
OLIVIER CRÉPIN-LEBLOND: Good morning, good afternoon, and good evening everyone. This is the cross-community working group on Internet governance call on Friday, the 9th of February, 2018. Today, we are going to be looking at the whole agenda around draft for the new vehicles [inaudible] the cross-community working group. Rafik will take us through this and then we'll have a quick update on a follow-up on the WSIS Forum workshop proposal, which we were told was agreed by the ITU process. Then, any other business. Does anybody wish to add any further points to this agenda? I don't see anyone putting further points to the agenda, so let's go for the roll call, please. The agenda is adopted.

NIGEL HICKSON: I'll just mention [inaudible] in any other business.

OLIVIER CRÉPIN-LEBLOND: Nigel, I can barely hear you. Sorry. Nigel Hickson, can you start again, please? Try again.

NIGEL HICKSON: Sorry. Under any other business, could we just touch on the Mobile World Congress in Barcelona?

OLIVIER CRÉPIN-LEBLOND: Okay. We'll add that to it. Thank you. Let's go for the roll call, please.

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DESIREE CABRERA: Okay. In the room we have Olivier Crepin-LeBlond and Rafik Dammak for the chairs. We also have Avri Doria, Barry Cobb, Jim Prendergast, and Zakir. For staff, we have Adam Peake, Nigel Hickson; and myself, Desiree Cabrera. Also, it looks like Laurent Ferralli is joining us right now.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Desiree. Anybody that we haven't listed today on the call? Okay, the roll call is complete, and therefore let's go directly to agenda item two. That's the new vehicle to replace the cross-community working group.

As you know, the GNSO Council has provided the working group some time to come back to it with a new vehicle of some sort with a new charter to replace the cross-community working group structure, which is seen as being not following the cross-community working group rules as such. So, a new vehicle would probably suit the group better than what we currently have.

To take us through the draft, we have Rafik Dammak. So, I hand the floor over to Rafik. You have the floor.

RAFIK DAMMAK: Thanks, Olivier. Thanks for setting the scene. Maybe as a reminder, we were tasked by the GNSO Council to provide a proposal for a new vehicle. So, we have the draft that we are working on. We are supposed to deliver between ICANN 60 and ICANN 61 in February, and the next Council call is the 22nd. We have the deadline for submission [inaudible].

We are not submitting a motion [inaudible], but we have to share a proposal so the Council can review and discuss. We have to finalize and submit by next week, so to be on time for [inaudible].

So, I think what we are trying to achieve today is to over the rest of the document and see if we need to make some amendments. After that, I can do the cleanup and share it to the list. I'm not sure how we can really make a call for consensus on time, but we can discuss it later, internal procedure.

I will share my screen, so you can see which part. Let me share my screen. Okay, can you see the Google doc?

The last call, we issued the [inaudible] development of position paper and statement. So, we made several amendments to the first paragraph, but then we have to go to the next, which is the review of the CCWG public consultation. Here, it's about – I think maybe we need to do some ... Be consistent here because we are talking about public consultation on interim paper, but I think we moved from that and we are talking more about ... So, the idea here that we can have that process to make public consultation when needed and that we should contact our [inaudible] organization as appropriate.

I hope that everyone can see. If you have any comments or suggestions, please do so. Olivier, if you can help with the queue, because I cannot see that easily.

OLIVIER CRÉPIN-LEBLOND: Rafik, just to confirm, I will flag anybody in the queue or anything that's written in the chat.

NIGEL HICKSON: Rafik, it's Nigel Hickson. Good afternoon. I had some comments.

RAFIK DAMMAK: Yes, Nigel. Please go ahead.

NIGEL HICKSON: Yes, sorry. Right at the beginning of the document where we set out the specifications and the target and the objective, did you want to have a look at that? We could do it later or whatever, right at the beginning of the document.

RAFIK DAMMAK: I'm going there, yes. What is the issue, Nigel?

NIGEL HICKSON: Nothing Earth-shattering.

RAFIK DAMMAK: I am on that, yes.

