

CCWG ACCOUNTABILITY FACE TO FACE MEETING.

JOHANNESBURG, SOUTH AFRICA 25 JUNE, 2017 - PM SESSION

>> Ladies and gentlemen, we'll be starting in just a minute. Please take your seats.

>> JORDAN CARTER: Good afternoon everyone. Please take your seats we'll get this afternoon session on the way. I know that of course it's everyone's favorite thing to be coming after lunch when it's nice and sunny outside. So thank you to those of you who are here.

My name is Jordan Carter. Welcome back to the afternoon session of the 25 June session. Our first agenda item and we've got an hour time slot from the Ombudsman group. Will give an update presentation of the work of the group and he'll also be taking through the recommendations of the independent review. There's a set of slides he's got slides available. Sebastien I'll hand over to you.

>> Thank you very much. I will try to give you a sense of what is on the review of the reviewer. I don't know what is on the slide deck here. You short cut my presentation. I wanted to acknowledge and -- I'm sorry it was cut. But there's just six members of the working group of the subgroup participating for the call and the -- I think it's a prime -- at the end of the day we will deliver something but we were supposed to read 23 active participants and I just

took the one who participant to half and now just six.  
But I want to sign them because they are very important and it's important they participate as discussion. Our goal was to review the role of the am boots and the function and as you remember we had had a specific request for our work stream too but also HH2 to the review done. It's what was -- is on the way but we are talking about this review now. I will go quickly to the next slide. So people you're seeing on the slide was the one who have done the review and it's -- okay. Okay. I already go through all that. But environments could be important to know about because after work stream one Ombudsman have two new roles. First review of request and the second is escalation for complaints about PTI names function service delivery and the next -- next slide -- since the last time -- next -- and since the last time, in the environment we are the new ICANN complaint office with now appropriated -- with a complaint officer and it's a big change in the environment when we are talking about the Ombudsman. Next slide. The two people that -- Cameron Ralph did the review. These people made the review. We are -- we have three -- or two phases one was the interview. And we interview in fact and we try to give the right to link to have a broader view of the community. I hope that -- so one that wanted to interview were interviewed and for the rest we are the survey with 84 community responses including three in Spanish.

And now -- next slide. Next slide. Next slide. Okay. Now we go to the elements recommendation. I will try to read this to shorten for some of them. Read the main idea.

Recommendation one. Statement in article 5 of the ICANN bylaws of the Ombuds office charter should be changed to give the office a more strategic focus. Recommendation. The kind of matter the Ombudsman will not intervene and provide some expect to try and why the Ombuds need to -- or can intervene in some instance. Recommendation three. Once ICANN has agreed to revise the configuration for the office of the Ombuds plans should be developed for a soft relaunch of the function. Recommendation four, it's a question about if the Ombuds ask something to one group, whatever the group, this group must have a certain time to answer said proposed 90 days or eventually 120 days with reason and when you read survey report it's a little bit -- more open because it's deepen of each of our subgroup of ICANN is working. The main idea is have a time frame people who are asking or waiting for an answer after a recommendation of the Ombuds they know when it will come back. Recommendation 5, ICANN office of the Ombuds should accomplish timeliness KPIs and need to follow that during each quarter I will and annually reports. Recommendation 6, the office of the Ombuds should be configured so that it has more formal mediation training and within its capabilities. I intervene this morning about the CP, office skill, it could be one way is to think about to use the office of. Recommendation 7. The office of the Ombuds should be ideally configured so that gender and if possible all other form of diversity are taken within account within staff resources within Ombuds resources. Recommendation 8. ICANN should accomplish an Ombuds advisory panel made up of five or six members to act as adviser

supporter, wise counsel and accountability mechanism for the Ombuds. Panel should be made up of minimum two members and three to four members with extensive ICANN experience. Should be responsible for commissioning and independent review of the Ombuds functioning every 3 to 5 years. Recommendation 9. Ombuds employment contracts should be revised to strengthen independence by allowing for a 5 year fixed term and only one extensions up to three years and the Ombuds should only be able to be terminated with cause. Recommendation 10. The Ombuds should have as part of their annual business a communication plan. Recommendation 11. With input across the community ICANN should develop a policy for any Ombuds involvement in noncompliant work that address. I can add in proposed role of function. Proposed report and make sure the arrangement don't compromise independence. How this new function can limit role -- Ombuds subsequently review matter, it's a question of workload, Ombuds be involved in the design or revised policy or process. And the last one is avoiding short cut or substituting for full stakeholder consultation. That's the elements recommendation. So next slide it's about first discussion about other function. You have two examples on the right hand side of the slide about DIDP and diversity and if any of that or other proposed function in the work stream two are elsewhere after that are appropriate it's not an Ombuds function is it a staff function or community function. And next slide. I guess we are almost -- yeah. Then the step and sorry for the typing errors here. Will be for the sub team to prepare draft report taking into account this review and discussing the recommendation and suggesting

way for work. It will need to include the following topics. ICANN bylaws of the Ombuds office. Replacement Ombudsman framework by procedures plans to be developed from the soft relaunch. Framework to respond to a formal request or report. Framework to establish on Ombuds advisory panel. Frame to develop a policy for any Ombuds involvement in noncompliant work. We need to follow coordination with other groups and we need to prepare new schedule when I say that I hope that we will be -- we will try to our best to stick with new schedule suggest for work stream to sub team.

I guess and the end next slide is to thank you for listening and I am ready to try to answer any question but before if you'll allow me, chair is to ask the co-participant of this subgroup their inputs. I have to acknowledge that this is the last slide with the next step it's my own because the time didn't permit to have me any exchange with the member of the group but I would like to ask them if they have some specific inputs it would be great. Thank you chairman.

>> Thanks I guess this is a chance this may be for somebody to -- this is the first read through of the Ombudsman. Sebastien is it safe to say you're looking for comments and proposed next steps. If there are any comments on this. Please start to form a Q in the adobe.

>> I have two comments or questions on the recommendation five under recommendation 8. Recommendation 5 talk about KPI key performance indicator. The topic entire community the

whole board is dealing with problems KPI, who will establish KPI, self-establishment and what criteria. In other area that I know unfortunate this is established the one that do this job himself or herself is KP I. And that not correct. And this is not criteria to say good sufficiently good other good -- the good -- about recommendation 8 you want to add five or six adviser I have no problem but the problem is as I understood to some extent issues dealt with Ombudsman, if you have five or six people it will already be whole world knows about that because one giving another five, five giving another five. How the issue of confidentiality will be expected and then there is another question does Ombudsman, this is not in your slides deal with every issue that somebody bring to Ombudsman even if it is outside the mandate of Ombudsman for instance if I have a difficulty with you with the chair of this group should the chair of this group take to Ombudsman or himself come to me, this is this, or take to Ombudsman? What is the roll of Ombudsman? And -- if take it outside to twitters. This is an issue we need to know. Some issue should really dealt with outside Ombudsman. Have you started to do this one or every point or every action should take to the Ombudsman. The third question is -- the first two is important to answer if possible.

>> SEBASTIEN BACHOLLET: The last I'll take recommendation two. We talk it's page 18. You can see that we have two distinct ways of category complaint. The second is kind of matter Ombuds will usually not intervene and we will have to decide they will try to see with the one who raise the

complaints where it could be treated but it will not be the b  
the Ombuds and the last one is to give some example to allow  
people to know where to go when there is such a complaint. Now  
the Ombuds will not do everything it's clear. It's in the  
current framework and if we develop a new framework or  
whatever we call that person use, we will define what are  
the -- high temps where the Ombuds will intervene where the  
others will not be intervening. Question about the five or  
six adviser it's not to advise how to deal with one complaint,  
it's -- I can summarize that, it's to replace the board  
governance committee and the board -- the board -- the one who  
decide about the -- what is a budget and the payment of Ombuds  
composition board composition group. It's through replacing  
outside of the board to give more independence of the Ombuds  
office regarding the board. That's a proposal reviewer.  
Before answering the third question, was your first one I am  
not a reviewer. I try to give you the best answer I can  
give you but I didn't do the review and it was not me who  
writes all that but I try to give you what I think was in the  
mind of the reviewer as much as I know. And your first  
question was about KPIs, I know that it's a big question in  
a will the of organization it's something we have to work  
out who establish KPI is the office or proposer or somewhere  
else we as a sub team we will have to work on that. I have  
no answer -- an answer right now for now.

>> JORDAN CARTER: It's only KPI about the timeliness of  
dealing with complaint. They are not proposing the office  
establish it's own KPI about how good a job or quality of

work. It's only about the timeliness and just -- I just want to be clear. Not making an argument either way whether they should establish themselves. I think if they do have published intentions they could held account for that which would be a better situation than today. The next person in the Q. Steve DelBianco.

>> STEVE DelBIANCO: Today when me and Cheryl -- hoping to learn your views on whether the recommendations would position the Ombuds office to have jurisdiction over complaints that come up about a particular SOHC or particular subgroup perhaps not following charter in some of the areas we described and it seems as if the jurisdiction is there, but it's not clear from the recommendations if the mechanism of enforcement of what the Ombuds office could do if it determine the business constituency is not following the charter. I realize it's not just an external. Your group is able to add an expand on that. We would invite dialogue to further explore so our revised report can say with some confidence that the Ombuds recommendation position in an appropriate way to hold ACs accountability to own charters.

>> SEBASTIEN BACHOLLET: Yeah it's next on the review. and yes we will as a sub team subgroup work on that and work with you for sure. One of the question we raise and we need to understand not just for your request, it's generally where the Ombuds intervene, where we want them to intervene and what are the -- one of the primes for example question of



confidentiality. It's intervene one step they will say I can't intervene any more but then they have to disclose they already done something on that and you see some little tiny things but we have to take that into account. It's why it's not trying to say yes Ombuds will be able to do it and like that, it's something we have on board and be happy to discuss with your subgroup in the next few weeks to go ahead with this question. Good and important one and as you know I am trying to gather all the request from the other sub team to take into account within the Ombuds framework or future framework.

