Roelof Meijer:

It's not a question for Cherine but more a remark or a reaction. I think it's good to have those estimates first of all. But I think in the future we also need another kind of estimates. And I think many of us in our normal day jobs would always require those if we ask external consultants to - especially with certain subject (fronts) or deliver an answer on a particular question.

We will ask this consultant how much is this going to cost you to figure it out. And this is something that we have never done in Work Stream 1 as far as I know. We just - we were just asking the legal advisors questions without knowing how much it would cost to get the answer.

Man:

That we...

Roelof Meijer:

So I think that's another estimate we will need in Work Stream 2. If we have a particular question and we want an external consultant or a group to chase an answer - to deliver an answer to us, we ask them an estimate first.

Mathieu Weill:

That's a very good point Roelof and we have started doing this for Work Stream 1 implementation and the (bio) drafting's. We did receive estimates that we've used to provide the Board Finance Committee with insights I think back in Dublin. We started this in Dublin.

And so we had received estimates and we also requested an update on estimates to the lawyers in the call we've had recently on how to - on the Work Stream 1 implementation and the (bio) drafting.

But that's certainly a practice that we need to (do) a lot more and more as our project moves from everything is urgent and we need the answer now to a phase where we have more time so we can proceed with more (kochen) on that aspect. You want to follow up?

Roelof Meijer:

And I think in addition to that it would be good if we budget beforehand because although the money should not restrict the quality of our work, I think it will help us to stay focused if we know that there is a limit to the amount that we can spend figuring out things.

Mathieu Weill:

Well stay tuned for the next slide. (Quick).

Thomas Rickert: Roelof, this is tied closely to the conversation that we had earlier. This draft project plan with the different stages also helps us to get the groups get

Page 81

focused on what they're trying to achieve and discipline their interaction with

both the CCWG and then through the CCWG with external advisors.

So we want to get more structure in that in order to avoid crunch times over

weekends and stuff like that, which makes things extremely costly. And so we

can help spread the workload and do proper cost management (unintelligible).

Roelof Meijer: Yes. I think many of us do this in their day jobs. If you want a group to deliver

an answer of certain quality within a certain time to give them a deadline and

a fixed budget. It helps keeping in focus.

Mathieu Weill: Robin.

Robin Gross: Thank you. This is Robin Gross for the record. I just had a question about this

proposal. I'm wondering who the project manager or the lead legal manager,

the financial manager, the project administrator; who would they report to and

take their direction from? Is it the CEO? Is it ICANN staff or would it be the

co-Chairs that would be directly overseeing and to whom these people would

report and ultimately be accountable?

Mathieu Weill: So Cherine, would you like to answer that?

Cherine Chalaby: Very good question Robin. I think at this stage it doesn't really matter. The job

is to do some analysis for all of us. They have to work with the co-Chairs and

be support to them. They have to work with the Finance Department to get

information from them.

So their job is to produce estimates at this stage. Once we have estimates, the

next stage will be okay, what do we do with it. Because let's say we got

estimates and project gets approved and then we go into execution, obviously there has to be some form of reporting against these estimates.

We can make that decision later. At this stage this is just a short four to six weeks project just to produce some historical - analysis of historical expenditure and produce estimate for the future. Where it reports I personally think is not relevant at this point in time.

Mathieu Weill: Thank you. And a follow up by Robin.

Robin Gross: Yes. Thank you. I just wanted to suggest that I think it's important that these

people would report to the co-Chairs and who report to the community. And

so in keeping with the bottom up spirit that we operate, I think it's important

that that's whom they ultimately report. Thanks.

Mathieu Weill: Thank you. Thank you very much Robin. Next is Jordan and I will close the

queue after Kavouss.

Jordan Carter: Yes. Lucky co-Chairs managing some more people. Good on you. Look, I

think insofar as it goes this proposal is fine. It's always good to get some

support in doing some estimates and then (presenting) the lawyers and so on.

And the thing I don't know because it's presented as a first start is where the

Board's mind is about what follows up on it. And I think certainly we have to

avoid a situation where control of resources is used - you know, we have to set

a reasonable cap on this cost of this project and then stick to it.