NIGEL HICKSON: If you go up a bit to target, before specifications, it says target. Right at the beginning. Yeah. There are some changes. I'm not suggesting these are important, but there are some changes that need to be made there because it's ICANN 61. So, you need to perhaps adjust in terms of when it's going to the GNSO and things like that. These are really minor.

RAFIK DAMMAK: Okay. Thanks, Nigel. I think it's maybe something we need to discuss if we need to keep this part or not when we submit the proposal. I think we should keep it probably [inaudible] to put the context in there. [inaudible] use this for our work. I think we can update to make it more ... With regard to the dates. Yeah. We can do that. Okay. Thanks, Nigel.

Coming back to the paragraph, here we are talking about the review of the public consultation. Well, I don't see any specific problem with the current wording. I think it's fine. But, if there is any concern or comment, please do so.

OLIVIER CRÉPIN-LEBLOND: At the moment, there is no hand up, Rafik. But, Jim Prendergast has a broader question for the group that is not specific to language in the documents. So, perhaps, could we give the floor to Jim?

JIM PRENDERGAST: If this is the right time. I guess, just stepping back, I have an operational question that I think I know the answer to, but it would be helpful for those who are more familiar with the drafting the document answer.

Earlier in the week, Renata had posed a question to the group. Will the CCWG participate in Plenipot? The question struck me a little bit in the sense that do people envision this group participating as a body in non-ICANN Internet governance related events or is that not intended? Is that not how this group would be set up? Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks for this question, Jim. Just looking at it from a historical perspective, I don't think that this group has participated as a group, but individuals that were part of this group have participated in these conferences in various roles. Sometimes in roles under government, sometimes in roles for other organizations and so on. So, that's my understanding on the status that the group has had so far. But, of course others might have other views, so let's open the floor. Next is Alan Greenberg.

ALAN GREENBERG: Thank you very much. I think we can make a much stronger statement than that. We have no authority to act as a body of somebody of ICANN in any external group. I think the answer is quite definitive. We cannot participate in any external group other than, like At-Large groups may propose a session at an IGF, but they're still not representing ICANN there. But, that's about as much as we can do. I don't think we have any authority or process by which we could participate as a group in any external organization. The Plenipot adds an extra wrinkle to it that we're not invited to participate as a group, but even if that were not an

issue, I don't think we can as a group, as a part of ICANN, take any formal actions. Thank you.

OLIVIER CRÉPIN-LEBLOND: Jim Prendergast?

JIM PRENDERGAST: Thanks, Olivier. Yeah, Alan. That's where I was headed. That's what I thought, but I'm glad you clarified at least in your opinion that's where this group is limited. I sense, just from the language on the screen, having to go back to the chartering organizations just to develop a position or a policy paper requires that check back in. Individuals obviously will participate in all sorts of different fora, but not with the label of this group. That's what I thought and thanks for reaffirming it.

OLIVIER CRÉPIN-LEBLOND: Thanks, Jim. Judith Hellerstein?

JUDITH HELLERSTEIN: I think Renata's question was more broader in senses that should we be tracking those issues and should we be watching those and maybe discussing some of these points so that we can make our positions known to ICANN who was part of another delegation? Then maybe ... Or to other groups that we're a part of. Many of us may be part of different national delegations. Should we be doing that? I think that was the broader issue that she brought up. Not necessarily should the group do something, but should we be discussing these issues?

OLIVIER CRÉPIN-LEBLOND: Thank you, Judith. Alan Greenberg?

ALAN GREENBERG: Thank you. I guess I'm a little bit lost. I thought that's the only reason that we existed, to act as a boy to communicate and discuss with each other, and to the extent it is practical, to coordinate activities within its membership in regard to ICANN. I thought that's why we are here. And if we're not going to be participating or talking about Internet governance events that are going on around the world, what are we doing?

OLIVIER CRÉPIN-LEBLOND: Jim Prendergast?