>> STEVE DelBIANCO: If I may follow up. During the interview, I did with Cory and his team I should an example where the DC sought the advise on new Ombudsmen and Ombuds gave a helpful answer and followed the advise. Does that mean later upon that charter is basis of challenge or complaint of Ombuds they would not have to recuse themselves from that because they participated and advised on the charter.

>> SEBASTIEN BACHOLLET: It's really something we have to figure out. My sans I hope not. If somebody said you came back and done work there. You can't intervene any more. It's why I really would like and I discuss that with the Ombuds to try to have a map of all the function and relationship and see how it fits well not recrating more problems it will not solve.

>> JORDAN CARTER: There was a question in the chat earlier about when this report was completed. And the answer that was posted was that it was June 2017. That information may be interest of other people. That's why I read it out. The next person is Ed Morris.

>> ED MORRIS: Thank you Sebastien for making on this task. We're asking the Ombuds man to do a lot more than in quite frankly in my view required to do. Ombuds rule on one thing, fairness. Steve talked about them charter dispute that's not within the remit of traditional Ombudsman. Have you guys in the group considered that recommendation from George?

>> SEBASTIEN BACHOLLET: No, like that be and yes if you remember well last face to face meeting I produce document with -- asking you feedback on what to do with part of the new function we want to raise will not be on the complaints office ICANN staff complaint office. The Ombuds and no one get feedback on that and give you feedback on that. And now if I take my personal I'm relevant this work being -- it seems to be it's a staff function and if it's staff function we are losing innocence of the Ombuds. Now is Ombuds of ICANN is same as other Ombuds it's part of discussion of this report. That's why I give you recommendation but I advise you to read the report because not specifically the wording you are talking about but the question of how we want to organize the Ombuds within ICANN regarding other Ombuds function in other

organization governmental or private company, it's one part of the report. And sorry not to have take time for that but I concentrate on the recommendation. Thank you.

>> JORDAN CARTER: The next is from --

>> I'm very much concerned about the confidentiality. It's a very important issue. There was a case raises with Ombuds with understanding of language. Before the Ombuds man taking any action the -- and then someone outside those issue put in its block yes this man represent the government of this country has nothing to do with government. At this meeting I'm not speaking on behalf of government or entity. How is use that and try to accuse that person and yes he defending the issue of his government has not to do with that. What kind of confidentiality of that. Issue remains totally confidential of that. Where and how it goes I don't know. Although the issue was totally and fully result before taking any action because of lack of understanding or misunderstanding bad use of language so that -- there should be full confidentiality. That is very, very important. Thank you.

>> SEBASTIEN BACHOLLET: I guess the report say the same thing as you and I just need to add we don't deal with in the sub team with any particular items or question or raise by any complaints at all and I am not aware and I don't want to be aware of what the Ombuds is currently doing and if you need

some interest from the Ombuds on ways to create confidentiality. He need to answer. I will not be the one to say anything. But I wasn't to raise issues that it's something very important in what we want to suggest to the community about the Ombuds office for the future. Thank you.

>> JORDAN CARTER: There's a gentleman in the back. I guess you're not in the adobe room.

>> I was part of this working group. As part of the working group I want to share observation with you. The first observation is person really, really work its very best to get this working group going. And personally I don't understand how we only managed to get four or five or maximum six people active in this working group. On such an important topic. It's something where we as a community really have to work harder on and I beg you not to vent your frustration with that because that report is neither complete or perfect. I think we -- frustration on ourselves so as a practical solution nothing is lost here. Nothing is too late. If read report, community and on n the working group. The -- they deserve more material to work with. Thank you.

>> JORDAN CARTER: Thanks. Cheryl.

>> CHERYL LANGDON-ORR: Again I'm one of those people been to I think I missed two meetings but I been to most of the meetings. I'm coming from the vested process of the meeting. I just wanted to share with you all in particular to the

confidentiality issues that -- share with you my personal experience someone that's had complaints made against know the Ombudsman when I served in chairing position in capacity in other parts of the organization. And I guess that gives me very real understanding of the nature of the confidentiality and I hold the Ombudsman office in the highest esteem in as much as how they deal with confidentiality I have found nothing to fault. However the Ombudsman is not here. He needs to speak on behalf of this office on this. From my experience, I found it a little bit unusual but it is what is that while the Ombudsman will treat particular case with the utmost confidentiality, not the person who is complained about but the person who makes the complaint has every right to go as public as they like. Now I just found that rather interesting. S certainly we had you know blogs done on that sort of things in some cases I've been involved with. I guess understand the confusion of where is that -- breach of confidentiality coming from. The Ombudsman acts in the most utmost way. The person being complained about has to agree to confidentiality. Quite can t complaint does what he want. We might should con seed to that as we move forward as we expand activity that we ask the office as well.

>> JORDAN CARTER: Any response to that? Just checking. Ed.

>> Speak thank you Ed for raiding your hand for me. I'm board liaison to this working group. I'm speaking on my own behalf.

I just want to echo what was said. It's pity that we have few participants in this group. It is a piece of work. As the report has only come out. It's still early day. It's still early for people to report and give comments. As Steve mentioned it will not be sent forward as it is. Working group has to put in their own feedback and comments and add meat around for a vegetarian that's a wrong choice of word. Then send it forward I would -- it's not too late. I would really hope there would be more people join our meetings and participate.

>> JORDAN CARTER: Thanks Sasha. Question possibly not a question. Is your hand is up?

>> Yeah, I don't know that I was going to ask a question but I could. I think we confuse? M things. I think very often before an issue gets to Ombuds it's already a public issue it's already been out and discussed. Often the complaint as I've done when I've taken something to Ombuds I've taken about it publicly before I took it. I think thus we cannot put all these issues into the same basket. Once the Ombuds has v it then perhaps certain rules apply. Perhaps they even require someone that takes an issue to the Ombuds once you've handed it to them then you stay confidential but the issue about to stay confidential does seem a bit difficult.

>> JORDAN CARTER: Any comment?

>> SEBASTIEN BACHOLLET: I think one of the difficult with confidentiality is the office need to be confidential and even if you bring an issue to them they are not supposed to say which issues they get. And times I deliver something if it's decided to be public at that time. When they do the work it's all the difficulty of the situation where one party or even outside of the party can be public and not the office of Ombuds but I think it's something we will need to work out and see how we can answer the question of confidentiality. I want to take this opportunity answer one question from Andrea and supported by Jordan. Recommendation element recommendation of form the review party. I'm just a read of this. I am messenger nothing else but it was important for you to get it as it was available to -- was not available to do the report to you. Those element recommendation if you take the report you take the -- the report but the item is a list of recommendations. Thank you.

>> JORDAN CARTER: Thanks Malcolm.

>> MALCOLM: Thank you I'm not sure of the confidentiality coming to the Ombudsmen. If someone brings to Ombudsman it's because they think something has gone wrong somehow. They are only one of many channels if you thought something -- if you want to see some change for including -- I'm not just talk about accountability process but you might discuss with pierce might discuss with con city chew wents and so forth. There was things you might do. You might want to discuss

publically sol broader community view could form the rights and wrongs of the matter at hand. I think that if bringing something to Ombudsman should silence you in that fact that would A, be seriously problematic in it's own racket, secondly I think it for many people persuade them not to bring things to Ombudsman and remove that as an option which would be ashame so I may have misunderstood what some people were alluding to in saying that but I hope that thought would be taken into account when we look at any changes to confidentiality procedures here and fully aligned with what we're doing on transparency.

>> JORDAN CARTER: Thanks Malcolm. We don't need to keep doing this session if you don't have questions. With that input.

>> SEBASTIEN BACHOLLET: I don't know if I may. But the current Ombudsman may be in the room if we wants to say a few words it will be maybe useful or at least I think as we're talking about your office I would like to give you the opportunity to say a few words to our work stream to groups, please. Thank you.

>> JORDAN CARTER: Good idea.

>> Good afternoon. Herb way for the record. The Ombudsman with ICANN. I don't want to disappoint anybody so I'm not going to get into a conversation about confidentiality. This



is not my session and I have been observing as a participant since the beginning and assisting in any way I can. I would like to invite anybody that interested in discussing confidentiality or any of the roles of the office or myself to drop in. My office is on the 4th floor here in committee room 3. So please, sir if you wish to carry on a conversation or discuss any further please drop in. The confidential with ICANN belongs to the office and each case is different so there are no strict rules about how each case may be presented and dealt with in the community or in a closed environment. So there are no real you know Rule that is have to be followed each case and each individual that's involved helps me make that decision. Are there any specific questions that you have for me right now. If not I'll pass the floor back to Sebastien. Thank you for being here and showing an interest. Maybe we'll see a little more of you in the working group so question move forward with this.

>> JORDAN CARTER: Thanks. I'll just reiterate the suggestion made by a few people now if your interested in this topic please read the innocence report. I'm sure Sebastien will be very keen to hear your recommendation on that report in that paper. Thank you for coming and presenting to us.

>> SEBASTIEN BACHOLLET: Thank you.

>> JORDAN CARTER: And we will now move to the next agenda item. Which is the staff accountability work and with -- I

was former -- in a former life Avri. Sorry Avri for deserting you in that role. It's nice to be on the stage with you.