What we can't do is have the workflow decided outside this group. So there's no point in a mix of Board members and SO/AC Chairs deciding a budget quantum for this group that doesn't allow it to do the job that it needs to do.

Page 83

So as long as that is in the kind of end game, I strongly support getting better

info. I think that it's been our own working method with our external counsel

that's been the biggest and most gregarious driver of cost here. And as long as

we do work and then ask them to comment on it rather than asking them

random questions, some of which are irrelevant, and doing so again and again

and again we'll be much better off in the next phase.

Mathieu Weill:

Thank you Jordan. Kavouss.

Kavouss Arasteh: Thank you Mathieu. I think we have a 2016 budget and we should work within that limit, Number 1. Unless there's a procedure that asks additional budget, I don't know how they do it. And the second, we don't need to take a project manager or so on, so forth. Everything will be under the control or supervision of the co-Chairs.

> This time the co-Chairs should be a little bit more cautious. Not every question raised by the people (unintelligible) is a legal counsel. They should think it over whether sometimes the question could be deployed internally. And if it really goes in the area beyond the qualification or capability of the group, then it will go to the counsel. So this time we should be quite efficient, effective, economical and take it (unintelligible).

> We have today this morning that we don't have any problem with budget. I don't think so. All with budget must be spent efficiently and economically and appropriately. Thank you.

Mathieu Weill:

Thank you Kavouss. And Cherine will respond to - that's an excellent segue into the next slide. Cherine.

Cherine Chalaby: I think the word - and it's probably my fault. The word project manager, legal manager is not correct. What we need here is skills in producing project plans, skills in legal planning, you know, how to get costing from a legal - that's what we need.

> We don't need managers to do this. We just need people with experience, so that have skills to produce these estimates. So it is my fault. The word manager is the wrong manager here. It's more like a project planner, legal planner, a financial planner. That's what I meant, so.

Mathieu Weill:

Okay. But with that, we can certainly first welcome the proposal by the Board Finance Committee, gladly accept it as pilot and obviously then will report and share experience. One the pilot is achieved we have estimates. We'll see how we can make this move efficient moving forward.

And Kavouss was already touching on the next slide, which is what adjustments we would have with regards to the legal expenses. And if we can go to the next slide.

I think most of the ideas have been circulated already. It hasn't been our practice to take legal requests straight to the lawyers from everyone. But certainly in the stretch to the compromise it's been sometimes very challenging for the lawyers to answer the questions in very short turnaround times.

And also very difficult to have a constructed discussion with the whole group before handing over a specific request, which was basically especially designed to reassure a particular stakeholder about the consequences of a particular compromise or things like this. So hopefully we can move away from that.

Page 85

Okay. So I was going a little too fast. But we have three different type of

expenses. Face-to-face meetings such as this one, staff support, legal advices;

that's basically what we have.

We have discussed in a previous meeting sometime in February that going

forward we will still need staff support. I think we can confirm that. We will

still need face-to-face meetings before the ICANN meeting such as this one.

And I think the breadth of discussions on Work Stream 2 would tend to

confirm that we will still need this kind of setting to get together, agree on

requirements, probably agree on recommendations later on.

We will also probably - we might have a need for that for Work Stream 1

implementation, which is our top priority in June. So I think that's still our -

part of our request. And legal advice might be needed although it should be

less intensive than it has been so far. And that's where I go to the next slide.

So this - we've identified ways to optimize those costs or those expenses. One

is that first of all we should be less intense. So - and it's been clear from the

lawyers that part of the cost was due to the fact that we were asking for very

short turnaround time. They were having to keep their teams ready basically at

all times and 24/7 almost.

We may also decide on some requests that are not controversial that other

types of available legal expertise could do the trick. ICANN legal has a lot of

expertise that in many cases we could also agree that this is perfectly fine to

get their input because problem maybe has already been provided to the

Board, it's already existing or things like this.

We can use other legal resources. What's important for us is that we have the ability to go to the independent lawyers when we need - when we feel the need for that. So I think it's also a pathway to optimize costs.

