
UNIDENTIFIED FEMALE: The recordings are started.

MATHIEU WEILL: Thank you very much. I am Mathieu Weill, the ccNSO appointed co-Chair and it's my pleasure to welcome you to this Plenary meeting of the CCWG Accountability Work Stream 2 on February the 22nd. This meeting, for this meeting as well as for the others, we will use the Adobe Participant List as the roll call and I'd like to invite anyone who is on audio only at this point to take the floor now so that we can add them to the roll call, if there are any.

KEITH DRAZEK: Hi, Mathieu. I'm on audio only. Thank you.

MATHIEU WEILL: Thank you, Keith. Glad to have you with us. You've been added to the roll call. Anyone else?

Okay. So that's it for our roll call. I'd like to ask also whether there are any updates to the Statements of Interests.

No. No updates.

And our standard reminder of the ICANN's Expected Standards of Behavior to be our guidelines for this call as well as on the list. And I think we've come to a point where respect is the basis of our work and that's essential in the bottom-up process.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Good. So moving on to Item #2 with a quick update on participation from the other two co-Chairs. They've been sending their apologies – Leon as well as Thomas – so I'm afraid you'll have to deal with one and only one co-Chair this time, and I promise that they will make it up to you by chairing more of the next sessions or maybe offering me more drinks next time. That's the kind of deal we have between us co-Chairs.

Next agenda item, if we can move to the slide on the agenda so you can see that our call today has a key part which is the second reading of the Good Faith Guideline work product. And we would also like to have some discussions about the timeline for our group and of course prepare for our face-to-face meeting which is now approaching rapidly in Copenhagen.

Are there any comments on the agenda? I need to mention that my Adobe room is having issues right now so I can't see any hands, but certainly maybe I can get some things in the chat.

BERNARD TURCOTTE: I'll flag any hands for you, Mathieu.

MATHIEU WEILL: Thank you. Adobe is restarting.

BERNARD TURCOTTE: There are none right now.

Those are all the action items, sir.

MATHIEU WEILL: Many thanks, Bernie. Any comments regarding the action items? We're all on track on this. So unless there's a hand that my Adobe Connect room does not show because it's still half frozen, I guess we move on to the next item which is the Legal committee update, and it's a very complicated update since to our knowledge there are no pending requests.

BERNARD TURCOTTE: Mathieu?

MATHIEU WEILL: Yes, please.

BERNARD TURCOTTE: You've skipped two items under "Administration."

MATHIEU WEILL: Oh, sorry.

BERNARD TURCOTTE: There's an update on ATRT 3 and travel funding for ICANN59.

MATHIEU WEILL: So will you give us the update on ATRT 3 then?

BERNARD TURCOTTE: It was considered by the GNSO at its last call. I think they're still working on giving us a response. And I believe we've gotten some feedback from inside the GAC that they're hoping to give us a response on our request for an abridged ATRT 3 by the end of the month or at least before Copenhagen.

That's ATRT 3 and I might as well keep on going with travel funding. The applications are now open. They will be open until the end of Copenhagen. So we're all going to be very busy. This is simply a reminder. If you want to apply for travel funding, you may as well get it done for ICANN59 in Johannesburg. Thank you. That completes this part.

MATHIEU WEILL: Thank you, Bernie, for the updates. I note that in the chat Greg is mentioning that a question might be coming up this week for the Legal Group. The Jurisdiction Subgroup call is tomorrow, same time as this call. And so it's great to have a heads-up. Thank you very much, Greg.

Now if there's no other comments on this Administration issue, we can move to the Legal Committee update which you've all been expecting. And yes, there are no pending requests. The slides in my AC room are weird, I would say – sort of stuck in the middle.

Okay. And now it's moving better.

And now we move to the moment with some substance – the second reading of the Good Faith Guidelines Subgroup document. And for introduction I would like to turn to Lori to sum up the main items of the document. I think the first reading went very well and there was no very substantial comment or changes made since then. But it's always good to remind us of the content and precise guidelines that we have in this.

Lori?

LORI SCHULMAN: Yes, hello. I will tell you I have not received any [inaudible] feedback. There's been no changes which I'm taking as a very good sign. I don't have the document –

BERNARD TURCOTTE: Lori?

LORI SCHULMAN: Yes?

BERNARD TURCOTTE: You're going to have to mute your speakers. We're getting a lot of feedback from you right now.

LORI SCHULMAN: They are muted. I'll do it again. Is that better?

BERNARD TURCOTTE: Now we're good. Thank you.

LORI SCHULMAN: Okay. I'm sorry. They were muted. I had [unmute them crazy].

Anyway, what I was saying is that I didn't even receive any private feedback. So nothing on the list. Nothing tapping me on my shoulder when we were in Reykjavík last week. So as far as our group is concerned, we're finalized. I don't have the document up on the screen, but if you recall from last time basically the document suggests that in order for – I'd rather actually – Are you putting it up now? We would just need I think it's the page of the report that has the Guidelines. I would go straight to page three to help the group.

But very quickly, the description of the issue is, in order for members of the Empowered Community – the designees of the Empowered Community – to enjoy immunity, which means they would be legally protected from any counteractions from Board members or anyone else in a process or a discussion to remove an ICANN Board member that there should be certain behaviors that are followed and certain processes that are followed to ensure that there is a standard of what we call "Good Faith."

And the group decided as a team that really what we would do is make a very more like an umbrella set of guidelines that how an SO or AC decides to enter into discussion in terms of their own internal processes, voting, procedures, that would be up to the SO/AC. However, there should be an overarching standard for the entire community in terms of the framework around the process.

And so we acknowledge that according to the recommendations in Work Stream 1 that, “A petition for Board removal may be for any reason, it must be believed by the indemnified party to be true, be in writing, contain sufficient detail to verify fact if there are verifiable facts asserted, supply supporting evidence if available or applicable, include references to applicable Bylaws and/or procedures if the assertion is that a specific Bylaw or procedure has been breached, and be respectful and professional in tone.”

And then there’s a second part which I just referred to in the beginning that, “The SO/AC shall have procedures. We won’t dictate what the procedures are but there are certain minimum requirements for the procedures that would include reasonable time frames for investigation by the SO/AC Council or the equivalent,” – whoever the decision-making body is – “if the SO/AC deems that an investigation is required, that there’s a period of review by the entire membership of the SO/AC, that this process is consistent and transparent in terms of voting for accepting or rejecting a petition, and that there’s documentation of the community process and how decisions are reached.”