>> AVRI DORIA: You may think you deserted me. I think you as the co-raptor. Okay. I don't have slides on it. I guess someone made -- let me see what I did with my computer. I was basically going to walk through the recommendations. I have my -- my computer gotten real cute. If I touch in the right place it will go to sleep. It does. I will show you. Okay. So basically you know -- I was very grateful. We came I think at the last meeting and asked for a little bit of leeway in our charter to basically look at issues. So the first part of the report and it's a relatively short report. So hopefully people have had time to read it. It's about six, seven pages. So hopefully people had time. There's a much longer addendum to the report with all the gory details and discussions we had. First we discussed the roles and responsibility. I'm not going to walk through those at the moment but I do recommend that people read them and basically we went through the of who's primary role -- we're using the terminology that has been sort of set for this of their being three parts of ICANN. ICANN is divided into three parts. The organization, the board, and the community. And try to use that language. So part of this effort requires sort of looking at all these things. Who's role and responsibility is it. So the first section of this report looks at it -- looks at the fact the staff role is distinct from that of the board and community and looks at the people. Then the next part of the report looks at issues. What we did there

was we collected individual issues and we got several sent in by different stakeholder groups, different individuals, of problems. What we did was then extracted them into a set of more general issues that the stays we received fell into. Kind of like the baskets of issues that we had and so the issues were things we looked for were systematic and connected. And some of these and I'll just read off some of them. No clear form in which community participants can safely raise and work through concerns about staff accountability and likewise no clear form in which staff can raise and work through concerns about community members behavior or performance. Inconsistent with policy and implementation was also a issue. Concern express of overall culture organization being less focus on supporting community work and policy development. Other areas that touch on community decisions. No institutionalize rout for community feedback to be included in staff performance and accountability systems. Staff may not be consistently ICANN commitment in the way they summarize and respond to recommendations or concerns expressed in public comments. There was concerns about sort of transparency of compensation scheme. What concerns about a particular incident or experience relating staff accountability. And then appropriate methods for addressing request that may exceed allocated band with. So those were the issues that the various reports we received fell in tried to abstract them tried to not generalize them and say they apply to everyone at all times but they were the kinds of issues that people were dealing with. At that point went into the

recommendations. Those begin on page 4 of the document. The first ICANN organization should continue developing publicizing. So involved concise statement. So we basically went through describe the various roles and responsibility as they are now. Talk about the document that exist, and basically said we'll continue relying on it. Number two. ICANN should further development and regularly publish a detail ICANN organizational chart of all employees with clear reporting lines. So that contracted partying and other community members are aware of different level of decision making within each department for escalating and otherwise. That responded to other comment that received about I don't know who to go to. One of the concerns that we had is how do you deal with issues before they become complaints. Yes, at the end of the role there's a complaints officer but people were look looking for how do you actually get something dealt with while it's still an annoyance while it's still a minor issue as opposed to waiting until it becomes a full pledge complaint. Three, ICANN should create a four member panel composed of the -- I guess should be Ombuds now. Chosen by empower community and board member. They will review concerns, issues raised by the community Ombudsman staff or board that at least two panel members determine require further effort. While they work transparently it will edit discretion be able to treat stays require it as confidential. Going back to previous discussion. Very often that the issues that come to that are already very visible and such as require but very often they require confidentiality. One part I should explain after the recommendations there's another

section that basically maps the issue to the recommendation and then discusses them in further detail. Okay.

Four, ICANN organization and corporation with the community and board should develop appropriate internal processes for ICANN staff to raise and resolve any issue they have in working with community members. One of the things that came out in this is it's all well and good for us sitting here as community to say what can we do about staff but as soon as you start talking to staff members, both within the context of this group and just privately you understand there's a shoe on another foot that leaves staff members very often with no ability to get something dealt with because the community members are sort of this in this sacred little bubble that they can't touch.

And they need a way to be able to deal with us as well as we needing a way to deal with them. One of the things that hasn't been expected at the beginning is there really is an equal that when one asks for staff community having some notion of staff accountability staff has to have some notion of community accountability and there needs to be a way to go back and forth. Five ICANN organization in cooperation with community and board should institute information acquisition program. Surveys focus groups info from complaints, office ICANN organization better ascertain overall performance and accountability to relevant stakeholder groups. There's already some of this in place. This is more of a coordinated pulling this together. Six ICANN should continue to focus on ICANN organization as effective support system for multi-stakeholder bottom up mold who champion a culture,

transparently responsiveness accountability -- there should be a regular evaluation recording skull while this may fall within the ATRT purview but may be done in a different manner but haven't gone beyond that. I think the first instinct was this was an ATRT type issue but there was also a strong comment on don't overload the ATRT it's already got a lot to do plus the ATRT has an option to take an issue so with ATRT happening every five years if one cycle of the ATRT decides not to take an issue it could be ten years before you got back there again that may not be adequate. This is a two party. Develop and public service level agreement similar to service level agreement, that clearly define all services provided by ICANN contracted party and service level party for each service and then B develop and publish service level definition that clearly define services for members of the community and department expected service level for each type of service. Now these are still some what under discussion. There was a certain concern by some in the organization and I think some other members of our group that defining service level agreements between staff and community would be very difficult to do. That there may be some resistance in that and such. But there was also an equally strong view on the side of the contracted parties that they have to live by very strong service level great many times that are captured in their contracts and the insecurity they felt with the service level they got from staff warranted their basically being an equal type of agreement on both sides of that relationship. So that was part of that. Whereas when we looked at the service level definitions in terms of the rest of us in terms

of how various constituency stake holders, ACs get their work done there were often concerns about the service levels but nothing that easy to the level of a contractual agreement that could be defined plus there's so many things that the organization that staff do for and with the community that trying to get them all defined in something strict was difficult. This as the next session indicates is really something that would be a process that starts and would be an on going effort. There was a very late recommendation 7A and 7 B. Be decided into two but I asked that that be put off between readings since that meant that would be doing a fourth reading before bringing to you all. There was I wanted to note there was a comment that I should provide. 8, ICANN organization should improve ability and transparency of the organization performance management system and processes in specific how department goals identified and mapped to ICANN strategic goals and objectives. And finally 9, ICANN organization should enhance current community related to staff performance by insuring managers seek input from members during staff reviews. Shortly we'll open up for discussion. Next session taking each recommendation, mapping them against the related issues, and then basically discussing them in a little more detail. Discussing perhaps how they might be implemented going forward and such and I'm not going to read those though more than happy to talk about any of them now. I should state that the group basically did have a consensus on submitting this report though we can continue to word Smith and argue about details for another couple months but we really felt it was time that we basically

got this down and brought it to you all for a first reading with the understanding that the comments we get here may cause a few changes before we come back with a second reading. We did feel it was complete enough and discovered issues we needed to cover sufficiently to bring it to open up discussion and to get some view points. Hi a very agreeable group of people and in the group we basically did a forced weekly march through this and the group was also very good about putting up with rotation times. We continued -- I said putting up. I saw an arched eyebrow on one of the participants. Putting up in other words we really tried to maintain we did two readings at two different times because with a -- with following the rotation of the three meetings, there's at least one time for each group of people that's impossible. And I'm calling it impossible even though I did make it to all of them. But -- well I don't sleep. So -- so we did everything with at least two readings and discussions in between. So different subsets of the group that met all had a chance to talk through things. Hopefully that was a quick walk. It's relatively short I'm hoping you have chances to read it. And that as I said there is an accompanying addendum we've put out that not a consensus document. It's just basically the collection of all the bits and pieces and documents and tables that were creating along the way as sort of a show your work type of thing so that you can go back and see the deeper discussion of some of the issues and such that were generated before we got here. And I'll stop there.

>> JORDAN CARTER: Thanks Avri for that presentations.



Comments on the content of the report of the group's report to raise their hand in the Adobe room. As soon as we finish this staff accountability we'll move on to the next item which is jurisdiction. We don't have an extra long non coffee break. I sent the list of the advising to the same. The firsthand up. Is George not in the Adobe in the room. George go ahead.

>> Thanks very much. For the record George I'm a member of the board and I'm the liaison to this group. I attended about half of the meeting a cup until the middle of the night and I can vouch for Avri's description of the group. The issues were tackled fairly thoroughly. We went back and forth a number of times. We ended up with something that I think has value. I'm here to give what is essentially -- how do I characterize this an incomplete informal reaction of the board to the document. And let me start by saying that you see the report as being composed of a set of issues which were identified and we're not going to take any issue with those issues the roles and responsibilities that were identified and also the recommendations. We think the issues are important. We have a reaction -- a very positive and a neutral reaction to some of them and the really -- but we would like to deal all of them in a way that resolve it is problems between staff and community. It's clear that one of the fundamental problem is there's no -- this is my characterization no safe space, felt there's no safe spacing in which discussions of problems can be adjudicated between staff and community. Would you agree with that Avri that's

your issue number one.

>> AVRI DORIA: I'm not sure I would agree with the word adjudicated because that involves a judge of some sort. The safe space I agree with. Adjudication I'm not sure the group got to that.

>> I'm not a lawyer. I picked that I that was probably the wrong word. Say discussion is fine. I brought this up during a number of times during the call why don't we see if we can get to the heart of some of these issues that are being complained about. The rest of the issues essentially talk about inconsistency between policy and implementation no institutionalize feedback, et cetera. All of those if they are to the extent they are issues, then they need to be dealt with. The way in which the issue space is described is general, and without real specificity and I know that's what you wanted to do in the sense you didn't want to bring individual people and agreement into the discussion and that may been appropriate but it leaves us with the sense of all right these are things we really somebody concerned about but where's the evidence. Now you may have the evidence. I don't know how it was collected but we don't see the evidence. So our sense is that first we need to understand the issues space in order to understand whether the recommendation solved the issue. We like to stay with 2tw the issue space and make the following offer that we would like to start w dealing with these problems almost immediately and we're willing to define

that safe space or we're willing to let you define it since you're really the one have to feel safe in it and then look at the specifics behind the rest of the issue space. Go ahead. I've got more.

>> AVRI DORIA: First of all I kind of believe there's a catch 22 here. We basically did collect specific issues and reabstracted them. Some of them can be found in the evidence of the work N the longer document that defines things. The purpose of the group and what we got approval for was to describe systemic issues. Now I find it personally I haven't take ton the group yet problematic, to say I'm not comfortable with your systemic issue give me the details so I can argue the details and solve the problems and not look at the systemic problems because I only care about the specifics not the systemic. So I sort of believe we're in this funny loop of give me specifics, so that I can solve them and then we don't have a systemic issue any more. Whereas what we did was we collected the issues and such and really have a problem with the notion of this group becoming yet another complaints department for dealing with issue by issue by issue.