Since we'll be working in drafting teams, design teams, (unintelligible) teams, the question that will be raised is whether these teams have direct access to legal advice or need to go through a gating process.

Certainly our proposed approach is a gating process as we - as it is now with the - it's the co-Chairs acting and some transparency requirements about the requests that are being prepared and the responses that are provided.

And so we are suggesting that we keep this process moving forward with more leeway for the lawyers to define their turnaround times so that we don't get the peak costs associated to urgent requests.

And we believe that this should help lower intensity of these costs moving forward. And I think this is already - this proposal already sort of captures what you were saying Kavouss and what others were suggesting. But I'd like to check if there are any specific proposals on this for the management of legal advice moving forward.

I have three people in the queue and then Ed. But first Kavouss, your - or is that an old hand. It's a new hand.

Kavouss Arasteh: Yes. Mathieu, I wanted to make it clear that in my previous comment in no way I did criticize nor put in question what you co-Chair have done nor anybody at all. I am talking of future. So please make it quite clear that this is not my habit to talk about the past nor to criticize anybody. Thank you.

Mathieu Weill: The record is set straight. Next is Sebastien.

Sebastien Bachollet: Yes. Thank you very much Mathieu. Yes. My question is about turnaround time left to lawyers. I understand that we don't want to have something on the very short time and we need to input some short deadline. But I think we need to have some deadlines because if not depending and where and when it could take too much time.

Mathieu Weill: Yes. That's me. I think that that phrasing is not correct here.

Sebastien Bachollet: Thank you.

Mathieu Weill: The point here was to say when asking for an estimate and considering the request, we could ask the lawyers how long do they think it's going to take.

And of course after that there's a deadline. It's not just you will deliver whenever you want, which is certainly not good practice whether with lawyers or any other profession. Next is Xavier. Xavier (or here).

Xavier Calvez: Thank you Mathieu. Xavier Calvez speaking. Just an - you may have mentioned it but I may have missed it. And just an additional suggestion is that the requesting an estimate with the question that is being asked and to define the scope from the legal firm seems to have been an efficient process used by the CWG.

And that may be considered worthwhile by this group as well to try to optimize the value and the understanding of the costs upfront and then the group can maybe decide or the co-Chairs can decide better how to either proceed or proceed differently with their request to the lawyers.

Page 88

And we will assist with negotiating with the lawyers as to whether they do

charge or not fees for their estimates because I don't think that's going to be

accepted as such.

Mathieu Weill:

Thank you Xavier. And you're right. The point is out because that's something

that was not in the terms of an existing contractual framework with the

lawyers so that would need to be clarified with them.

I just want to underline that estimates are valuable when the type of request is

not - has a significant size and not if it's only a two hour request. That's just

waste of time for everyone including the volunteers that would be doing this

discussion with the lawyers. So we need to find the right balance. I think Ed

that's where you were in this queue please.

Ed Morris:

Thanks Mathieu. Excuse me. Back when I was young when we started this

whole thing, I remember something called legal sub team, which actually

hired the lawyers. And actually for those in the room, I see a few members

here, this is actually the finest group of people I've ever worked with here in

ICANN.

Leon chaired the group. It was intensive and quite frankly I think we hired

some pretty good lawyers. As we move forward though in Work Stream 2, I

question whether we actually need two law firms. If we're trying to reduce

costs, memory services me correct, one of the law firms is substantially

cheaper than the other.

I remember in terms of lead counsel it's almost a differential of 200% of what

we paid one lead counsel to what we paid another. And again, I'm not sure

which privilege, I'm not going to quote figures but there was a difference.

And my question going forward into Work Stream 2 is do we need the expertise of both firms. From my perspective I think Adler Colvin could handle all of this. And that would be a reduced cost to the community and maybe allow us to get a little bit more legal help for a bigger bang for the buck basically. I don't know if you guys have considered going with one firm in Work Stream 2. If not, perhaps you should.

Mathieu Weill:

Leon, would you like to answer that?