JIM PRENDERGAST: I agree, Alan. And Judith, thanks for clarifying that. I have a feeling that's what she meant, but it did bring up in my mind a different question, which is does this group participate outside of ICANN as a group? Alan answered that pretty definitively.

ALAN GREENBERG: I gave you my opinion.

JIM PRENDERGAST: Yeah. I agree with the observe and report to the ICANN community role of this group and I think that's important because there are lots of folks across the community who just don't have the time, energy, or interest to follow these issues.

OLIVIER CRÉPIN-LEBLOND: Thank you, Jim. Historically, I think the only time when the group actually has submitted a formal paper to a process was during NETmundial. That was the time at the very beginning of the group, and it wasn't represented after that. There was not representative of the group as such that spoke to the microphone on behalf of the group or anything like that because of the way they, of course – it was clearly said it's not mandated to do such a thing.

Okay, I see there's a clear queue, so let's go back to Rafik. Just to let you know, Rafik, there is a bit of a delay between you and us. Also, for others to note that there would be a little silence between the time that I speak and the time that you speak, and I understand that when we speak sometimes you speak over us. We just have to be forceful. Back to you.

RAFIK DAMMAK: Thanks, Olivier. I guess there is no comment for the review of CCWG public consultation. I guess we can move to the next section. This is about the CCWG position paper or statement. Maybe I should read [inaudible].

After submission of CCWG position paper or statement, participating SOs and ACs should [inaudible] whether to support or endorse the submitted draft, each in accordance with their own rules and procedures. The chairs of the participating SOs and ACs shall notify the co-chairs of the CWG [inaudible] the result of their deliberation as soon as [inaudible].

I think this text is fine. I think it's aligned with the current processes. Sorry, I was reading the main other paragraph, but if there is any comment on this, it would be helpful. Okay, I will read the right one.

So, in considering the CCWG position paper or statement – okay, here we should change to be the CCWG to add by consensus. The consensus view of the members of the CCWG should be conveyed by the participating SOs and ACs. If a minority disagrees with the position, the minority position should be included in the paper or statement. The CWG paper or statement should be published within seven days of the adoption of this paper or statement by the CCWG [inaudible] to the chair participating SOs and ACs.

OLIVIER CRÉPIN-LEBLOND: Nobody is putting their hand up at the moment, so it appears that it's okay with everyone.

RAFIK DAMMAK: Any comment on this? I think [inaudible] with usual process we have, and I think it's also regarding the consensus level. Okay, if there is no comment, I guess we can move to the next.

In the event all participating SOs and ACs endorse and support the proposal position paper, the CCWG may publish [inaudible] to the Internet governance discussions and processes.

Do we think that the last Internet governance discussion processes are the right wording? I see Alan is raising his hand. We can go to the queue. Please go ahead.

ALAN GREENBERG:

Thank you. My comment was really on the previous paragraph which you had read, but we then decided was the wrong paragraph. I question, if this is the process we're going to follow before we can publish anything, will we ever publish anything? The concept of us coming to closure, then going to the ACs and SOs, and all of them have to agree, and through their processes, we're adding another month or two – month-plus – to any process. Would we ever be able to publish anything in a timely manner following this procedure?

The fact that it's impractical doesn't mean it can't be in our charter, but I'd just like to have a little bit of a discussion. If to publish anything we need the full approval of all ACs and SOs, then I question are we ever going to be able to publish anything?

OLIVIER CRÉPIN-LEBLOND: Jim Prendergast?

JIM PRENDERGAST:

Alan, I don't know if it's a prohibition on publishing anything. I think it's specific to position papers or statements that project what could be implied as an ICANN position on these issues to an external audience. I don't think it inhibits this group's ability to do a breaking note or a memo to the community in advance of an event talking about some of the issues that may be on the agenda that may be of concern for the community and encouraging them to participate or monitor on their own.

I do think that if it is at the level of sticking out a position or making a statement, I do think that has to have the buy-in from the chartering organizations. Thanks.