And to clarify, in terms of transparency, all transparency means in this context is that the SO/AC has a voting method that it publicizes. But the voting itself can certainly be a secret ballot. So the idea is whether or not these guidelines should be a must or a should. And the group decided that “must” – that the guidelines must be followed because there’s enough flexibility under each category. So in other words – and we used this as an example that I think would be helpful for the group – let’s say there is a Board member who wears purple pants to every ICANN Board meeting. They’re wearing purple pants. And they are

appointed by an SO/AC, and their SO/AC decides, “Hey, we’re tired of the purple pants. We’re going to remove this Board member.” And we can remove a Board member for any reason.

So to take this extreme example – and I agree, absurd example but nonetheless an apt example – is that in order for the petition for removal to be valid – it may be for any reason so the reason would be the purple pants – that it must be believed by the indemnified party and the indemnified party is the designee from the SO/AC to be true. The designee would say, “This person’s wearing purple pants and we want to remove them because of it.”

We put it in writing and it contains sufficient detail to verify facts. So what’s the facts? Purple pants. “Well, I observed purple pants being worn at the February meeting and I observed purple pants being worn at the June meeting and I’ve observed purple pants being worn at the October meeting.” Then if there’s any supporting evidence – say we have photographs of the purple pants. It’s available or applicable. Include references to Bylaws and procedures if the assertion is that a specific Bylaw or procedure has been breached. In this case, look at the Bylaws. There’s absolutely no Bylaw against purple pants. So all an SO/AC would do there is say, “There is no applicable Bylaw.” And of course be respectful and professional in tone.

We felt that this is important to remind the community that these are administrative procedures and should be done in respectful and professional ways. Within that, once the petition is there, maybe the SO/AC Council says, “Hey, we want to investigate whether the purple

pants are being worn,” and they do their own investigation. Or maybe they say, “That’s enough.” That’s up to the SO/AC.

There’d be a period of review by the entire membership of the SO/AC. It would be the SO/AC who would say, “Hey, the period of review could be 90 days, 180 days, 20 days. Again, that’s up to the SO/AC as long as it’s documented. And that there’s a consistent and transparent voting method. How that works – the SO/AC would establish its procedures for voting this up or down, and then of course the process would be documented for the community.

So that is how a Board removal for the cause of – or I won’t say “cause” because we have no cause – the Board removal for a member who’s wearing purple pants and their purple pants was not acceptable.

I understand this is an extreme, but we felt like we wanted to put an extreme in so that the community would understand how this works for cases that are much more obvious, of course, if a Board member is accused of failure to perform any of their fiduciary duties under the Bylaws, if a Board member feels, if a Board member impugns somebody in the community, or is spreading false tales about someone in the community. Those are probably more likely the causes. But if you take an extreme cause like the one I just explained, then these guidelines work.

Our group also had two standalone recommendations that we thought would be worth the community to consider. One, that there’d be some sort of standard framework developed and used to raise the issue of Board removal to the respective body – whether the SO/AC who

appointed the member or the decisional participant in the case of a NomCom appointee. So the idea is now is we have guidelines and we have the Bylaws and now we have a sense of what it would take to remove a single Board member or more than one Board member, but we still don't have that operational piece that we think would be very helpful.

Secondarily, we have a recommendation that perhaps it would be a good idea to have Good Faith Guidelines apply across the community. Even though indemnity isn't involved, we feel that the structure that we propose makes some sense, puts some nice fences around process and a framework that could be followed in other areas.

There is no specific requirements for implementing these recommendations. They do comport with the Work Stream 1 report. Our rationale – I'm going to presume that everybody read but I will just repeat a few lines – that we really want to have something that's overarching, not limiting, respecting the Work Stream 1 requirement that Board members can be removed for any cause but still have an expectation and a standard that would trigger the indemnity and to protect those who are actually making the motion to remove the Board member.

I'm going to stop now.

MATHIEU WEILL:

Take your time. I'd like to first open the floor for any clarifying question before I officially ask for any objection to the report being put for public comment as our draft recommendations.

Any question? I am seeing no question. Your summary is very clear and we're all have purple pants pictures in our minds right now. So that's also a benefit of this group, that I think many did not anticipate is the outcome being that we come out of these meetings with very weird pictures of Board members in purple pants. So that's one of the various benefits of this group.

This is really encouraging. Any objection to the approval as a second reading of these draft recommendations and putting them up for public comments before Copenhagen?

I don't anticipate any. I think we have full consensus on these draft recommendations. Congratulations, Lori and the Good Faith Group, for a very clear, concise, and yet very detailed and clear, document. I think it's an outstanding example of what we can do as part of Work Stream 2, and really congratulations on that.

I also would like to make sure that in the action items we have a mention that staff is now to prepare public comment announcement so it can be issued. This also brings me to the idea that we will have three outstanding public input processes open during the Copenhagen meeting. One is the Jurisdiction questionnaire, the second is the Transparency recommendations public comment which has been issued today, and the third one will be the Good Faith Guidelines.

As a consequence, it's certainly useful for everyone and especially the members liaising with their respective SOs and ACs to probably request some time to engage your respective communities about these three public comment inputs, and I would like to suggest that we add an

action item for staff to prepare with the various subgroups and rapporteurs a set of standard slides that we could all use to support this engagement process during the Copenhagen meeting.

And of course, if we can add purple pants as part of the meeting, that would be an extra benefit. I am not sure this has been taken care of in the budget process, but we'll certainly liaise with Xavier and the Finance Team about this in the next few days.

So congratulations on this important milestone.

I think we can now move to the next agenda item, which is actually preparing for the face-to-face meeting in Copenhagen. I think we'll move back to the slides. The key for us in this meeting is to make sure we make the best of our face time, so we would like to give priority to the first or second readings that we could obviously review during the face-to-face. It's certainly very useful in general to have this kind of substantial discussions.