>> I understand the catch 22 analogy. I think -- I don't think that what we need -- what we mean to suggest is to solve all the issues. What we mean to suggest is a way of getting at this t specifics so that we can -- we can identify and understand the systemic issue. More at the detail level than the general level. It's one thing to say you have a problem.

It's another thing to say well the problem occurs because of. It may be a systemic thing or a series of random things that are essentially different every time in order to understand whether the -- whether the recommendations solve the problems, it really is use to feel understand the problems space in some detail. So that is -- so we have a problem essentially being enthusiastic what follows without understanding more about the specifics of the systemic problems that you have cataloged and I think you can understand why that's the case. We do think the issues are important but we want to generate more enthusiasm about the recommendations based upon a better understanding of the issue space.

>> AVRI DORIA: May I ask. Is the issue you don't believe those issues are systemic issues that exist?

>> The issues we need to understand that. It's not a matter of belief or not belief. It's a matter of lack of knowledge, lack of understanding which allows us not to really understand that the recommendations solve the problem.

>> JORDAN CARTER: George do you have more points to raise at this point or --

>> I think that's a major point. We're looking forward to identifying real problems. And providing a real solution.

That's our goal.

>> JORDAN CARTER: I think we need to think about that and take that comment as it's offered for a comment for the group to digest.

>> AVRI DORIA: Basically you rejected the notion there are recommendations until such time the board as the board is pleased with the issue.

>> No, not at all. We neither reject or accept the recommendations. You're work is still a work in progress. And we'd like to know more so that we can understand exactly what you're doing and why you're doing. What you're recommending and why you're recommending it.

>> JORDAN CARTER: Thanks George. We'll proceed with the speaking list. Julie Hammer and David McAuley please use the adobe room. It's easier to push a key. Julie.

>> Julie Hammer speaking. In looking at your recommendation 3 where you're proposing the 4 member panel comprising the Ombudsman complaints office ripped from the impaired community and the board member, I guess I have an instinctive tendency to resist setting up more bureaucratic processes and panels and entities so I guess what -- just to help my

understanding I'm wondering if you could give what sort of issue that might have to go to an entity like that that couldn't be say dealt with the Ombudsman himself or by the complaints office itself in isolation. Thanks.

>> AVRI DORIA: I'm actually not sure I got a specific issue. I have to think. Basically this came up in conversation and it was a conversation in which I think the idea first came I believe from the Ombudsman and it was issues that are sometimes complex in terms of is it an issue of fairness, or is it a complaint. Very often when you get these issues and you sort of don't really know whether r the location is so how does the Ombudsman and complaint officer and perhaps more work together when there was a need. One of the things we were trying to be careful of is not make it yet another bureaucratic entity if at least two of them felt you know I've got a problem I'm here I'm the Ombudsman person I've got a problem that involved more than just first, more than just the issues that I've got within my bailiwick how do I deal with it. Can I just sit down and fairly discuss with other. It came out of more that kind of discussion than a specific example. I'm sure we could go back and sort of craft a hypothetical that would do it. But basically came out of that discussion that we have these things the complaint officer and the Ombudsman now who gets an issue. Well if I use the word fairness in it I go to Ombudsman if I'm just complaining to the complaint officer. If I'm sort of winging about something that's unfair and -- but it's kind of related to one of the rules but -- I think it's being done wrong but

it's really not fair and so all of a sudden you get something that's sort of been complex and you really don't know in which of these two it belongs because they have fuzzy borders in terms of is it fairness issue or is it a complaint. It's one of those things I have trouble personally separating it was basically to have this out if something is too complex or something fell into a -- several categories it would be possible to get the bunch of them together and sort of hash it out. But without being yet another bureaucratic entity.

>> If I might follow up. That's really my point. Surely they as professionals can interact on such issues without having to be seen as a panel as such.

>> AVRI DORIA: I'm not sure that they can. And indeed the idea did not come from you know -- you know from me or from the others it was actually -- it started out as a third person panel suggested by the Ombudsman in the meeting and we simply identified it -- I forget whether we added the board -- since it was talking about community members but it was a suggestion that we took and built on. We could certainly go back and add more examples of something that would not you know fall exactly.

>> JORDAN CARTER: I just add to that the thing that I found most useful in understanding this panel was the discussion of bottom of page 5. Where it says panel will not have extra powers. So to me rather than felt like a -- it felt more

like a structure conversation knew knowing that a group of people can tabling. Thanks for the feedback. The next person. David McAuley.

>> DAVID MCAULEY: I have a question and it goes to the nature of the staff and let me preference my remark as a working party leader in one respect I have had a lot of experience with contractors who are staff in a sense and it's been yuan formally supervisor push. This is not prompted by a complaint. My question is just informational if I pissed missed in the presentation. But does your report on dealing with staff does it get to contractors as staff do all the recommendations apply or.

>> AVRI DORIA: Yes the organization has been defined elsewhere to CEO and on down getting paid. As full time, part time contracted staff what have you. It's the whole you know -- anybody that's under the CEOs per view.

>> DAVID MCAULEY: Thank you. Philip Corwin.

>> PHILIP CORWIN: I'm very stressed with everything going on in ICANN right now not being to be critical but thinking specifically of a situation that I and other members of the community dealt with over the past felt that staff over stepped their bounds in a process that ultimately lead to a board approval of something based on that staff action where



the groups filed request for reconsideration to no good affect. So thinking about what would I like if something like that arose in the future that I feel more independent and objective and have enforcement capabilities and I'm sorry to say I don't see that here. I see a four member panels that's noted elsewhere that has no new powers. It's a discussion group and the members of the Ombudsman who are not formally staff is described as independent but none the less paid by ICANN the complaints officer that's who a staff member of ICANN. Representative of empower community which is the one possibly independence person where at least a person more sensitive to community concerns than others on this panel and the board member and my experience in watching board in these situations is that the board tends to be protective of staff. I don't get a real -- there's a lot of other things in this recommendation I think are good ideas and useful and may get out ahead and present conflicts but when there's a real conflict between the community and staff have either over step boundary or failed to -- their authority. I don't get a real good feeling this panel is going to provide anything other than a discussion that's identify by bias to backing the staff. Those are my personal comments. I wish they could be more positive. That's my objective evaluation at this moment in your process. Thank you.

>> AVRI DORIA: No, I do agree and we seem to be somewhere between and betwixt maybe we need to find a more enforceable way for the community to have something more to say about organizational behavior. It may be in deed the case the

direction in which this needs to be reworked.

>> JORDAN CARTER: Also Philip, it's not clear to me whether it was our mandate to create new whether the existing sweet of processes that are being improved in various ways might be better suited to tabling the situation that you've described. But feel free to tell me otherwise on that.

>> PHILIP CORWIN: Well I don't have the particular mandate for this subgroup in front of me but I would think that a group looking at staff accountability and then in the context of work stream too that the goal of which is to make ICANN more accountability would be evaluating whether existing mechanisms for holding staff accountable and intervening effectively when staff act in a nonaccountable way would be evaluating whether the present avenues were sufficient and if not what could be put in place that would be more effective. So that's the context in which I'm viewing this. Thank you.

>> JORDAN CARTER: Thanks. Thank you.

>> I found it a little bit frustrating that having in -- as far as I can remember through the working group we look at and mentioned some very specific issues and then really tried to work out some systematic and systemic issues. I think it was a very valid report we as a group can't evaluate and can

look at every single systematic detail. George I think one of the options to go back to the conversation to the transcription and go back to the people that actually mention and gave specific examples to look at it and work on that any further but I wouldn't note -- on to the working group itself. I would see outside of the agreement. Sorry last -- sorry to the chair. There are some laptops in the room who just simply refuse to speak adobe connect and my does it every time windows updates. Sorry about that.

>> JORDAN CARTER: Thanks.

>> AVRI DORIA: Yes, Claus I think that's one thing we had direct issues and even accusations that we felt it wasn't our business but if we need to pull that kind of you know give me the dirt for the board to be able to accept theres an issue we may just have to do that. I don't know.

>> I'm more than happy to provide some of it.

>> AVRI DORIA: Oh, no I do believe if we are forced to document dirt we can do it.

>> JORDAN CARTER: Moving along Sebastien.

>> SEBASTIEN BACHOLLET: Thank you. Maybe there would be some

choice between what subgroup are doing and the board interest with the work we are doing in general in this working -- work stream too. about four member panel. It was on my paper at the last meeting it was three person one reason I like the evolution here is also because in -- there's evolution on where possibly the Ombuds can end up to be dealing with or to be -- today's clearly is between Ombuds can w ICANN board who decide about -- and about what they do or how they work. They report to the board. If we follow what's on the review proposal then the Ombuds will be more independent from the board. I don't know if we end up like that. But it's one way. And I think it's interesting this -- because every -- three or four legs are useful. Because one of the reasons could be simply the following -- we receive complaints but both or three of us can deal with and who will take the lead or who are I do the job. It's as simple as that. We find example where more than one will need to take part of the job but maybe just to decide which one will be lead and that will be useful toed we have -- two offices -- and the complaints office. I guess I have certain point but I don't remember. That's okay. Thank you.

>> JORDAN CARTER: Thanks. Kavouss.

>> Yes I put seven or 8 messages in the chat. In addition from the very beginning I as participant said this was not necessary at all to create a management inside another management. A staff would not be accountable to committee.

Staff are accountable to superior and superior are accountable to ICANN board and ICANN to community. It could not include the situation it may worsen may create -- unforcible situation and give -- something that we should not expect. We should leave to the Ombudsman office and the complaint office. They are more stuff to deal that. I thought that was not a sensible and useful exercise. Thank you.

>> AVRI DORIA: Thank you.

>> JORDAN CARTER: We worked through the Q in the room. We've heard initially feedback from the board seeking more -- understanding of the problem space. And I think that's sort of a comment we look forward to discussing in the subgroup. Are there any other comments with the plenary on the -- anyone would like to offer at this point?

Lori, go ahead.