ALAN GREENBERG:

Thank you. I'm not disagreeing. I'm trying to understand the distinction between published in the previous paragraph of a CCAG position paper or statement and then published in this sense of publish and submit. I'm not quite sure I understand the full distinction.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Alan. It's a valid point that you're making. I don't really know how to. I thought published and submit is probably the same thing. That's the way I equate it. But, published as in ... Perhaps publishing ... We might need to think of the wording as in the CCEG would be publishing reports and things for internal consumption, but when it comes down to submitting statements and position papers, then it's a different thing. It could, of course, write position papers of the CCEG that would have as a primary customer the SOs and ACs, the chartering

organizations. I'm not quite sure how to word this. Suggestions are welcome.

ALAN GREENBERG:

Olivier, if I may. We are using the word publish in both, which is why I raise the issue. You're probably the only one who has really seen through an action of the CCWG of Internet governance or something equivalent to it, which is why I think your opinion is relevant, even though you're acting as chair. I think your thoughts on it are more than relevant. I'm just a little bit concerned that we're going to put words here, which we will then not be able to interpret properly because we're using very similar terminology.

OLIVIER CRÉPIN-LEBLOND:

Thanks for this, Alan. I'm trying to think of better wording than this. It's a valid point. Does anybody have a suggestion to differentiate between publishing a paper, as in submitting a paper somewhere, or drafting and releasing perhaps a paper internally? Several people are typing, hopefully with some suggestions.

Lori Shulman, you have the floor.

LORI SHULMAN:

Hi. Yeah. I don't think, at least with that language, there would be much of a difference. I don't know. Maybe it's more about providing actual definitions into the [inaudible]. In other words, maybe actually define publication. Publication is this – putting it on a third-party website, putting it in a third-party publication, versus maybe discussion papers or

discussion drafts that are published internally to the community. That might be the differential. I would define it. I wouldn't assume the definition based on just changing the words.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Lori. I don't know whether you've seen, but Jim Prendergast has suggested circulating internally. So, using the word circulating. So, it would say after – the CCEG paper or statement shall be circulated within seven days after adoption of this paper or statement by the CCEG and conveyed to the chairs of the participating SOs and ACs. Would that be better perhaps?

LORI SHULMAN: I would even further clarify circulated to. Say who. Be really concise [inaudible] distribution channel.

OLIVIER CRÉPIN-LEBLOND: Okay, so maybe circulated to the chairs of the participating SOs and ACs. Would that work?

LORI SHULMAN: Yeah. And to Avri's point in the chat, which I think is worth nothing when she says there are also comments [inaudible], we absolutely have to address that and that's what I mean by either publishing on third-party publications or third-party sites. I think publishing comments on a third-party site is a publication. It's a public record of an ICANN position.

OLIVIER CRÉPIN-LEBLOND: Thank you, Lori. You're quite right and Avri is quite right on this. So, whilst Rafik looks at that, I'll continue with the queue. Over to Alan Greenberg.

ALAN GREENBERG: Yeah. Just to note that pretty much everything we do is public. That doesn't mean it should be taken as a formal statement of us. But, for those of you who are looking at the Google doc, if you scroll down more, the next section is what happens if not everyone agrees and what are our options on publishing or making it public if we don't have full agreement. So, the whole thing I think has to be taken as a whole and all made consistent. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. Rafik, have you picked this one up?

RAFIK DAMMAK: Thanks, Olivier. Yeah. I'm trying to think about the wording here. I guess we can keep publishing [inaudible] documenting here, and then say that we added that convenient to the chairs of the participating SOs and ACs. So, that's the submission to the [inaudible] linked to the next paragraph.

OLIVIER CRÉPIN-LEBLOND: I'm going to make a suggestion here. I'm putting it here. Circulated based on Lori's point. We can even say released and circulated.

[inaudible]. Any thoughts on this? Lori, does that come close to the suggestion that you've made?

LORI SHULMAN: I it does. Has something been typed? Oh, here, I'm sorry. It was hard for me to read the little purple writing. Sorry. Can somebody just read out the purple writing?