The question to the subgroup is on the screen. It's, "Which are the subgroups who expect to have documents ready in time for the face-to-face meeting discussion?" That means that documents should be distributed to the Plenary with subgroup sign-off no later than March the 3rd, and whether there are any other subjects to be discussed at the Plenary. I would note while you are thinking and wondering whether your group is going to be ready, that we have reached out to the ICANN President and CEO, Göran Marby, in order to offer an opportunity for another discussion with him and the group. And so if this invitation is accepted we would certainly try and fit this in our agenda as well.

Any groups that think they can meet this master deadline in order for us to have a discussion in Copenhagen?

I see in the chat we're still on the purple pants. That's predictable. Obviously that such a discussion cannot die down easily.

Any rapporteurs are willing to update the HR Group is a possibility, Niels. That's what I note.

Regarding a couple of groups that I'm seeing some progress in, is Staff Accountability – are you going to be ready in time for Copenhagen? While you think about it, I see that Kavouss's hand is up.

Kavouss, please take the floor now.

KAVOUSS ARASTEH:

Yes. I have asked three times, kindly to ask the speakers to speak slowly. I have no difficulty to 100% hear you but I have difficulty for Lori. I did not follow what she said as she speaks very, very, rapidly and also very excited and emotioned. Please speak slowly. This is a request, and objection, for the people who do not follow that. Silvia Vivanco has kindly now followed this properly, but others continue to speak rapidly. We don't understand. I'm very sorry. Please, I put three times in the chat and no one read that. And I have objections. Either the chat is working or it is not working. [Inaudible] ask the floor in the Adobe Connection, chat it doesn't work. Please kindly [distinguished] ladies and gentlemen, speak slowly. This is not my mother tongue. Thank you.

MATHIEU WEILL:

Thank you, Kavouss. Your request is now noted. Obviously sometimes difficult for speakers to speak and at the same time follow the chat. So I fully sympathize with Lori not being able to do those two things at the same time. But considering it was a second reading and so on, I think we take note of that and we'll try to follow a pace of speech that enables everyone even if English is not their mother tongue to follow the discussion adequately.

I see Niels for HR is mentioning a possible deadline on March 7th which would be derogatory but probably to you are acceptable and that [there's] objections here. I am aware of the Staff Accountability Group being on track for at least one of the document to be reviewed. Is the SO/AC Accountability Group going to be ready as well, because I think it's making a lot of progress recently? Anyone from the SO/AC Accountability Group here?

Not seeing Cheryl or Steve. Cheryl is on but on mobile but maybe not able to have good audio, and Steve is not with us, and Farzaneh not with us. So we will liaise with the SO/AC Accountability/Staff Accountability Groups. I think Diversity has a questionnaire to be discussed. So I think we'll have a pretty good agenda already on these issues – at least three to four groups' substantial propositions to be discussed.

I noted in the mailing list today comments by Sebastien but I'll come back to that later because David, your hand is up and maybe there's going to be something from the IRP Group.

DAVID MCAULEY:

Thank you, Mathieu. Yes, I wanted to – even though we’re not basically a Work Stream 2 Subgroup – I would like on behalf of the IRP Implementation Oversight Team to request brief time on the agenda in Copenhagen just to give an update on where the IRP Team is. And the purpose is twofold. One is to get the word out to people that need to hear it. They’ll hear it from us in e-mails, but people in the SOs and ACs who have a role in helping to shape the Standing Panel. And I will make that clear also in that presentation. And I will also make it clear in that presentation to people in the room that may be direct customers in the IANA Naming Functions that they have the ability under the Bylaws to craft some kind of special Rules of Procedure if they feel they need it for claims involving PTI services.

The other purpose is simply to remind folks that the IRP IOT is in work to [inaudible] up even for members of our team that’ll be in the room. We face a challenge that many groups do that there’s fatigue that’s set in and I want to re-invigorate the folks that are involved and to help us. The new IRP is in process, is in place, as of October 1st, but the rules, putting together a Standing Panel, and things of that nature, still need to be done and they’re very important to give this new IRP [real light]. So I’d like maybe 10 minutes for an update. Thank you.

MATHIEU WEILL:

Thank you, David. Will you be able to update the group as well on the summary of the comments received in the comment period which ended a few weeks ago?

DAVID MCAULEY: Yes, I will be. We are working on those now and I'd be happy to include in my update a description of what those comments are roughly and where we are in the process of dealing with them.

MATHIEU WEILL: Thank you, David. I think that would be very useful, and so probably we'll allocate even more than 10 minutes for that.

DAVID MCAULEY: Thank you, Mathieu.

MATHIEU WEILL: Sebastien is next in the queue because Sebastien you shared a document and suggested a discussion on the list today, so I give you the opportunity to introduce that proposition.

SEBASTIEN BACHOLLET: Thank you. But first I wanted to ask if you were asking about first or second reading whether maybe it could be useful to have a 10-minute slot for each of the subgroup to explain where each of the subgroup is and to have some small actions on that just to keep everybody informed at the level of [institution] of each in every subgroup [inaudible].

MATHIEU WEILL: [Great].

SEBASTIEN BACHOLLET: And the second, thank you for giving me the floor for that. If I sent the document today, a draft document, then no worry. Everybody can disagree with the whole, with part, change, it's just a document to help the discussion. Because in participating to some of the subgroup, I got very offended at the question that this [can it] be done by the ICANN Ombuds Office and yes, no. Sometime can we put that to the new office created by the CEO at the last meeting of ICANN – the Complaints Office?

Sometime all the discussion also come to – but maybe we need another place to put some specific thing. I would like very much that we have the discussion together. Comment before will be very useful to enhance the document and to allow a better discussion during the ICANN meeting in Copenhagen. Thank you.

MATHIEU WEILL: Thank you, Sebastien. So I would encourage everyone to comment on the list on the proposal that's been shared and we will definitely try and include this in the draft agenda for Copenhagen. And so our action item on that at this point is for staff to reach out to rapporteurs to confirm and in order to establish a draft agenda for the face-to-face which will be shared of course in advance. And if there's anything last minute that comes up, please do share any additional proposal on the list so we can track and try and accommodate the best schedule as possible.