Leon Sanchez:

Yes Mathieu. Leon Sanchez. You are right Ed. I mean this is something that we haven't yet considered because I don't think that is our role to define whether we go with one law firm or two. We'd rather have the group decide it. It is fair enough that you set the record straight and we are aware in the difference of fees between one law firm and the other.

They're substantially higher with one against another. And maybe - I am not sure if the right way to go is just to rule out one of the two firms. Depending on the kind of work that we will be carrying out onwards (from two).

We might even be looking at a new firm. I mean we're not married to either firm. So we - as much as we love them, we're not married to them. So I don't know. Maybe at some point it's worth revisiting the convenience first of having to law firms and then second, maybe we can either stick to one of either law firms or we could hire another - a new one. I don't know. I think that's something that will come out from the dynamics of the group.

Ed Morris:

Thanks very much.

Mathieu Weill:

So I think that's a point of consideration that whether we should review our current independent legal system as a whole and assess various scenarios

Page 90

including the cost factor. But not only the cost factor because there's a skill

factor as well depending on the items that we have to deal with in Work

Stream 2.

And I also want to make clear I think this - if we go this way, it's only for

Work Stream 2 because for Work Stream 1 implementation that's - we're not

changing anything.

I'm seeing a long queue until Bruce. And I close it after Bruce. But Malcolm

is next.

Malcolm Hutty:

Thank you Mathieu. These suggestions strike me as mostly reasonable and

pragmatic. The - on the - one these - Malcolm Hutty for the record. These

suggestions strike me as mostly reasonable and pragmatic. On the turnaround

time left to lawyers thing, perhaps I may try to rephrase that slightly.

But the instructions to the lawyers would be to propose a timeframe to the

Chairs on the basis of cost minimization and that we would just leave it to the

Chairs to ensure that that - that the timeframe was managed in a way that was

- did not become excessive. On that basis -- and I see you nodding Chair -- if

that were the case, then I would feel quite comfortable with this.

The only one that gives me pause is the statement that some requests may be

handled by ICANN legal where no independent view is needed. Now I may be

mis-recollecting this.

But my recollection is that ICANN legal has always been of the view that it

together with its preferred - with its corporate external counsel Jones Day

have always been capable of providing sufficiently independent advice to

support this group and never particularly saw the need for us to appoint our own independent counsel.

Now if that's indeed a possible viewpoint that they might have, I wondered how we would go about separating when you thought that ICANN legal's advice was sufficient.

Mathieu Weill: I think that would be for the various groups and a tracking group to decide.

But obviously there may be a trust factor here at some point to be built and

enabled. But I think it will depend on the kind of request.

Malcolm Hutty: Are you suggesting the considerations as to that trust of change between Work

Stream 1 and Work Stream 2?

Man: I'm an optimist.

Malcolm Hutty: Okay. Okay. I'll just leave this at saying this still gives me pause.

Mathieu Weill: I understand. That's well noted Malcolm. That's well noted. Jordan and

Eberhard, I noted your hands raised for the end of the queue.

Jordan Carter: Thanks Mathieu. And I think we probably do need the two firms because if

there are any bylaws changes coming out of Work Stream 2, it would not

makes sense to have a new lawyer dealing with those. And the balance (that

goes) between the two firms is probably still useful.

But if we did or if you then found that one of them wasn't used, it would be - as long as it wasn't Sidley given their bylaws drafting, it would make sense to

drop them.

And I think there's a bit of a (unintelligible) issue about the use of the legal support. I think that we should have a general presumption of don't ask and don't say yes.

I think we should be looking generally for advice from counsel once we've got relatively well formed ideas that can then be tested (and honed) rather than nagging with detailed questions about issues that probably the marginal benefit to the project or the work from finding out the answer is much lower than the marginal cost of providing the answer.

So certainly I mean I'm ruled out from running any of these workgroups, which is great as far as I'm concerned. But I think people should definitely not be looking for legal advice until there's something to get a considered view of kind of one stop yes, this will work and here are some tweaks answer.

Mathieu Weill: Very good point Jordan. Thank you. Kavouss.

Kavouss Arasteh: Yes Mathieu. I think the two bullets you have written needs a little bit of improvement. One way of reading of that that each group requests for legal things and sharing on the list among the people within the team.