OLIVIER CRÉPIN-LEBLOND: Thank you. Shall be released publicly and circulated to the chairs of the participating SOs and ACs within seven days after adoption of this paper or statement by the CCEG.

LORI SHULMAN: I think that's fine.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. Rafik has dropped out altogether. Ouch. That's a bit of a problem because he was sharing his screen and he is in charge of this process. Whilst Rafik comes back, are there any other comments on this? I see a plus-one from Zakir. Nigel also gives an okay. Let's then move to the next paragraph, if nobody else has anything to say about this one and go into the decision-making by the chartering organizations on the CCEG.

Avri, could I just ask you where did you see the comments sent to other entities comments call? Where did that come? Was that the same or was that further down?

AVRI DORIA: While you were talking about classes ...

OLIVIER CRÉPIN-LEBLOND: Have we lost Avri? We might have lost Avri.

AVRI DORIA: No, you didn't lose me when you said Rafik was back.

OLIVIER CRÉPIN-LEBLOND: Oh no, but I'm listening to you. You stopped in the middle of a sentence. Go ahead.

AVRI DORIA: Yeah, I know, but the intent was there. Like I said, I did not see that in the document. I wasn't looking for it, but basically you were talking about different classes of documents delivered, presentation, what have you and it seemed that that was a sub-class that I hadn't heard mentioned, but then Lori said that she had already included it in one of her higher-level classes [inaudible]. So, that was II. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. Thank you. So, Rafik, you dropped momentarily. In your absence, there appears to be agreement about the text that is now in purple on the screen. So, the CCEG paper or statement shall be released publicly and circulated to the chairs of the participating SOS and ACs within seven days after adoption of this paper or statement by the CCEG. And since there are no further comments, we can probably move to the next paragraph.

Do you wish to perhaps have a dial-out, Rafik? It appears that you seem to have some Adobe Connect issues.

RAFIK DAMMAK: Yes, Olivier. I'm here. Can you please take over? I think it's now getting ... I'm not really in full capacity to manage this. So, please, if you can take over.

OLIVIER CRÉPIN-LEBLOND: Okay, Rafik. Let's then go to this paragraph. After submission of the CCEG position paper or statement, each of the participating SOs and ACs shall decide whether to support or submit a draft, each in accordance with their own rules and procedures. The chairs of the participating SOs and ACs shall notify the co-chairs of the CCEG accordingly of the result of their deliberations, as soon as feasible.

We had gone through this just a moment ago. I didn't see anybody putting their hand up on this, so it looks like it's okay.

After that, we have in the event that all participating SOs and ACs endorse and support the proposed [inaudible] paper, the CCEG may

publish it and submit it to the Internet governance discussions and processes.

So, now we have a [inaudible] between the statement being released publicly and being published, which is probably a different thing. Is that okay? Rafik, I'll let you still the Adobe Connect because you are sharing your screen. I'll probably ask if you can scroll down, if that's okay. I don't see anybody putting their hand up. Thank you.

Now, supplemental final output. In the event that one or more of the participating SOs or ACs do or does not support or endorse a position paper or statement, the co-chairs of the CCEG shall be notified accordingly. This notification shall include at a minimum the reasons for the lack of support the endorsement the CCEG made through consensus, either reconsider and submit a supplemental position paper or statement to all participating SOs and ACs to seek their support or endorsement, or publish and submit a position paper or statement, noting the parts of the position paper or statement that are fully supported and which SOs and ACs [inaudible] from the CCEG view or refrain from submitting the supplemental position paper or statement and making it public.

[inaudible] for putting the link to the direct Google doc on your screen, on the chat. Indeed, it's probably easier for you and for others to follow it if they open their own Google doc on this.

Any comments on this supplemental final output? I'm not seeing anybody putting their hand up on this. So, there wasn't any comment either in the actual chat itself, so we can probably move to the

submission of a board report part. Oh, I see one hand up. Judith Hellerstein?

JUDITH HELLERSTEIN: Hi. So, are we choosing options? Are those bullet points option one, option two, option three?