If there's no other comment on the agenda for Copenhagen, we can move to the next agenda item which is a follow-up on a previous discussion regarding schedule and timeline. We've been asking

rapporteurs for some estimates for a while, but also we've been working with staff in trying to plan ahead the various parts of the next steps once the first set of recommendation is approved. And I will hand over to Bernie to try and share what we're seeing in terms of [perspective], bearing in mind that our intent here is to, as discussed last time, is to be able to provide the SOs and the ACs as well as the ICANN organization and staff some visibility about is it reasonable to expect that we would complete our work? We're not trying to set a deadline. We're not trying to press things or rush things. We're trying to do our best to provide estimates that are realistic and that enable everyone to be able to plan resources as well as the volunteers to understand exactly what the timeframe we're working on.

So Bernie, can you try and provide those details about how we will approach this and what the tentative outcome would be please.

BERNARD TURCOTTE: Yes, sir. Thank you. Try to boil it down... it's a little bit... I'll speak slowly, Kavouss. It's a little bit like trying to boil the ocean here. There are a lot of moving parts. I've used one approach here based on estimates from Mathieu and our standard timelines. Mathieu, do you want to take a point from Kavouss now or after?

MATHIEU WEILL: Let's hear Kavouss now.

KAVOUSS ARASTEH: Can you hear me please?

BERNARD TURCOTTE: We can hear you.

KAVOUSS ARASTEH: Hello? Do you hear me?

MATHIEU WEILL: Yes. We can hear you, Kavouss.

KAVOUSS ARASTEH: Okay. Thank you. You could ask rapporteur to give a guesstimate of the timeline and so on so forth. But similarly, you could advise rapporteurs not to repeat what has been discussed and agreed. It happens that in some group, one or two people are absent. The other they may need to agree on something. And they keep with their absent they come and upside down the entire decision of the previous people saying that, “We were not there so we don’t like really that.” That is not a good excuse.

Secondly, timelines for other issues – for instance, IRT – for the Review. We have discussed even in face-to-face meeting, and then you were chairing the meeting and they [can] propose something for 45 days and one year it was almost agreed but now people coming and come back and want to review that. And it is repeated [inaudible] petitions. This is not allowed. We should not repeat because some people want to make [precept] of everything. It is not possible. We have agreed on something which is consensus or which is to the best of possibility making

everything possible for everybody to agree. But I don't think that we should give the time for the people to go to the details.

In the Human Rights we have discussed for weeks that Ruggie Principles may be used as a guideline, and now people say that it's not to be used at all. So this is contradictory because we have discussed. We say it is not good. We said that it may be used according to the circumstances and conditions. And now some people [they would] say that there was no agreement to approve the Ruggie Principles. "We are not going to approve Ruggie Principles." There is no principle how to carry out the discussions [if people do] as such. And sometimes the Chair or some people they are so much flexible and accept everything. There should be some ruling so you could not open the time for forever. There is a limitation. There is a budget limitation. There is a time limitation for others. Maybe some constituencies they have many possibilities. Others they don't have. We are limited.

So please kindly, if you ask more time, put a condition, providing that we avoid not to repeat the issue which has already been discussed. We have to avoid to [repel] reopen the issue and not to go to whatever people says that making perfection [inaudible] of good.

So these are the criteria and conditions. Is it possible to put into the request and I kindly ask the people to put that in the notes that this is what I have said. There is a budget limitation and I don't think that we have ample time to do that in addition of the budget. We are busy elsewhere. Thank you.

MATHIEU WEILL:

Thank you very much, Kavouss. I think it's important to note that indeed in such discussions as ours it's important that everyone follows the process. However, we also need to achieve [stable] consensus. We're definitely working on that in the Plenaries and we want to make sure that we have an outcome that everyone is comfortable with or at least can live with. And our rules in order to close an issue are the consensus assessments that are mentioned in our Charter and as co-Chairs, [we need to] be very careful to use this with the relevant process, which we've been actually improving on in the last few weeks. So I think your point is well noted and I understand where you're coming from on this, and certainly all the rapporteurs are keen to make progress on their groups as well.

Avri, you wanted to speak as well on this point before we get to the details of the presentation? Please take the floor.

AVRI DORIA:

Yes please. Thank you. I want to beg, with greatest respect, to differ on this issue. I think in the subgroups first of all, we don't reach consensus there. The consensus is indeed reached in this group. We reach a subgroup a degree of consensus. I think that we have been working on bits that really until the whole thing of a written document is agreed to, it is a fluid piece. We also have very much agreed that it takes multiple readings. And yes, we say two readings but if after two readings there are still open issues, the discussion should be allowed to continue.

Certainly the Chairs or rapporteurs – and I'm speaking also as a rapporteur here – the rapporteurs do have the responsibility at some

point to say, “We’ve been through this 14 times. No new arguments have ever come up. It’s still a minority of one.” But when a subgroup is still working through things, when there’s still more than one or two people that are discussing and perhaps were not part of all the meetings, we made it a condition at the front that we do things multiple times because not every time – excuse me, I just remembered I was speaking too quickly so I will slow down – we’ve gone through things when we do meetings at different time slots because we know some people will miss some because of work, because they insist on sleeping at night, because they have families.

So therefore, it does take multiple passes and until things have been sent to this group, they are not at the ICANN consensus point. In fact, until we’ve gone through comment and gotten back comments from our communities, we have not reached the consensus point. We’re just on our way there.

And many people who are bringing up issues are bringing up the issues of their community and issues that will come up in comments later. One of our responsibilities is to make sure that as much as possible, we’ve covered every subject as completely as possible taking into account as many of the differing opinions as possible.

So with all due respect, I disagree with needing to put a tight discipline on the behavior of subgroups of, “Once we think we have agreement, that’s the end of the story.” Thank you.

MATHIEU WEILL:

Thank you, Avri. I've seen a lot on this in the chats. The only rules we have are the charter, and I think it's expected and part of the process that we'll see issues that we think we have settled being reopened. That happened in Work Stream 1. That will happen in Work Stream 2. It's going to be for if it's coming again at us from a public comment it's probably going to be for a good reason because some people have concerns or issues, and it's going to be our task to try and find new positions. So I think we need to be prepared for that.

But back to the exercise we were trying to have – now I'm seeing Kavouss. Maybe a short intervention, Kavouss? Because I think we're still on a slightly different topic as the one on the agenda. But I'll give you an opportunity to [answer].

KAVOUSS ARASTEH:

It's not a different topic. You asked about a timeline and this is exactly on the topic. So I don't like this with the line up of those people who delay the meeting and now are coming one after the other and justifying the delay that they have. Two people said that they were not at the meeting. They don't agree with what [have been agreed]. This is not correct. That's all. Thank you.