The other is that they submit such a (thing in a written) to the co-Chairs and that is the co-Chairs who share it on the list with everybody. And once received the comment but not approved, the co-Chairs decide to certify or not.

So that is it would try to make it quite clear that this is a co-Chair who decides for certifications to submit that to (that) but not the CCWG Group because you don't want to waste time to go to the consensus (unintelligible) support. This is your ability and you're competent to decide yes you need that sort of a thing. So could you maybe kindly clarify the issue?

Mathieu Weill:

We will attempt to do so while protecting the requirements that requests are also transparent to the whole group. So that the whole group is aware of the request that is being prepared, which was our intent when we sent the CWG here. So we'll try to find a better wording for that Kavouss. We agree that there's room for improvement. Bruce, you are next.

Bruce Tonkin:

Yes. Thank you Mathieu. Just want to pick up on a couple of things. One is in managing legal costs what most commercial organizations and probably non-profits as well will generally use in house counsel for sort of routine legal work. And then they use external counsel for very specialized areas and often from different law firms.

In other words, you're not generally locked into any particular external law firm. And so your internal counsel is actually able to help formulate the questions properly and use the external law firms' cost effectively and for their particular expertise.

So I think that it's come to the top. We look at the amount of money that we're spending on legal. It seems to me that we need to have an in house legal function that's supporting the CCWG.

Then there's the issue of separation of duties. When I - before I joined the Board, I was Chair of the GNSO and before that I was Chair of the DNSO for those that know all the acronyms.

And back then we went through a number of different phases. So initially the DNSO employed its own staff entirely independently of ICANN. Then we actually ended up having ICANN employee, a support person at that stage, which was Glen DeSaintgery.

But then the legal - the policy support was still basically out of the General Counsel's office, which was Louis Touton at the time. And I pushed when I was Chair at that time that we needed separation of duty. We needed a separate policy support staff. And that staff was built in Brussels and completely separate to the Los Angeles office.

And I think those, you know, people on the GNSO now probably most of you don't remember those days but my sense is that GNSO Counsel trusts the policy support that it gets because there's a clear separation of duties.

Those policy people in the Brussels office and the different offices have nothing to do for the normal sort of corporate function. They're not part of Akram's team. They're not part of John Jeffrey's team. They're reporting today that (unintelligible) and it's a complete separation of duties.

I think that there's a way forward here in having your own in house legal counsel that is not reporting into John Jeffrey's team but actually reports into David Olive and is just part of the support that we provide our policy teams.

I do urge you to seriously consider that because I think that will both give you confidence that you're dealing with a legal counsel that's working on your behalf and also allow that legal counsel to manage the external firms and choose external firms with specialist skills.

So if we look at the Work Stream 2 topics, they're really quite diverse. The sort of law firm that will give you advice on how to manage sort of document disclosure policies; there's a sort of law firm that can provide human rights, specialists advice; so generally not the same law firm.

Page 95

So, you know, I would suggest you want more diversity in the external law

firms that you use but you need an in house counsel to basically sort of

manage the day-to-day questions that the group may have.

But separate (unintelligible) duties that that in house counsel is operating as

part of the policy support function of ICANN and is independent of the

normal corporate operational services in the General Counsel's office or in

the, you know, domain name or IANA offices.

Mathieu Weill:

Thank you Bruce. Want to - a short response Thomas?

Thomas Rickert: Yes. Very briefly Bruce. Thanks so much for bringing that up. And I guess it's not the appropriate time for our group to discuss this but we will put out the question on the list for you to share your view on having a separate legal

advisor for us that's not reporting to JJ.

You know, whether we accept your suggestion, I think that's really

worthwhile discussing. We would need some time before that person gets

operational. You know, we would need to put out job ads and what have you.

So I think we should try to get the group's view and agreement on that as soon

as possible. But we'll do that on the list. So watch out for that thread.

Mathieu Weill: Thank you Thomas. And that was the thread and not the threat. Right. Thank

you.

Thomas Rickert: Both.

Mathieu Weill:

Eberhard, you were next and then Asha.