OLIVIER CRÉPIN-LEBLOND: Yeah. These options are to be considered by the CCEG when one or more of the participating SOs or ACs do not support or endorse the position paper. So, this is a decision that needs to be taken when the CCEG is in that position. They've asked three different options that they can pursue at that point, if it wishes to have an action.

JUDITH HELLERSTEIN: I think if you go back, the option one seems to be ... We'll never get anything out if we keep having to go back.

OLIVIER CRÉPIN-LEBLOND: We don't have to cross that bridge yet, hopefully. Any other comments? I don't see anybody else putting their hand up, so let's scroll down. Submission of a board report. There, there are a number of comments on the site, which Rafik has added some text to satisfy the comments.

So, the CCEG will regulate a report to board working group on Internet governance and SO/AC leadership as stated in paragraph two above. As appropriate and subject to the process referred in the section two of

this charter, two years from March 2017. After receiving the relevant notification from all chartering organizations as described above, the chair of the CCEG shall, within a reasonable time after receiving the last notification, submit the CCEG board report to the chair of the ICANN Board of Directors and the chairs of the chartering organizations to report. The report shall include at a minimum ... This sentence, by the way, is a little long. It might need a little bit of wordsmithing, first on the 17 and 18 and then afterwards, I think we have the occasional problem of too many commas, too many lines, and a full stop required somewhere. Maybe Rafik can go through this.

Nigel Hickson I see has put his hand up. Sorry if I made you wait, Nigel. You have the floor.

NIGEL HICKSON:

Yes, Olivier, thanks very much. Just very briefly, I think this occurs in other parts. Where we say two years from March 2017, I'm not sure. Should we be now updating this? Are we assuming that this is the charter that will be approved in March 2018? Perhaps it will take a bit longer. It wouldn't be 2017, would it?

OLIVIER CRÉPIN-LEBLOND:

That's a good point, Nigel. I thought this would be ... I think that it comes from the moment that the charter is agreed, so it again would be this time from March 2018. We're effectively rebooting here. The CCEG, whilst being I guess a natural follower of the CCWG is essentially a new vehicle, so I would've thought it would've been more two years from

March 2018 rather than 2017. That's my view. I don't know how others feel about this. Alan Greenberg?

ALAN GREENBERG:

I think a two-year mandate renewable is fine. This document should not make reference to a date. It should simply say two years from the time the charter is approved, and two years thereafter.

But, just to do a level set, we're not going to approve this in March 2018. It's got to go to the GNSO and the other charter groups – potential charter groups – for their comments. Then it has to come back to us for any final adjustment and then go back to approval. We're still talking a few months out. It's not just the GNSO that has to be satisfied. It's the other groups as well. We've had experience in the past where we try to send out a final thing. Some of the groups make changes, the others approve it, the others in another one approves it with a specific change and we never synchronize after that. So, let's just make it pragmatic as we go forward. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you for this, Alan. It's written now two years from the time of charter approved. Good point. Good catch. Any other comments? I don't see anyone else putting their hand up at the moment. So, picking up a little further after this sentence. Rafik, there still needs to be something done to this sentence to add a full stop somewhere, because it's a little long.

Anyway, what it basically says is that the report shall include at a minimum the supplemental final output as adopted by the CCEG. The notifications of the decisions from the chartering organizations and the documentation of the process that was followed, including but not limited to documenting the process of reaching consensus within the CCEG and any public consultations that were held.

That, by the way, is pretty standard text that was lifted from previous charters, so it shouldn't be providing too many problems.

The report could include a request that the mandate of the CCEG be extended for another period in the event of one or more of the chartering organizations do or does not support parts of the supplemental final input. The board's report shall clearly indicate which parts of the supplemental final output are fully supportive and the parts that are not as well as which of the chartering organization [inaudible] to the extent this is feasible.

I'm wondering about the use of the board report. Okay. We've lost ... No, Rafik is back. We had lost the sharing. Any comments from anybody? I see Alan Greenberg and I see Rafik as well. Let's start with Alan and then Rafik. Go ahead, Alan.