MATHIEU WEILL:

Thank you. I think we note the different views here, and I want to express the support from the co-Chairs for all the rapporteurs who I know are doing their best to drive this process forward. And that's the case for Human Rights as well as the other groups. And I think we all need to think about how we can support them in their work and in

order to have the group move forward and address any concern that is being raised.

Bernie, would you like to give us some of these ideas about the overall timeline this time and with more some of the delays or timelines that are not related to our ability to find consensus but also related to the various steps in the process as outlined in our charter?

BERNARD TURCOTTE:

Yes sir. Thank you. As I said a few minutes ago, we've tried to break this down into bite-sized pieces that maybe people can understand. If the analogy we've used doesn't work for you, I apologize but we're trying.

So we've broken it down into a few basic building blocks, which is Block A – the CCWG Accountability, approving a public consultation, or the finalization of recommendations. With the timing rules that we have, it says that we need the CCWG community to have the document seven days before the first reading. And in our current procedures we have two weeks between readings. So that gives 21 days. That's just a reality. It's three weeks from the time subgroup publishes something to the Plenary list which is seven days before a first reading. Then there's the first reading. And then there's two weeks before the next reading. I think that's fairly simple.

Next we do public consultations. So Block B. The standard is it takes staff about two weeks from the time that the CCWG Plenary has approved something for public comment, staff have to go through the document of recommendations and clean it up – sometimes it's very simple. Sometimes it's a bit more of a challenge – we have to write up

the prep notice, and we have to work with the ICANN web staff to get the thing up and that's usually two weeks. And staff usually produce a summary of public comments after they're done and that usually takes about two weeks to gather everything and publish a report. But again, those are general numbers. Yes, I understand if there's only four comments that come in, it's going to take less time. But on the usual CCWG comment, from the experience of the last few years, it's two weeks and two weeks.

The standard public comment period is six weeks. So if you add the two weeks plus the two weeks to the six weeks, we've got 10 weeks as a block for completing a public consultation.

Any questions at this point?

Not seeing any, we're almost through all this heavy stuff here. Once a public consultation is done after that 10-week block, it comes back to the subgroup to analyze the results. Here there are two options that are described. Either it came back and there are no real changes that are requested or only minor changes. So in that, we've said it takes about a month – four weeks – for the group to familiarize themselves with the comments that have been made, agree there are minor or no changes to go through it, and then publish, if you will, a final that has to go back to the Plenary – and that is Block A.

Again, based on experience we have about four weeks. The other option C2 is if there are non-minor changes required, meaning there have been significant comments, there are some changes required, the subgroup has to work to recreate a draft that has significant changes in it, and to

send it back. And we're stating that, for estimation purposes here, it takes about two months. If there are significant comments the subgroup has to go through them, has to understand them, has to decide on how it wants to address them, then they have to fix the recommendations accordingly, republish a draft, and get it to the Plenary. And we estimate that's about eight weeks.

Hopefully the painful part is over here. If we use those blocks A, B, and C, the shortest path to completion if we're using one public consultation with minor changes – meaning if there are major changes obviously there will be a consideration if we want to go to a second public consultation – but if there are not, that means there's Block A to get it approved by the Plenary, Block B to do the public consultation, C1 because there are low changes, and then it goes back to the Plenary for approval for final recommendation. So that's three weeks plus four weeks plus 10 weeks plus three weeks for a total of 20 weeks.

So if we walk through that, then we will see – and the order is wrong. It's obviously three plus 10 plus four plus three but I believe the total is correct for 20 weeks. And 20 weeks is five months. So basically if we begin that A process on March 1st, that means we would complete that process on 1 August, 2017. On 1 April, we would finish on 1 September, 2017. And on 1st May we would finalize that process on 1 October, 2017.

Just for comparison sake, if we look at what it takes to do two public consultations – there's our Block A which is getting it through the Plenary. There's our Block B which is the public consultation. There's C2 – if we're going to do two public consultations it's because there were

some significant changes or non-minor changes. So that's a C2 which is eight weeks instead of four weeks. Then we go back to B which means that we have to take it again to public consultation. And then C1 – Sorry, I mixed up the things here. It should be an A. And then we go back once it gets approved by the Plenary it goes back to public consultation and so we end up with 38 weeks which is nine and a half months.

So if we do the same calculations, something that is submitted [to] 1 March to start the process A – i.e. it's going into the Plenary for its first reading – and we're going to end up with two public consultations, it's going to close on 15 December. 1st April would close on 15 January, 2018. And 1st May would close on 15 February.

This is not intended to be a finality and perfection. However, these numbers are based on the experience we had from Work Stream 1 when we were doing these things and to give an idea when the end dates fall if we are doing these things this way. And so some of the things we have to consider also is, should the nine sub-topics be joined at some point – i.e. are we aiming for one public consultation per topic and then join them all together so we can look at the interdependencies between the recommendations in one final report that will go for a big public consultation? Or should we go for separate public consultations but join for chartering organizations and Board approval? [Inaudible] this is the background. I'll turn it back to Mathieu for discussions.

MATHIEU WEILL:

Thank you very much, Bernie. And yes, it was a little detailed maybe for some of us, but I think it's worth going into this level of detail to lift any

doubt that it will not be done by June, 2017. So we need an extension. I think a good thing to be explaining why we're not going to meet that particular expectation and that when we're thinking about an extension, it's safe to say that this should be at least one of our nine subgroups which is going to be going into a two public comment process. I would be very surprised if that were not the case.

So we're really going to go into Fiscal Year 2018, so until a good part even of 2018, with a very high probability. And that's important for us to convey to our various stakeholders, to our employers, because there's still going to be a number of steps. And of course, Bernie did not try and map a key part of the process which is the approval of the chartering organization then the interaction with the Board and so on and so forth. So we need to be prepared for a long haul effort and manage our energy accordingly.

But what we'd like to do here in this part of the meeting is collect your inputs or early feedbacks on the timeline overall, but also on the questions that are currently on this slide because they would be very helpful to provide a clear expectation from the chartering organization as well about how we're going to close. Are we going to go for a incremental sub-topic by sub-topic approach? Or are we going to present our recommendations in the end and at what stage as a full package? And I think we would like to hear from you as a first discussion on this issue in order for us to take that forward, maybe try and draft an approach in time for the Copenhagen discussion which we could have.