Eberhard Lisse:

Okay. I just wanted to comment on two things. I don't agree really with what Malcolm Hutty says. Jones Day may be entitled to their opinion and I know they are sometimes wrong but are never in doubt about their opinion.

But I also want to comment on what Bruce said. We have two lawyers under co-Chairs and he's basically saying that the two lawyers under - as co-Chairs cannot sort this out for themselves.

A lawyer is responsible to the person who pays him. As long - we had this discussion in the beginning and decided we wanted external counsel because we were not really confident about the direction or the advice. And I think that's a decision that the group must make. And I hear what Thomas has just said.

I don't really think we need in house counsel. That will not improve the situation as far as I'm concerned.

Mathieu Weill:

Thank you Eberhard. Asha.

Asha Hemrajani: Thank you Mathieu. Asha Hemrajani for the record. So I read all the text in the window and I've heard what people have been saying today. But I just want to go back to how we started this discussion.

> So what the Board is proposing is that we set up a support team and this support team is going to help us come up with estimates of the cost and of the work and the cost - related costs for the work for the rest of Work Stream 1 and for Work Stream 2.

> We're not talking about hiring additional lawyers. We're talking about people to help us with the planning or people to help the co-Chairs with the estimates.

It's very important we have estimates because we cannot go into this blindly. We have to know how much work is going to be involved and how much we're going to spend.

It's important that we know how much we're going to spend. That is the purpose of this proposal. Just wanted to remind everyone of that. Thank you.

Mathieu Weill: Thank you Asha. And I think we've agreed on the proposal but we're already looking one step further here on the way forward as well.

Asha Hemrajani: Yes. But I wanted to clarify the point about the - there was some discussion going on about hiring an in house lawyer and all that. We're talking - in the proposal we're talking about...

Mathieu Weill: Yes.

Asha Hemrajani: ...a planner. Okay.

Mathieu Weill: That's very clear. Thank you. Thank you for clarifying. So I had closed the queue on this but Jordan and Robin, was that an immediate response that cannot wait for the list discussion? No. Okay. Old hand. And Robin, old hand as well. New hand. So Robin.

Robin Gross: Thanks. Yes. I just wanted to make a suggestion on this about the way that the lawyers are currently managed. I think it would be useful if we went back to using the CCWG legal list to manage the lawyers because that is publicly archived so we can be more transparent that way and the co-Chairs can still manage the lawyers.

Page 98

But it'll show the community, it'll show the Board that we're doing all that we

can to manage the costs and that we're being transparent and open in our

managing of these very sensitive issues. Thank you.

Mathieu Weill:

Thank you very much Robin. And that's actually also a good segue into our

next and I think it's the last slide. I wish. Some people wish. About how we

can address the planning of costs a little bit more efficiently and clarify the

roles and responsibilities of each of the parties in this process. Managing the

cost of the project going forward.

And the idea here is if you introduce some form of (iterative) approach, which

could run - each iteration could be from one ICANN meeting to another so

that it actually involves some face-to-face discussions.

And I think the principles that are behind this are - and that's on the top that

it's incumbent upon us as a CCWG to define what we want to achieve in the

upcoming periods. What are the goals we're setting for ourselves?

For instance, in the next period we want to provide the bylaw drafts for Work

Stream 1. And this is the support we estimate reliably that we need to get that

done. So that's on the top.

If you go slightly right, I think it would be great and very useful because it is

after all for them -- we are accountable to the chartering organizations -- to

chime in and say oh, we think this goal is that the value of these goals is -

there's value for money doing this. So we're in favor.

Or we think that given the other projects going on, if you could do that maybe

with a little more - being a little more aware of the costs or maybe reducing a

little bit your ambitions because we have other things and we need to be aware

of the global impact for the cost of ICANN. That would be - then that's why I think ICANN meetings are useful because many chartering organizations can only make these kind of discussion in the face-to-face meetings.

Then it's clearly ICANN Board's responsibility to allocate the funds, update the budget. And I would note that once Work Stream 1 is in place if we're unhappy about their decisions, we have ways to hold them accountable. So that's - I mean that's - it's not just the Board can do whatever it wants. It's really a discussion that we need to have.