>> LORI SCHULMAN: Lori Schulman for the record. I was sort of lurking on some of the calls and I know how much work went into it. I want to reiterate a point I made in Copenhagen I'm not sure reflected in the report. Maybe I haven't read the whole thing. I'm just going by what we saw in the room today. It's this whole issue which I think comes to the core of a lot of complaint is staff performance tied to community performance and should it be. I mean I think that's the bottom line for a lot of things and particularly when you

hear staff pressuring community leaders to get done by a certain thing. That creates a lot of the anxiety.

>> AVRI DORIA: Thank you. Yes, it is in there but it was through discussion got very sublimated and in fact when you look at 8 and 9 in the recommendations and -- the issues it's specific in terms of not understanding necessarily the motivations and such. At one point there had been a recommendation that asked for specifics on the reviews and what incentives were et cetera, now we ran into an issue there of basically the privacy of employees and what was allowable under California law in terms of knowing you know reviews and incentives. So that's why we have 8 talking about visibility and transparency of performance management system in terms of what are the general sorts of things that people are really being rewarded for. What are the sorts of the things that have you know at risk performance measures on them so that we can have a better understanding and then the 9 was when we got a chance to look at the performance measurement practices, and notice that there was a very bright line in there that said community input. And realize there was no community member with experience on actually a manager coming in asking them about some staff member they had direct interaction is why that one became stronger is where the management.

>> Man: Yule says they should get community.

>> Can I follow up. I suspected that 8 and 9 were exactly as

you said. Attempt to address the issue but I would still advocate for not supply mating it to actually put in a way that doesn't violate privacy. You don't need individuals you just need information. You adopt need to tie it to a group or person but just general information that provided with that in my opinion. I would also say I come from an organization where staff support is evaluated and the issues I support I get an evaluation on. It can be done and ICANN be done without violating. I would be happy to share those questions.

>> AVRI DORIA: Thank you. Look forward to have you participate and help get the find. Basically we got to a point got feedback from the staff and board side saying we were going too far and therefore we backed off a little but I'm really glad to be told we backed off too far and should be bolder in what we ask for. To say I got a certain encouragement from this discussion of the bold every approach than the softer approach that we've been trying to take so thank you.

>> JORDAN CARTER: I wanted to make other comment about the approach. One is to have encourage staff to participate in the work of the group on the basis it's hard to try and shape a set of recommendations about a -- what is in large performance but the people effected by it. I think it's important this is isn't a group of volunteers trying to tell the staff what to do. It's been engaged with and get specific

input and gotten specific input from staff in crafting these recommendation. Not as much as we would like. I think that's what everyone --

>> AVRI DORIA: We got senior staff. We haven't gotten regular old staff.

>> JORDAN CARTER: And that's -- so to make that point on the record. The other point to make I think it's fair to say in trying to craft this, we've been paying attention the fact that if we put staff in a position of having two matters of somehow reporting to the community as well as the CEO and the board, we will be creating problems. So none of these recommendations are intended to or in my reading at least have the affect of breaking that line management chain that allows people to have clear objectives set for them. They do tend to focus on making the performance management system more visible and effective. Lori.

>> Just a response to that line. I'm only inputting personal knowledge about this because this is in the world I live here at ICANN I'm part of the community. Back at my association I'm part of staff support. I do understand the tensions that arise between wanting to serve the community well and at the same time having professional goal and performance review and my pay related to certain activity. That all being said what I was going to say whatever solutions are proposed in terms of how community feedback is evaluated it can be properly



weighted. The decision may be made hearsay the feedback but it's not Boeing to go into the score but going into comment. This is the feedback it will be small percentage or high percentage. That's management decision. I think it's fair for community say this is p.m. manage we expect but given the importance of relationship between staff and community. I know that -- I need staff to get -- my work groups done absolutely hundred percent. I also know that if I felt staff were somehow D incentive vice there should be a way to report it and evaluate it.

>> AVRI DORIA: Thank you. I appreciate that. I look forward to having you participate directly in the group if you can and just everyone here what I'm going to do is take the transcript of this discussion and use it as the input that we work through this before attempting a second reading in some amount of time. So thank you for the comments.

>> JORDAN CARTER: Thank you for the input. If I could just finish up I think this session unless there are other comments by urging you George to get a sort of a non draft version of the board input through the group ASAP so that it can be digested and taken on board.

>> Could you -- I'm having trouble parsing that.

>> JORDAN CARTER: So I think you started your comment it was

initial partly formed view of the board we need probably to get to a more formed less partial view of the work to date so we can get that into deliberations of the group.

>> Thank you I understand that.

>> JORDAN CARTER: Thank you Avri for presenting that and taking us through it. Now I'm going to turn the chairing over -- we will have a break but we'll have a break on the scheduled break. I'll turn the Co-Chair role over to Thomas.

>> THOMAS RICKERT: I'd like to invite Greg to the table.

Greg do you want know go first with some explanation or do you want to do the report first?

Greg is going to give a little report for.

>> GREG SHATAN: I was preparing and then I got moved up here by half an hour so slides aren't quite ready. I can send them to staff. Maybe they can put them up. I'll start talking because what you will see is what I'm talking about. First just to go over the progress we've made since the last plan rare -- since the last ICANN meeting ICANN 58 in Copenhagen. You'll recall we were discussing a questionnaire we had open at the time. The questionnaire has response period is now closed quite some time ago. We received a total of 21 responses. And we've now reviewed most of those response responses. We're only waiting for one of the lengthy

responses to be brought back to the group for report and analysis. There are a view responses -- shorter responses to be dealt with. We've decided to give the folks who submitted responses an opportunity to clarify elements. Based on giving them access to our transcript and chat in the like of seeing what we said about saying about their responses. There were some -- there were some probing discussions of some of the responses and feeling was -- might benefit in some cases hearing from those who sent them in. So that cover this is slide you see now. We can move to the next slide. We've also been reviewing ICANN's litigation history which ICANN helpfully post on it's website. 35 cases are there. Of those cases. 15 have been analyzed already. Almost all of those have been reported to the subgroup. 13 are currently under review and analysis by members of the subgroup. Several are only recently picked up. After I got a little more aggressive about getting people to volunteer. We have a group of about 70 people who have signed up for us and 20 to 30 who participate in the calls and yet we only found seven people including dearly departed Matthew. Now we have several new volunteers who have volentasked there's still seven unclaimed. Our hope was to get this done some time in May. We are not on schedule with regard to this part of our work. Next slide please.

We also revised our work plan in April. Redid our timeline will probably need to do that again after this meeting. Most recently we've -- I've create aid chart perhaps I should have done it a while ago. Hindsight is always 20, 20. A chart we'll populate as a group. Collecting all the potential ideas

identified in various identifies. Potential should be capitalize because that's a meaningful point. There are many things that's floated as issues that the group needs to work on. Some of them are valid some may not be valid. So we're going to decide which of the issues are valid. And deal with remedies for those. So I'm looking forward to getting into the heart of discussion on those issues and I'm sure I'm not alone in that desire as well. Next slide please.

Also some of you might be aware there have been some recent discussions and those discussions have involve our Co-Chairs and they had some regard to the breadth of our work and the options up for consideration by the subgroup. So that's really more a matter of Co-Chairs. So I don't -- we can kind of get off this slide. This is just a reminder kind of what happened in -- over the course of two meetings and the week in between. We had a discussion that evolved on the topic. And Thomas speaking for the Co-Chairs. First reminded the subgroup of the method we have used in work stream 1 to narrow alternatives when we came to difficult junctions and perhaps we were getting a bit stuck by seeking the focus on the option that had the most traction and since I'm now talking about Thomas while Thomas is sitting next me. I'm wondering why he's not talking for himself.

>> THOMAS RICKERT: Thanks very much Greg. Thanks for this report. Before we open it up for comments. Let me maybe share with you what happened over the last couple of weeks. I think that some of you have heard there were some debates some heated debates some said they were come to the session

and bring popcorn because they were expecting something entertaining to happen. I would like to set the record straight because those who are not following the jurisdiction mailing list or those who haven't read the transcript of the previous meetings might not get the full picture. I've never seen a working group in ICANN going straight to consensus. So it's perfectly okay for a working group in ICANN to maunder towards consensus. Many that following our work or observing the work of the jurisdiction group in particular have characterized us as not maundering but moving in circle for a couple months which lead the Co-Chairs to discuss this topic and to see whether we could or should offer guidance in terms of how to move this forward. We've been asked Greg for a call which explain to him a way of thinking so this would not surprise him and we agreed I would address jurisdiction sub team. Now the basis basically for this whole debate was that we had three main streams that were represented in the jurisdiction sub team. One of which were asking for looking at ways to move ICANN out of the US to establish ICANN somewhere else. That's what I call relocalization of ICANN. Then we have a group that wanted to make or still wants to make ICANN immune such as the ICRC which is an organization that can't be taxed in court. And then there's a third group of maintaining the state as core. IE keeping ICANN a nonprofit organization based in California and therefore subject to California law. What we establish is theres most traction for the status quo after analyze the discussion over last couple months we also established that there was no chance for consensus even in the subcommittee let alone in

the plan rare for moving ICANN out of the US or out of the California or making it an immune organization. Because that would actually change the legal format. And therefore I've explained this to the sub team and I've asked them to continue their work based on California law as a starting point but keeping the discussion open for all issue there might be. That's basically an idea that's reiterate by Avri that we would not suppress any way about issues that are identified. So subsequently there was someone some were unhappy with way they went, some were unhappy with outcome IE focus on status quo and some were unhappy with the process. So I was criticized personally in my role as Co-Chair and so on and so forth. And others who did not chime in on substance were asking questions about approximate the t process which is why I'm trying to go through the concerns or questions that were raised and I hope I'm exhaustive with my explanations should I not have -- should I not be successful with this please let me know and I'll try to answer all questions that might be. So there were -- there was the question is this -- there was the allegation that this was unprecedented that Co-Chair would do something like this. The allegation this was extraordinary happening. There was the question whether this was top down Co-Chair decision and whether we substituted our views with the views of sub team everyone on the plenary. I think I'm safe to say the answer would be no to all three question. Today -- wrote in e-mail that I dictated decision and I've been called a lot of things but dictator would be new addition to that list. Now if we look at our chatters the not for the chair or the Co-Chairs to make decisions on