I am seeing Kavouss's hand is up. The queue is forming. So Kavouss, you have the floor.

KAVOUSS ARASTEH: Mathieu, is it something [then] that we decide or we just have discussion? This is difficult to take any position either side.

MATHIEU WEILL: [Of course].

KAVOUSS ARASTEH: Also [inaudible] we need to have some but not exactly detailed, some sort of consequences of either way – advantage/disadvantage. Then we'll be able to see which case is counterbalanced to the others. So perhaps we should have either by a co-Chair or by somebody, some of the advantage and disadvantage of this. Otherwise, it would be extremely difficult to [inaudible] apart from the wish of the people that this is best. The other is not. We can't give anything. We don't want to have any Doodle like that. So let us have some more logical process to see what are the advantage/disadvantage of going step by step or going to all together. Whether we go step by step it have some impact to this remaining part or whether we should not have impact on remaining part. In particular for the case of the two public comments. Thank you.

MATHIEU WEILL: Thank you, Kavouss. That's the point of this discussion is precisely start collecting the respective views of the participants and members regarding advantages and disadvantages of these different options.

Sebastien.

SEBASTIEN BACHOLLET: Thank you, Mathieu. First I have a question on this slide, second point and the third point. What is the difference? I have the impression that the same thing say in a different way. But I really think that we need one way or another to have a full report or document from the Work Stream 2 with all the different Work Stream put together and all subgroup work put together in one single document. I think it's will be fair enough to have this happen for public consultation before going to the chartering organization and then to the Board approval. Thank you.

MATHIEU WEILL: Thank you, Sebastien. I think there's no question that there needs to be public consultations before going to the chartering approval. But it can be different public consultations for different parts of the report or different approvals from the chartering organizations or it can be reunited as a package.

I'm noting the arguments in the chat regarding the ability for volunteers to be released once a point is completed if we have an incremental approach. And for the chartering organizations it might be easier to do only one consideration of one package rather than being asked to approve nine different sets.

That's really the kind of discussion we have now.

David.

DAVID MCAULEY:

Thank you, Mathieu. I would like to add my voice as a strong supporter for one public consultation at the end and one coherent document. And I participate in several of these groups and I can easily see potential overlap. And because of that potential overlap there are potential inconsistencies. It's almost as if we're building an Accountability railroad and there are nine groups building track different places. They have to match up at the end. I saw Niels's point in the chat. If it was nine separate reports we could let those folks go who finish early, and there's some merit in that. But I think the balance of equities in this case would go to giving the Board one coherent document rather than asking the Board to sift through the inconsistencies and perhaps having the later groups to finish have their inconsistencies simply suppressed because they were done too late.

I really think one final coherent report would be well-advised. Thank you.

MATHIEU WEILL:

Thank you, David. I note this point on consistency that you've been raising earlier and certainly is an important one.

Tijani.

Tijani, if you are speaking, I cannot hear you. Am I the only one not hearing Tijani?

CHERYL LANGDON-ORR:

No. I'm not hearing him either.

MATHIEU WEILL: Thank you, Cheryl.

[SEBASTIEN BACHOLLET]: We are not.

MATHIEU WEILL: Okay. While we are trying to fix this, Tijani, I suggest we move to Cheryl and come back to you later.

Cheryl.

CHERYL LANGDON-ORR: Thank you very much. I am firmly, I am afraid, in the camp of a single final document. I also think that at least for a number of these issues, we will end up in the two public consultation situation because some of these issues – and like Avri and several other people – I am in all of the groups so I definitely understand what David’s talking about in terms of inconsistency and I also understand what [inaudible] about in terms of the ability for those people who have finished work to be able to get on with other work but I do think the risks are far too great if we do not end up eventually with a single coherent package that has had all its is dotted and its ts crossed and inconsistencies checked for. I also think that it will be a false economy if we do not allow the Support Organizations the opportunity to basically have a look at particularly the larger and more complex issues as a more separate system. For example, Transparency has gone up for public comment at the moment.

That's great. Other topics should, too. But I do think we need to then come back at the end game with a single consistent package.

Otherwise, we are going to have no actual overall savings in time because at the end of everything, groups will lobby for, "hang on. We didn't think of this 12 months back when we were reviewing an aspect of our first package." Thanks.

MATHIEU WEILL:

Thank you, Cheryl. We'll take that in the notes as well as Michael's comment in the chat. It's been pasted in the notes as well so that we don't lose the essence of the argument.

Tijani, maybe your audio is fixed now? Can you take the floor?

TIJANI BEN JEMAA:

[Inaudible]. Yes, do you hear me?

MATHIEU WEILL:

Yes. Very well.

TIJANI BEN JEMAA:

Okay. Thank you very much. Reading the three last bullet points, I didn't understand at the beginning the [contention] behind it but now I see its value and I see the merit of having all the reports be merged at the end because, as David said, there is sometimes overlap and perhaps an issue in a group can be solved by the report of the other groups. So yes, there is a merit of that.

But I have a big problem because we are not going with the same pace. I see that there are some subgroups that are very well progressing and others that are not. So how will we solve this point? Shall we ask those who are very well progressing to slow down or to stop working until the others will reach them? Or shall we address the reports already and... No, shall we not address the ready reports until the other reports come? This is a problem, too. And I see that some subgroups will not finish this year and perhaps not next year because we are not really progressing. Thank you.

MATHIEU WEILL:

Thank you, Tijani. Yes, that's an issue and we certainly need to discuss how we would address this case, although I don't have anything to offer as an answer at this point. But I think the discussion is really useful.

I am going to close the queue after Cheryl because we're getting into second interventions on the same topic, so that's fine that as an initial preliminary discussion we've probably reached a point where a sufficient list of arguments has been provided. But let's give Sebastien, Kavouss, and then Cheryl, the floor, and then move on.

Sebastien.

SEBASTIEN BACHOLLET:

Thank you, Mathieu. I want to support David and Cheryl proposal to have one single document at the end. But taking into account the discussion in the chat, maybe we can suggest the following – that each subgroup go to the end of their work with one or two public comment

and they have a final document and then it's us as a Plenary we will put all that together and then there will be some discussion of what is the decision on some topic who are in discussion in two subgroup but it will be our as a Plenary to decide and discuss to have the final document. I like that if one subgroup finish the work, they are finished and it's now in the hand of the co-Chair and the Plenary. Thank you.