We need some improvements in the tracking of expenses. And that's the point behind the additional skills in support for the project cost tracking. And obviously this doesn't work out if there's no reporting about what we've achieved and how much we've spent in the process.

And I think if we could clarify these roles and responsibilities and set up this kind of loop efficiently, then we would be in a much better position to assess at any point in time what's the value of keeping the project open, what would we miss if we didn't have any more resources on the project and obviously find all the balance in between, which is the - what's valuable about the project.

So I think we've already started working on the top aspect here, which is the estimates based on the proposal by Board Finance Committee. And putting that into this kind of perspective would certainly help moving forward ensuring that everyone is clear about each other's roles and responsibilities but also has visibility at any point in time about where we're going and why we're spending money and how we are actually making this.

Page 100

It's not written on the slide but we - it was mentioned earlier about the idea of

a budget cap. I think whether we want it or not, there are budget caps in

ICANN's existing processes. If you go over the amount that is in the budget,

obviously the Board has to give - make a new decision.

So there is a budget cap right now. And I think this process can accommodate

this quite well by the discussion within the CCWG, the chartering

organizations and the ICANN Board.

So that's - I think that's the wider view about how to move things forward.

And this is probably - if the group agrees, something that we could try and

also explain in the various discussions that I have no doubt will take place

during this ICANN meeting in Marrakech about the expenses of the IANA

stewardship transition project and how we see it moving forward. I think this

is a good starting point for these discussions.

And that's the introduction for that purpose. And I don't know if there are any

reactions in the room or if you are too tired to react at this point, which was

our goal having this as the last slide. I think Cherine's - Cherine is not tired

yet.

Cherine Chalaby: No. I just want to say I really like this and support it wholeheartedly. And the

reason for that is just goes back to what I said earlier. This is about a dialog

between all of us. And it's an interesting process. You keep going. And if one

party doesn't like something, they need to discuss with the others, go back,

adjust, do tradeoffs and we move on collectively as a group. So I fully support

that. Thank you.

Mathieu Weill:

Thank you Cherine. Kavouss.

Kavouss Arasteh: Yes Mathieu. We are not tired. At least I never be tired of anything at all. I think there is always a benefit that we consult colleagues. So whatever decision you want to take (and you) if you think that you could consult CCWG, please do that.

> Whatever decision you want to make and everything appropriate that you consult the Board, please do that. So do not exclude that. Is not harmful to get views of the people whether you think that that views could be (fundamental) or not but at least it is better.

It gives you more support. It brings richness and so on so forth. So do not deliver only to the three. Consult CCWG when appropriate; as necessary, consult the Board. Thank you.

Mathieu Weill:

Thank you Kavouss. Eberhard.

Eberhard Lisse:

I have an improvement proposal. I think we should remove four of these buttons and change the one left over with cut legal fees. The costs that we're having are not just the meeting fees and not the staff support. They are less than what an 8% or something. Admin costs 1% or something.

The lawyer fees shouldn't be - the lawyer's fees shouldn't be lumped into this project because we have no control over this - of the fees where we have some form of control the only contributing factor that is actually starting to mess with (unintelligible) sleep is the legal fees. So we must find - whatever way we must find a way of lowering those costs and then it will all come together.

I'm not, as I say, the budget cap as far as I'm concerned is helpful because it gives us something to look at but it's not going to shape the substance of our discussions in the end.

Mathieu Weill:

Thanks Eberhard. And that was precisely the previous discussion. And I think this kind of system also creates a consistent incentive of cutting the legal fees if that's the input from the chartering organization from our group and the ICANN Board. Yes, please go.

Eberhard Lisse:

What I mean is we don't - we shouldn't spend too much time on this (iterative) (unintelligible) approach when the actual cost fact that we - the only cost factor that we really need to be concerned about is the legal fees. If we get - if we get them down to a manageable level, all this we can dispense with. If we had gotten them down to a manageable level, we didn't - we wouldn't have to put in another project to contain these costs.