consensus. If you look up the wording in the chart it says we are -- basically our burden to designate whether there's consensus or not. What you do is project and end do a consensus card to see what views are coming from what parts of community and then establish what full consensus or rough consensus who are there's via Investigator groups. This issue very complex and we decided very early nonwork team one that we would not do one big consensus could for one big document but we could do very small testing of water in various stages of our work to see what proposes get most traction and whatnot. As you might recall this working method is pretty much based on the GSO way of consensus way of building. When I chaired my first group I was asking myself exactly that question. Can I test the water can I do mini consensus destination throughout the process. I reached out to Avri and also chuck who's one of the most respected folks in the ICANN community and they both confirmed this is okay approach to take. This is I guess what we've tried to copy for the work of the CCWG all the way through. So if you look at what happened in the jurisdiction sub team, I think you will not find in the transcript anywhere that we made a decision but we tried to access consensus and tried to establish who said what. What r they came from and what suggestions got most traction. We discussed this in two meetings. It was not sudden determination but it was done in two meetings we even did a straw part at the end of the second meeting. We added concerns that were opinions that were added to the records earlier to that straw pod and the outcome was that actually the vast majority of participant either spoke

out or they did I not raise objections. There was also mentioning there was there's a silent group of supporters for what I think is minority in the group and our principle always been when we try to establish consensus ask for objections. If they are not put on the record we can't take them into account when doing consensus determinations. So with a group that's 70 people strong with having done two calls we debated this, it didn't end but if you look at the transcript you will find we were report this to the plenary so in any way but the plenary be bypassed. Those that rather pursue their view IE looking for ICANN an immune organization or relocate ICANN to put in minority statement which would be added to the report and then the public during public comments can also chime in and make themselves heard. I think at least I and the Co-Chairs we think we done what we could in order to be inclusive and also in order to follow processes that we have been following all the way through. Now there was one issue that subsequently was discussed on the mailing list and I think that Tiago and Benedict and that was the question of partial and relative immunity so that you would not make ICANN as much an immune organization but you only look at specific issue one of which was discussed with the OVAV issue people toying with the fact of -- seek permission from Opec for that specific issue and they claim that the consensus by the Co-Chair was flawed because we spoke to immunity and that was assumed to be let's say a prevention of further debate on relative immunity as well. And I subsequently clarified that this was not stated. And I can event quote from the various transcripts that the notion of immunity was always related to



the former corporation. For example what I said was immunity base concept or change of place corporation. Soy would establish in the minutes of this call that we focus on the solution that gets most traction. Recognizing this does not eliminate as I think Avri said last week calls we discuss all issues that might arise during the deliberation but actually focusing on the status law being California law. And immunity topic -- let me just find the right sentence. The immunity for ICANN and whether the legal form should be changed to give that immunity. This was interrelated if you look at the transcript. This has been clarified again so I -- so that everyone understands no discussion whether that's realistic or not on relative immunity should be carved out but in fact if you move to substance now if you try to make ICANN totally immunity organization the power work stream one would not be possible any more. One bakes Rules work team two that was we would not reverse decisions that we made in work team one. So I think I should stop this historic review of what happened now. Let me add that a lot of folks have chimed in subsequently confirming that there is consensus for not relocating ICANN out of the US or discussing that further. Tiago and Benedict to also chimed in writing that they could live with the status quo ICANN being incorporated in U S. Keep open the U discussion of relative community so it looks like there is -- one or two others that are still thinking of the concept of relocation and total immunity but that would not present us from moving forward concentrating on the solution that gets most traction IE taking California law and ICANN nonprofit no, sir the US as baseline for further

discussion yet not eliminating further issues there might be. I think if you agree we have a reasonable way forward and with that let me -- I haven't watched the Adobe room for a moment. There are three hands. Benedict you go first.

>> Thank you Thomas. I like to start by thanking Greg and you for guiding us in that very complex process. As you have -- I just maybe to slightly comment on the three main streams that make scenarios that you have mentioned that have emerged in the course of the negotiation of the discussions in the subgroup. In that sense and maybe we have -- I must make the -- we have not fold very closely in the last few months. I had some changes in my team and very glad Tiago has joined us. For some time we have a gap in participation. So I take on board if three streams you mentioned. However, I'd like to recall that these whole discussion jurisdiction and I stand to be corrected but that was raised from day one in the -- in the course of the discussion in the transition by a few litigation including my own, France and others. From day one we try to make clear that by expressing concern in jurisdiction we're not particularly concerns -- we're not encouraging discussion on rare occasion. You have rightly used the term. I like to utilize that term. We're not concerned about relocation. Relocalization of ICANN. We were not particularly concerned those about alternative jurisdiction. We would not think to fix the issue of jurisdiction would require moving to an alternative jurisdiction of any other country. What we said from the begin as good that we were looking for a situation in which

we would be moving from one regime in which the rooms -- the guiding rooms for ICANN lawyer decides on yuan that laterally with no other parties -- no other governments, we are looking of course from the perspective of governments were ever consulted.

We have applauded this but on the other side there was the gap of legitimacy on the lateral force jurisdiction that was imposed on ICANN what discuss work stream one. Work stream provided for transition but there was unfinished business from the perspective that the jurisdiction was not addressed. We thought from the perspective of government of course we know there's different ways of looking at that issue. There would be two ways to fix it. Initially we thought the transition process that leads to us whole stake community including government getting together and agreeing on a new separate rule that would guide ICANN from scratch. Maybe it was naive we'd have that opportunity do so. That we engage in into negotiation stakeholder level which is something very complex. I don't think that was done before. And we step up from the scratch a new organization based on greed rules everyone in the field feel comfortable. Of course we operated unconstrained of sometime and the wing of opportunity proved to be real for some step -- seeing something that was there as a kind of -- that was not realistic scenario but has proved we were wrong. The window was there and had to move. There was realistically not opportunity to engage in which was something -- something group encourage that t course should be explored look into this international law -- simply throw away what was done work stream one. Our party don't think

it's realistically any more to explore that possibility but we think alternative way to address the concern we have was to even if we consider that the legacy of work stream one should be retained we're not talk -- will not be talking more about moving ICANN outside the US or seeking another legislation beyond the California edge alligators but would seek some kind of remedies that would fix some issues that are to be identified in a way to be identified that digress their concerns from countries that have a -- to have some issues of their interest submitted and being litigated in court under the US unilateral jurisdiction without having any kind of say previous engagement. So what we think is in the general default California legislation would find some way to -- identify areas under which are several designed and agreed by all of that guide us through in those areas. We were thinking about some particularly dispute settlement mechanism and this does not mean that ICANN cannot be immune there would be no way to litigate. Only that the rules for there to be agreed and not be necessarily the rule provided by the California legislation. It could even by the California legislation by tend of the day we agree this be the case but that's not what we are entertaining for now. So the three streams you indicated I think those neither of these would reflect what was our thinking because we're not talk relocalization. We are not talking about making ICANN immune. We think it's something should retain very strict accountability measures so we like to see some way to reconcile and we are not maintain officer tiff we want certain stages -- some carved out rules that be agreed some particular

areas so in regard what you proposed I think part of the concerns we have is s that it was presented as a decision that was made by you as -- on behalf of the Co-Chairs and it was submitted to the groups decision to the group. So personally I thank you for explaining the context. And I understand you have tried to play a positive role on the basis of the -- by proposing some way forward. I think the way it was brother propose and interpreted I think some what different and give rise to a lot of concerns including on the part of our delegation in regard to president and procedural aspect. I think maybe -- so in regard what you have proposed we could at least -- we could go along this idea we not pursue recommendation to change. Location of headquarters or -- let's say overall immunity but we don't -- but as we have explained the notion of partial immunity to the extension we are equating partial immunity to the idea to have some set of rules agreed upon -- that not apply directly to California. I think we could not throw this out and we are as Greg has said we are eager to move to into discussion which we identify the issues but we think if we -- from the start we already take out from our preview any solution that by the end of the day. If there is consensus on the bay of issues identified there are remedy I don't think we should not rule out for the possibility even though we work the framework of the existing -- I think it is a discussion belong to the end of the process. Go along -- regarding partial immunity.

>> THOMAS RICKERT: I think all your wishes could be perfectly executed in the work sub team is going to conduct in the next

couple weeks and months.

>> Thank you at the out society a low know sin sir I will express my gratitude to Greg who has -- and tirelessly made every effort to find a way for this very sensitive critical issue. Conserve a lot of time he spent prepare a lot of document fors each meeting and each time he update documents and provide few days before the meeting. That's point one. Point two, Thomas we are not criticizing you because first of all criticism does not resolve the issue but allow you should wait and do the same thing at this very meeting. I'm sure that you have reached the same conclusion that you reached two weeks ago but you're intelligent, young and you want the short cut. Maybe. This is young people. You want short cut through everything.

[Laughing]

>> THOMAS RICKERT: I'm going to be 48 in a couple of days.

>> I spent almost 30 years more than you in the public service. I think you a little bit wrong in the conclusion and very short in saying there's a consensus not to change the location of the ICANN. I don't think consensus -- perhaps maybe it was some sort of reality because 15th of April 2015, when the lawyers start to talk about single membership, multiple membership, designate membership they said these are the things which are allowed on -- based on the California law. Push us from the very beginning to this spot. Some

difficult to get out of that. The whole -- one was written based on this. It is not a solution that we want but we are before -- a complete. As ambassador said at this stage we do not taste this point locate or not locate. We're just looking at what you can propose or we can propose to resolve the issues problems. There are issues and problems.

One meeting before this one in ICANN or -- are we at the beginning of the end or end of the beginning. And today I have the same question. Four months have past. It's not his fault not my fault is the issue. We have to find solution for the matter. At the beginning we were told yes, find difficulties and problems. We have found. And this is find remedies to resolve problems. One of the possible remedy social security this well studied, well analyzed and tailored some sort of idol -- mark limited in order to resolve the issue that many people are facing.