MATHIEU WEILL:

Thank you, Sebastien. Next is Kavouss.

KAVOUSS ARASTEH:

Sorry for second intervention. The topics are so different from each other that I don't see any valid reason why that when a topic is completed we have to wait another X months until we have the last one and put them together.

Second, it would be heavy for the responder to see if [inaudible] of document which are not interrelated, particularly those who do not have various experts to review various things and assign them. Why not at least to try to see whether we have two groups – one group in some [group] of time and some [same of] time and the other in the other group. At least to make it easy for the reader and the responder to have some time and for those who are ready not to wait for the last one. Why not we could not consider having two categories? Category one – those who finish and are interrelated [inaudible]. And the other who finish later and are not interrelated. Is it not a thing that you could study? Thank you.

MATHIEU WEILL: Thank you, Kavouss. Suggestion is noted indeed.

Cheryl.

CHERYL LANGDON-ORR: Thank you very much. Cheryl Langdon-Orr coming back for a second intervention. My reason for coming back is to react in a supportive way for what Robin and Tijani have both noted both in verbal and chat interventions themselves. I think that Sebastien's point picked up on certainly what I was meaning when I first spoke, and that was whilst I am a firm believer in a "do some blocks as they come through" as they are doing obviously in things like Transparency and the more complex issues, but tie it all together at as a final single package. That doesn't mean that we can't tie off earlier on pieces that are completed.

For example, it is quite likely that the piece on Good Faith is going to be tied off quite effectively, quite efficiently, and then left until it then has a final integration into a final package. So it's not keeping the topic open. It is tying off those threads but it's then bringing those threads into a – dare I use my metaphor – well-woven rope with great strength and integrity in the final end game. That's pretty much the way Sebastien outlined the work of the individual work teams at their own pace coming to conclusion but the work of the Plenary – and yes, it may be that a few people will be less involved at the end but that's okay as long as they can be involved – but it'd be the work of the Plenary to bring the final package together.

To be honest, the numbers of people in our Plenary listed as participants and members versus of the number of actual beavers working in the subteams and of course we assume putting the final package together are so markedly different that you are going to have very little effect on the energies of your whole team because the workers will continue to work and the nay-sayers will continue to nay-say. Thank you.

MATHIEU WEILL:

Thank you, Cheryl. I think this was a very useful exchange of initial views. Certainly we need to take into consideration that there are other stakeholders we need to get input from, and that is of course I am thinking of the chartering organizations themselves. But at this point what we have is an initial list of pros and cons of the various approaches, some variance of the approach. So my suggestion is that we put an action item for co-Chairs and staff to summarize this discussion as a discussion paper that we can put on the agenda for our face-to-face meeting in Copenhagen to move this conversation forward and then obviously we will have to liaise with the chartering organizations to understand their own expectations, whether they would agree to such an approaches or whether they have very firm views about how this should be taking place especially at the approval stage.

Thank you very much everyone for contributing to this discussion. Obviously the [math] that we had initially in the slides were inspiring to many of you, and it's good to see that a few figures can trigger imagination on some of these hard issues about our timeline. And I

hope this was as useful to you as it was to us co-Chairs on these issues. And it's good that we can [inaudible] on that and not discuss this while in the rush or urgency of wrapping things up. So I think it's good project planning we're doing here.

And Kavouss, I noted your suggestion. They're not set aside. We're not setting anything aside at this point.

Next agenda item is actually a very short one with one question. "Do we need a Plenary meeting next week on March the 1st?" which would mean that we would base ourselves on the documents received by tonight. I'm not aware of anything in the pipeline that we would be ready in time for discussion next so unless there's any objection, I would suggest we skip the Plenary on March the 1st and consider the face-to-face on March the 10th as our next Plenary and Jorge is also mentioning that there is an IGF open consultation on March the 1st so I think that goes in the same direction.

Okay. So no objection, so staff will cancel the March the 1st Plenary which was a placeholder in case we needed it. So that's clear. And I'm now turning to AOB, and I noted on the list that Avri suggested to raise a point as part of the Other Business in this call.

Avri, would you like to explain the point you mentioned on the list?

AVRI DORIA:

Sure thing. One of the things we noticed in Staff Accountability was that we were getting all tangled up in what we meant by "ICANN." Did we mean ICANN the multistakeholder organization or when we wanted to

refer to ICANN staff, some people started using ICANN.org but a lot of people didn't like that and it was, "Are we talking about the trinity of Board-staff-community? How do we discuss them separately without prejudice?" and having pretty much the same terminology through all of our documents.

Now we're thinking about just using "ICANN" to be the multistakeholder organization and then "Board, staff, and community" as simple terms for the three entities in the trinity that make up that multistakeholder organization.

We could go: "ICANN Board," "ICANN staff," "ICANN community," in each instance but that's a lot of ICANNs to put in the document. But it really occurred that we shouldn't be the one standardizing because again, the coherent document – whether it's one document or multiple documents – need to use the same term so I thought that I should escalate that to WS2 and the subgroup agreed that yes, it should be escalated to this group so I've done so. Thanks.

MATHIEU WEILL:

Thanks, Avri. I think it's an excellent question and we definitely need consistency across our various documents. We've mentioned that in the previous item. My initial suggestion would be to look for volunteers to maybe initiate a draft for our Plenary consideration, maybe in Copenhagen so that we start a sort of a glossary that we should use across the various subgroups on the issues. I think that would probably be helpful.

Giving you some time, Avri, because of the volunteer might be someone who's been already confronted to this and has given some thought about it. But I'm turning now to Sebastien whose hand was raised on this issue, Sebastien, or on another business.

SEBASTIEN BACHOLLET:

Thank you, Mathieu. It was raised for two issues – this one and another one. When I raised this question this morning during the subgroup about Staff Accountability I noted that the question is more important today than it was prior to the meeting in Hyderabad because the staff is now called by the CEO and I guess he asked all the staff to call the staff “ICANN organization.” And as I tried to explain, I have trouble because I was thinking that “ICANN organization” was all staff, Board, and the community.