I'm not arguing about the actual value of the proposal of this project management team. But the goal behind it is very clearly that we are very expensive and the financial management is getting concerned about where it's getting the money from because it will interfere with long-term planning they're having.

Mathieu Weill:

Thank you Eberhard. Good point. I understand your point. Kavouss was that a new hand? No. So Avri.

Avri Doria:

Thank you. Avri speaking. I guess looking at it, I mean it looks like, you know, very healthy bureaucratic overhead. But I worry about trying to go through this entire cycle every three months. I think we're just creating more work. We're asking for more staff time and such.

So I think having the idea of a cycle of five things periodically makes sense. But I really do worry about this being a constant cycle that's going on in the background of the work we're doing. Thanks.

Mathieu Weill:

So certainly the cycle could run over two meetings for instance to make it smoother. Okay. Thanks for your - Cherine, a last word on this before we go to the closing remarks.

Cherine Chalaby: Yes. I think people may read this chart in a different way. There isn't a constant looping over three months period to do this. What this says is that CCWG define requests. The SO and ACs approve the value of it and the Board allocate the resources. That's done.

> The left side of the chart is during the duration of a project no matter how long it takes, a year or more, there should be some reporting and some feedback on the achievements. That's all there is to it.

So Avri, this is not a big overhead nor - yes. I think - well, I think Mathieu would agree that this is - so you may want...

Mathieu Weill:

I think - let's do it once and we'll see whether that's a heavy burden or not. And then we'll see - we'll adjust this. As Eberhard was saying, maybe by the time we do it once, it won't be any budget issue anymore because we'll be done. But I wish it's the case.

Okay. So thank you very much for the discussion. It was - I know it was a hard discussion to have after a long day, after you had long trips in the previous days. And certainly the energy in the room sort of started dipping. Yes. It must be my energy, yes.

And but I think it's important that we have these elements in mind, all of us and especially the members who do - will discuss with their respective organizations. And I'm certain there will be a number of questions on budget.

So it's important that we have aligned our views on this and can demonstrate that we have a plan moving forward to manage costs effectively and that this is something we're taking very seriously as a group.

And with that, I'd like to turn to Thomas for some closing remarks. From what I hear, they should be short.

Thomas Rickert: That is certainly true. No, just to briefly recap, you know, this has been a long day but I think it's had - it has been a very fruitful day. Best news today is that two chartering organizations have approved that there are no dark clouds approaching from other areas, at least not that we're aware of. So hopefully we'll be able to really celebrate next Thursday.

> We got more clarity on Work Stream 1 implementation by sorting out the question of what's going to happen with implementation oversight. We've clarified the role of the IRP team. We've made a demarcation to Work Stream 2. We've discussed the substantive issues.

The most important takeaway for me during the substantive discussion on what's going to fall into these topics is that we've clarified what we're not going to do. So I think we've set expectations as to what the scope of work is going to be for the Work Stream 2 discussions.

We are now in a position - after we've discussed with you the process and approach working with other methodologies as well as cost and budget approach, we're now in a position to come up with a proposal on how to approach Work Stream 2.

So I think we can signal to the outside world something that's very important. Work Stream 1 is coming. It's not being put on the back burner. We got it

rolling basically today. We're going to issue a call for volunteers hoping to get some fresh blood to the scene to get the work started on these important areas.

So with that, I'd like to close the day. Although I can't - Kayouss has raised his hand.

Kavouss Arasteh: Yes, yes, yes, yes. Thank you very much co-Chairs for your contributions, for your writing of documents and so on so forth. Thanks to ICANN staff for the material they prepare for us. Thanks to the Board members who are present her contributed. And one please to the people let us (take) the SSAC example in approving the proposal of CCWG. Short, concise, precise. We agree with that. Thank you.

Thomas Rickert: Thanks very much Kavouss. So you stole my thunder in thanking certain people. But I would like to add to that. You know, you mentioned members, participants, staff, our advisor - let me add the interpreters, let me add the scribes, let me add the remote participants. I mean it's so hard to follow conversations for so many hours. So let's give them a round of applause.

> Don't forget we have the engagement session on Monday and we have another working session on Thursday. See you there. Thank you very much.