This would be point number one.

We raise the same question with Co-Chair. They said several meetings ago they don't want to intervene. One Co-Chair sitting here. The other Co-Chair not sitting here he resigned. All this issue be resolved by the group. So now group come to you. Come to this meeting. This meeting should provide a guideline for the group. To work on that limited partial tailor studied good analyze sort of immunity to resolve the problem. One of this h at least me -- myself and my country and other countries face -- this was not designed for this actually 1914. This was designed for something else. But now used if there are one under the same name and so on and same context. This is not nor issue. We have to find

solution how to resolve. There might be other problems. There are other problems.

Thomas during my 45 years of working never I had a case that for -- not have any solution. Always a solution. But we need good one. We need collaboration but we don't need -- what we don't need just criticizing each other sometimes aggressively saying I'm sorry to quote you don't understand someone told to someone else. You are out of this. Someone say you making a rhetoric explanation. It's not this. We're looking for solution. Please at this meeting, everybody's here who is against to provide a work of -- to find a solution for the problems that we have. It's not whether the government or private or non private. If we don't solve the problem of jurisdiction we fail to do many, many thing. Please -- to that you put your hand on that you want me to stop. I will do that. Provided that you guide us in a -- this is the first and almost the most important or advise to the group to find a solution of a tailored studied limited or partial immunity for the big problem have one of them is offered. Juror.

>> THOMAS RICKERT: Thank you. That's why we're having this discussion today. I have tried to explain what happened in the jurisdiction team clause we had so far I've heard that the Brazilian delegation is fine with taking California nonprofit as a basis but looking at issue base remedies. I'm hearing comparable message that you're looking for segmented issue based solution none of which has been prevented from the -- from doing with procedure discussion that previously



had. I'd like to move to Johnny -- Tijani now.

>> Thank you very much. You know very well that I hate to disagree with you but I'm afraid I will. Your description of the station and subgroup I don't feel is correct. You said that is three kind of groups inside the subgroup. The first one is asking removing -- locating ICANN from California is the second is asking for making ICANN mutate in and the third one is asking for -- I think the problem and the fight is not about the substance as you're describing. It is about the process. From the beginning, and as you know work stream two, work stream one and 12 describe the jurisdiction in layers. And the first layer mentioned in this is jurisdiction of corporation and location. For the report, I am not for changing the jurisdiction of ICANN from California neither is itself location. This is for simple reason that you all mention it now all the work we did in work stream one was based on California jurisdiction. So if we change it everything would be broken and it would not work. So coming back to the issue. From the beginning, there are people who refused to speak about the one -- our -- all the fight is about the scope and I think this is in my point of view not at all. If we took this layer and discuss it it would be very quickly decided on. I don't remember when of the working group member asking clearly for displacing our -- or changing the jurisdiction of ICANN from California or relocate it from California. But people was -- were angry because this layer was taken off -- of the scope of the group. So it was a problem of trust. I think the trust was destroyed because of

that. And now and I lived very bad moments when the discussion done to a sense more or less because of this trust destroyed. So I think that the problem is not -- I want you to make this effort and to ask the members of the group one by one if there's only one who tell you I want it to be changed. I want the jurisdiction of corporation to be change. I don't think so. So it was all about the process. I think that we have to rebuild the trust and the proposal of every Avri is best one. We have to do with the work step by step. And we have to adjust the case where we have minimum of disagreement. So let's take the first -- the first step is to discuss with the assumption that we would -- jurisdiction will stay in California. I think that is the best way to do it. Never stay it's out of scope. It is in our scope. We have to discuss it. Thank you.

>> THOMAS RICKERT: Thanks very much Johnny. Maybe we should take it off line and continue at break or meeting. Think we're aligned. We had -- who suggested ICANN to India -- also on the subject of immunity we have such intervention and sole purpose of the Co-Chairs of the intervention at the time was to let's say remove those schools of thought and take exactly what you suggested and Avri said let's take the basis as being California let's look at every issue and then try to find solutions within that framework and that is what I heard from Tiago and Kavouss and you have a quick follow up.

>> What apartment and others were saying were discussion on

meeting list. We never put an agenda and discuss it. If we put on agenda we have work done and we then decide on it. We try to find consensus and the consensus would be very clear. So the problem is that it was removed from the scope of the working group. That's all.

>> GREG SHATAN: I think the problem was it was brought up prematurely multiple times when it was not on our agenda not in our work plan and therefore I would not put it on our agenda and the conversations would stop only to start again. And we've repeatedly had our focus take a way and we only have one hour of call a week but we have 167 hours in between to deal with the mailing list. So a lot of our work is done on mailing list. For the mailing list to be overtaken time after time with discussions of immunity of making ICANN an international public organization and other such things, just repeatedly drove into a ditch. We had can goat discussions as the ambassador indicated of specific immunity limited remedy, licenses, whatever you call them, they kind of all in the same spectrum at the appropriate time. But getting into the -- having it brought up repeatedly is kind of like repeatedly serving ice cream during hors d'oeuvres of the banquet some people eat the ice cream and get distracted by the end of the meal nobody wants ice cream any more. We need to put that away and put the exotic flavors away and focus ourselves more specifically. I think this is a necessary effort to focus the group. My general approach has tried to be to let people have some what their -- give them some head way. And not to clamp down tightly and perhaps I've been too lax

in that regard. I've seen in one of the subgroups chuck, one of the kindless, made the same. I taking over the group. I think that's where we're going in how to deal with things. Issues and tailors remedies.

>> THOMAS RICKERT: Let's now move to David. I see a couple more people in the Q which I would like to close after Parminder.

>> DAVID MCAULEY: I'm reminded of difficulty of this discussion as I agree with the last three speakers you Thomas Greg and Tijani.

Tijani I disagree a little bit. In annex 12 I think the genesis of difficulty. It's not the clearest document in the world. That represent what we did in work stream one perfectly understandable. I have no inquiry with that. I think a holistic reading of annex 12 would -- or leads to me to the conclusion that the scope of our work in work stream two subgroup jurisdiction is to look at jurisdiction in the context of dispute resolution. It's an arrow scope. I agree -- I would absolutely con seed that point but I think that's what it is. I think that's what we said and let's recognize two things. One is we have now this month burned through the first stream of work stream two. As we extend into -- we don't have until next June to work out work stream two in jurisdiction. We basically if we go for public comments we have until November. So the time frame of work stream two is narrow and I think the scope is. Luckily I

think the issues are getting whittle down. I think there's a focus on partial immunity. I would note that anything short of absolute immunity is partial immunity. Partial immunity can be very broad. Who defines what partial immunity is. Who gets behind that and workings on it. What resources would be expended on defining. Do we in work stream two subgroup do we have the capacity, resources and skills to grapple with partial immunity once we define it. I would venture to say just defining it would consume all of our time and effort. I think we should be looking at the gap that exist if there is one between the enforcement accountability provisions we adopted in work stream one and the ability to effectively enforce those in dispute resolution forms and that's the narrow scope I think we are achieving. I'm not against partial immunity. I just think there are other form that need to address, define it, grapple with it, and find out who even asks for it ICANN ask for it community ask for it.? Who controls what's asked for doesn't get expand. There's much in that and so my point is I think we should stick the fitting in I read annex 12 and that's work on jurisdiction as it affects dispute resolution. That's plenty of work for the group we are and the time we have. Thank you.

>> THOMAS RICKERT: Thanks very much. And just briefly respond to that. Even if we conclude that the -- that it is okay for the sub team to look into partial immunities that subject to further analysis and ultimately to sub teams and plenary consensus. Let's now move to --

>> GREG SHATAN: Reflecting on the work we did in work stream one and general working method is look for solutions that are narrowly tailored to solve the problem at hand and cause minimum of disruptions. I think there's something in the final proposal that lays out that concept and that's still our concept for work stream two. Perhaps partial immunity as you indicate it could mean anything less than total immunity. I think that's wrong term to use. Targeted immunity. The idea remedy has to fit the problem and not just you know create some sort of broad generalized change.

>> If you're looking for a term I would suggest well defined narrow immunity and again I think best pursued in another form. Thanks very much.

>> THOMAS RICKERT: Olga is next.

>> OLGA: Thank you very much. Thank you for your work. I don't participate in the calls but I do follow the list which is extremely complex and it has a lot of very difficult information for me being an engineer. So I'm not a lawyer but -- what I see is -- it's an interesting -- I would say in Spanish we have a say [Speaking foreign language] how do I say that in English. A proposal to improve. We would be okay with no relocation. We're saying that's fine. But having us start a school not changing anything. We saying -- that would not pro[Speaking foreign language] we would be in same place started. We take all this effort move

towards something better for all us. It's extremely complex consensus in groups of interest. We realize that. But exploring the option presented by our colleague from commercial Benedict Brazil and supported by other members in that group about in partial -- which was that Greg relative immunity something like that could be something worth to explore. What I would -- be glad to review is possibility of having a legal advise specialized in international law. Outside the scope of the United States law. As I said I'm not a lawyer I'm an engineer. Maybe this is not an exact comment but I didn't see we have that international advise and it could be good to have review other examples of international organizations that could have a similar -- I know ICANN totally unique but other some how we find other organization that could face the same challenges and maybe we can have some examples to learn from. Thank you very much.

>> THOMAS RICKERT: I guess that's exactly the solution base -- issue based discussion that's going to take place in the jurisdiction group. Let me add so this is clear. When I say status quo that's a parting point. Then we take point -- taking tailor made issues. I think we're lined as well. Jorge is next then Philip and Parminder.