Then I think your proposal to have a small group working that is a useful one, but we need to reach out to staff and maybe directly to Göran Marby because he is one of who has some power around that and it's an important element to take into account.

That was for the first point and if you want me to defer my second point that we finish this discussion, I will be [inaudible] to do so.

MATHIEU WEILL:

Yes please. Thank you. And I noted your point about If Göran accepts our invitation that might be one of the discussion items. I think that's a very good point.

SEBASTIEN BACHOLLET: And I want to add, Mathieu, that I am volunteering if a small team is build on that to participate if needed. Thank you.

MATHIEU WEILL: Thank you very much for bringing yourself up for volunteer for that.

I see Kavouss's hand is up now.

KAVOUSS ARASTEH: Yes. It is an interesting issue. Sebastien mentioned that ICANN organization means ICANN staff, Board, Secretariat, plus ICANN community. This is one understanding. One of the colleagues not in the Accountability Group but in other group mentioned that we have two categories – ICANN [as] organization and ICANN community. They are entirely different from each other. So there's another version. And then we have to [inaudible] ICANN organization whether the staff is the staff is the staff not part of ICANN then which is good to have something making a clear distinction between ICANN organization including staff or Secretariat [everything] and then ICANN community if that is to be retained. Otherwise, we need to have clear. Currently everyone has its own interpretation. So it merits to be discussed and perhaps at the Plenary meeting if the time permits. Thank you.

MATHIEU WEILL: Thank you, Kavouss. I see Tijani then Alan and then we'll close this item for the moment.

Tijani. Tijani, your mic seems to be muted. That is what appears in the AC room at least.

TIJANI BEN JEMAA: Can you hear me?

MATHIEU WEILL: Yes. Now we can hear you.

TIJANI BEN JEMAA: [Inaudible]. Can you hear me now?

MATHIEU WEILL: Yes, Tijani.

TIJANI BEN JEMAA: Okay. Thank you very much. There is an echo.

MATHIEU WEILL: Can you speak now, Tijani, please?

TIJANI BEN JEMAA: Can you hear me now?

MATHIEU WEILL: Yes, Tijani. It's good. No echo.

TIJANI BEN JEMAA: Mathieu, do you hear me?

MATHIEU WEILL: Yes, Tijani.

TIJANI BEN JEMAA: Mathieu, do you hear me?

MATHIEU WEILL: Yes, Tijani. I can hear you loud and clear.

TIJANI BEN JEMAA: Okay. Very good. Thank you very much. I said that it is really a problem to have people speaking about using the same terms for different meaning. And this came with the new definition of the ICANN organization by the new CEO. I think that the simpler is the best. There is ICANN community, ICANN staff, ICANN Board. Avri said there is too much ICANNs here. There is too much name. We are three parts of ICANN and we need to cull them. So you can remove whatever. You can call them whatever you want but we need a unique definition for everyone. I think that discussing this in the Plenary is very good. A working group for that, I don't know if it is useful or not but it is very simple. We need to agree on a simple name for each part of ICANN. That's all. Thank you.

MATHIEU WEILL: Thank you, Tijani.

Alan?

ALAN GREENBERG: Thank you very much. As has been noted by Sebastien and others, the new CEO is pretty wedded to using the term “the organization” implying the staff. A number of us have attempted to change that and it’s not likely to change so my suggestion to this group going forward – accept that whether it’s optimal or not and work around it and come up with consistent other words. Thank you.

MATHIEU WEILL: Thank you, Alan.

What we’ll suggest is for a very small group will ask on the list who wants to be part of this but to informally – and just on the list – there are no need for extra calls for that – try and draft something that can be used for every subgroup and report that to the Plenary so that we can have a Plenary discussion about this. Let’s try not to spend too much time on this but I think it’s necessary, as Avri was pointing out, in order to ensure consistency and to ensure that there’s no confusion when people read our recommendations and our documents.

So the action item on this is going to be for staff to reach out to the Plenary and ask who wants to be part of this small Drafting Team. We noted Sebastien is already a volunteer and [let’s] not have too many people but start with the document and try and keep it simple. I think that’s a very good advice.

Sebastien, you had another point. I'm seeing a hand. Tijani, is that an old hand?

TIJANI BEN JEMAA: Old hand.

MATHIEU WEILL: Alright. Perfect.

So Other Business, Sebastien.

SEBASTIEN BACHOLLET: Thank you. Yeah, Mathieu, I wanted to raise the issue of where we are with the Ombuds External Review because it seems that there are some discrepancy in what the subgroup was thinking supposed to do and what is the reality today. After the last night I've been saying that we have decided that we were supposed to be involved in the process of choosing who will be doing the External Review. I didn't have any information, any comments, from staff on that – and when I say “staff,” it's not the staff who are taking care of us here but the one taking care of the reviews. And then I wanted to raise that publicly and see if the co-Chair can help us with that because for the moment I hope that we will get some news that our next meeting on next Monday but it's sometime left after that to decide will be very short. Thank you.

MATHIEU WEILL: Thank you, Sebastien. I suggest we craft a request for information and update together offline and – I mean the co-Chairs and you as rapporteur – so that we can request this information that your group needs in time or at least in a [very short] time so we can get updated. Is that okay with you?

SEBASTIEN BACHOLLET: Yes, definitely. Thank you very much, Mathieu.

MATHIEU WEILL: Thank you, Sebastien. So that's a small action item for you to liaise with us on this request for information regarding Ombud Review. And I note Robin's request as well to have the slides discussed today live on the web. It's going to be part of the wiki page regarding this meeting unless I'm mistaken. So I think the answer to your question, Robin, is yes. And that will be sent along with the notes.

I think we've had a good and very productive meeting. If there's no other business I think we can [adjourn]. And [telling] I am very excited to say that our next meeting is going to be face-to-face so we'll be seeing each other in Copenhagen for those of you who can make it for this meeting. And I'm really looking forward to all the progress we'll be making in Copenhagen and all the productive discussion we'll have there.

Thank you very much for this meeting. Safe travels to all who will be travelling there. And looking forward to meeting you face to face or remote in Copenhagen. Bye, everyone.

UNIDENTIFIED MALE: Thank you. Bye-bye.

UNIDENTIFIED MALE: Bye all.

[END OF TRANSCRIPTION]