>> JORGE: Thank you for giving me the floor I think that I expressed my reservations with procedure which was followed on this repeatedly on lists and I think that it's in a way sad that we r have lost very valuable time during this meeting

to rediscuss this scope issues we had discussed already. I think that very slowly but constantly we were moving in the direction of looking at the issues based on the questionnaire which I proposed in -- or before. And the that analysis of the cases that a few volunteers and I'm not one of them unfortunately due to other obligations were analyzing and I think that would have been the natural way to go to look at the issues. And after looking into the issues analyze what could be the possibles remedies. Remedies that could make sense that could gain traction and consensus within the subgroup CCWG, and if we had done that we would be discussing issues today and not discussing compossible remedy whether we discuss later on yes or no. For instance whole issue of immunity we are not at the right step toes discuss them because they would be remedies and we have still not discuss the issues. And so I really am a bit sad that we didn't follow that tract and as to the procedure issues I have stated them as stated before. Well now we are at this juncture. If this plenary we will go along the lines suggested before by ambassador -- and others I will go along with that. But I would really caution against awkward procedural solutions in the future.

>> Thanks. Phil.

>> PHILIP CORWIN: Thank you very much Phil Corwin for the record. Today is June 25, 2017, one year ago on June 25, 2016, the United States government still had a special



relationship with ICANN that no other nation enjoyed and that's no longer the case. So whatever the concerns are about ICANN being located in the United States those concerns must necessarily be lesser today than they were one year ago because on October 1st 2016 the United States government above the transition of the IN root zone function away from itself and to ICANN. Based on approval of a plan created by this community in which ICANN would remain a private -- an organization, a corporation lead by the private sector in civil note is which government had advisory role and with accountability program developed by the community over several years and at a cost of many million dollars and legal advise for effective accountability framework within the context of California nonconnection -- that's where we are today. As far as context of subgroup on jurisdiction I want to commend the chair and also the chair of full plenary of a great deal of patients in letting participants in the group who some of them clearly had a desire to relitigate the issue of California incorporation for ICANN to have a full discussion and to the point where it became clear that it was not and would never been consensus within the group to change that basic legal framework and I'm hardened to hear from many speaker today they no longer regard to basic question as being open further debate. So far as partial immunity I'd say two things in it. One I'm not sure I understand the concept to me I'm not trying to be funny. It sounds like being half pregnant I'm not sure it's achievable. I also remind other particularly talk about changes in California law that states United States have no power to create exceptions from federal

law from corporations incorporated within the states. That's not within the power of any state within the United States. I'm not -- yet not personally heard any compelling case for any form of immunity for ICANN. I have no objection to that being discussed as long as discussion does not go on forever which brings to final point in this -- and this I commend the remarks by David McAuley. The clock is ticking. The community had to support additional funds in the new physical year for this jurisdiction group to continue it's operations. Though t likelihood of those funds being extended yet got at into another physical year are very low. I hope that members of the jurisdiction group would focus on what is achievable and is necessary to address which are jurisdictional disputed involving ICANN offices and should be outside of the United States. ICANN dispute resolution for contracts between ICANN and non US providers and hopefully we can achieve that because extended discussion of non resolvable issue may well result in this jurisdiction group never being able to issue even a preliminary report and important things that should be addressed not being addressed. I'll end my comments there and I look forward to further participation many the jurisdiction group. Thank you.

>> THOMAS RICKERT: Thanks very much. Now we turn to Parminder. Is there brief response. Parminder. Benedict wants to make.

>> I just want to make a point couple people that proceeded

me talk about the need to move and target consensus. We are engaged in process. We want achieve consensus but not actually sake of consensus. We respect each other position to the extent there would be some views and some very strong feel that are not address even though there may be consensus on -- from -- it's strange because the consensus apply here are different from consensus we demand from government when they come together because government don't have full consensus I think some of the people in the room we can't influence but when we move to a wider community exercise the opinion of government even if there are represent a large number of government they cannot con seed. The point is we are not too much concerned ability the show of having let's say some very strenuous time bound. We're looking for good decisions we take back home that are accountable for government we cannot justify -- without having placed some at least some set of rule that gives us conflict that justify before a government congress what we are doing here. We take on board concerns expressed by private sector. In the extent in the mode stake holder address our concerns in respect of others and how many fathers -- would be a fake exercise, thank you.

>> THOMAS RICKERT: Thanks very much. Parminder floor is yours. We can't hear you. Maybe you muted your microphone. So Parminder is typing in the chat.

Let's give it a few more seconds.

>> GREG SHATAN: I'd say -- first I fully intend to succeed in this subgroup. Second when we do succeed there will be

ice cream for everybody.

[Laughing]

>> THOMAS RICKERT: We're going to move to coffee in a moment. It looks like we're pretty much ahead of schedule. So we can give a little bit of time back to you. Parminder I'd like you to send your intervention to the mailing list. There seems to be technical difficulty. I would like to thank all of you for your intervention during this discussion. Clearly showed that what we've concluded --

>> May I suggest the contribution already sent to the list. Think for the record they hold -- [Indiscernible]

>> THOMAS RICKERT: All of them?

>> I'm saying this because of our discussion he has made a lot of people -- [Indiscernible] not taken on board it would be just fair he cannot participate live read what he's expressed.

>> THOMAS RICKERT: Yes, well there's a -- we're going to try to get a dialogue. What I suggest doing. You know there's not much more for us to do other than summarize and adjourn. Let's have a ten minute coffee break now. Hopefully Parminder have I have technical to speak. Thank you 10 minute break.

[Brief break]

>> Would you please be so kind to be seated. Parminder is on the line to make his comment.

Can we please get the recording restarted and I'd appreciate the signal from Brenda when that's done.

The recording has been restarted. Can we do a little test to hear you.

>> PARMINDER: Yes. Can you hear me?

>> Yes we can hear you all right. Just wait for a another 15 seconds.

I hope that everyone will be seated by then.

Great. Parminder, I think you're good to go. Floor is yours please.

>> PARMINDER: Thank you so much for giving me this opportunity. Since I have put my points on the e-mail at the moment I will be brief. The first point is my main concern remains about the process and the manner which the -- CCWG was made. Today spoke about this that is not unprecedented because earlier in work stream one the chairs have gone down -- possible recommendations but as was discussed by many people here we were simply not at the stage of making the accommodations and that was a conscious decision of the group and the group December chair that we are in the statementing

of issues. Since we were not at the stage at making accommodations I do not see the need and basis for coming -- [Indiscernible] the recommendations. In this matter I would almost entirely copy what Tijani said. I think there was a lot of trust other people have pointed out including on the chat window. There have been other interventions describing the intervention. They should take -- of accommodations -- from a different range of people with different views on it. We are not the stage of make accommodations -- [Indiscernible] the range of accommodations. Number two since this is being thought the group now take off place of incorporation discussion from the table I want to be on the record I do not agree to take off any such possibility from the table because Tijani said we are look add the jurisdiction and this is one area of jurisdiction -- and I really do not expect this group to give recommendation of change of incorporation. I know that but that does not mean we do not discuss the issues which possibly point to that kind of requirement and that cannot be taken off. So I put on record I'm against nit that particular issue of the record. Thomas also said today something I'm not clear about and I would like him to repeat. He said the state go -- this is -- it's obviously state going to proceed because that's really hard but that is different from proceeding from the state of scope will not be change of business is that the business -- that will not be the basis. I'm not also clear what is basis. [Indiscernible] it will not be changed that has to be clarified. The point is immunization I welcome it. I've been talking about lot during the discussion. I

[Indiscernible] to take opinion on whether we can have immunity even -- under California law which I think we can. I've also pointed to the sources including from ICANN sponsored study have been spoken about. I welcome that discussion and that's a good thing to go about. However I would request the chair -- [Indiscernible] that was made wanted the incorporation wanted to go to India. I never said that. I've very care informal making such comment. I can promise -- [Indiscernible] saying it's undemocratic I would have stood by you. About [Indiscernible] my e-mail discussions and -- [Indiscernible] could make such summarization that -- [Indiscernible] to be taken to India. I think hugely object thible. I think make -- I ask the chair to withdraw that and go back to the archive where I would have said it. So that's all. And I wish the group the best. Thank you.

>> THOMAS RICKERT: Thanks very much Parminder. It was good that we had you on the phone line. There was one point you asked before clarification if I understood you correctly that was about my statement on the status quo I will get back to that in a second. I think in conclusion for this debate what we can say is this. All the sub teams are discussing different ideas, different options. And if a sub team drops an idea, then lit never come to the plenary. Only in this instance there were a couple of request that the conclusion of the last sub teams call on jurisdiction would be brought to the plenary and I've gladly proposed that we would have that follow up discussion and we just had that which I think

was very informative and necessary in order to exchange views make it possible for everyone to hear all arguments, make it possible for those who sympathize with those who object to what was proposed to put themselves into the line but I think what I heard today is more conversion to towards consensus. We now have a clearer path and way forward for the sub team to work on and that is a -- this is going to be the repetition of what I said earlier. Taking California law as the status quo as the starting point for building further solution to issues that the group might identify and discuss to then come up with tailor made solutions. And partial immunity could be such solution contract language could be similar -- work on dispute resolution could be some of those solutions so that word is entirely open and I would -- I'm looking forward to the discussion that are going to be chat by Greg in the previous couple moss. With that I would like to end the session. Thanks so much for all of you including the remote participant and I'd like to hand over to Jordan for closing remarks.

>> JORDAN CARTER: Well done everyone for going to this point in the afternoon. We've had a day of working through a number of updates from subgroups. Some first readings, report back on the Ombudsman independent review and in general of those I think you can see the progress of the subgroup of CCWG are making and that is good news because as we know as we may have h a one year extension today through to next June I think I'm in the club that says that's likely to be the last one. It's good to be see some on the way. Thank you to all the



raptors and contributors in the subgroup doing the heavy lifting on this group. Thank you to all the members and participants to the CCWG for the work and effort you put toed and all the meetings previous face to face beet meting. Thank to the support staff and technical staff who help the reality of the staff Ma happen today. Applause on that.

[Applause]

I don't know if I've forgotten to thank anyone else. Thanks. Oh remote participant. Specific category in this category in this group. I think with that we can call this meeting adjourn and the next meeting will be online some point in the future. Probably in July. Thanks everyone. Have a good afternoon. Enjoy the rest of your ICANN meeting.