ALAN GREENBERG:

I'll see it and then let Rafik. It's a question more than a comment. Do we need the approval of the board to exist? I thought we were chartered by the ACs and SOs, and this sort of implies why are we writing a report to the board? Is it for their approval, just for their information? It's not quite clear.

And just a note that changing the date here is not sufficient. We also have to go change it back in section two, but that doesn't have to be done right now. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this, Alan. I'm going to need the help from someone who is more knowledgeable about procedures, ICANN procedures and how to create a CCWG, CCEG, or any kind of group, whether that requires board approval or not. So, if anybody knows, please step forward and let us know about this.

In the meantime, Rafik, I believe you're probably trying to get ... Yes, go ahead.

RAFIK DAMMAK: Yes. Can you hear me?

OLIVIER CRÉPIN-LEBLOND: Not very well. You're kind of cutting out and dropping off.

RAFIK DAMMAK: I'm wondering, even if we need this whole section. We go [inaudible]. Okay. What I was saying, do we need this whole section? Because I think the CCWG framework, that makes sense in that context, but since we are kind of an engagement group here, I don't think we really need to [inaudible] to the board. Maybe we try it here to outline how we can work with the board working group and IG, but I guess we [inaudible]

the whole section. I don't think it's needed in our case. We are not asking the board for any approval here.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Rafik. Avri Doria?

AVRI DORIA: I'm speaking truly as an observer to this group and not in any way a board representative, but I don't see why you would need the approval of the board working group on IG. I think it's certainly important for this group to liaise with it and talk to it and be in good communication. If it was a cross-community working group, then you would need chartering SOs/ACs. Since you're creating an entirely new kind of beast and engagement group, I think it's up to you to propose do you need chartering members in any sense or are you just a self-formed group that does stuff and have people from all of them? I think that's something you're going to have to put in your charter, because by calling yourself an engagement group, you've basically created a new species and that means you kind of have to define the characteristics of it.

But, in terms of the board, I see liaising, but I have not seen – plus the Board Working Group on Internet governance is not a decisional group. It's a working group. It's a talking and recommending group, but it's not a decisional group. Keep in touch. Send your charter once you've got one and get comments, but yeah, thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Avri. We have a queue with Alan Greenberg being next.

ALAN GREENBERG: Thank you. Several points. I think Avri brings up a really good point. Do we need chartering by the ACs and SOs? I don't think we need it to be a special interest group, a birds of a feather that meets informally, but I think for us to have any real impact, I think we do want to be chartered by the organizations. That's a decision we need to make, but in my opinion, it's an easy decision.

We don't need approval by the board. We do need tacit approval by the board if we want to be funded to get any resources, including staff support or meeting space or whatever. But, that's not a formal approval process.

I think we need to understand if we are going to be chartered by the ACs and SOs and if that's a decision we make and we're deciding that we're doing it on a rolling two-year basis, then we need to on a periodic basis put out a report to the ACs/SOs and get their decision back as to whether to continue to support us or not, to endorse us, whatever the right word is.

This section on submission of the board report, yes we should probably as a courtesy submit it to the board, but the main focus I think is submission of a regular report to the ACs and SOs and it's not done on completion of the two years, because you probably want to do it in time for them to make a decision on whether to renew you for another two years or not. So, the timing is a little bit different than we're talking about here.

But, I think the whole concept of why we are submitting a report is for them to have an opportunity to say, yes, we're continuing with this group or no we're not. I presume that was why it was there to begin with. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. Next is Nigel Hickson.

NIGEL HICKSON: Yeah, thanks very much, Olivier. I saw this section a bit differently. I thought really it was reporting to the Board Working Group. It wasn't seeking their approval for anything, and as Avri said, they're a working group. They're not a committee of the board. I saw it as a courtesy, if you like, telling the Board Working Group what the status was, how many people had been chartered, etc., that sort of information.

In relation to Alan's point about the chartering organizations, we discussed that before at some length and decided that [inaudible] we could be a birds of a feather group or whatever, but we wanted to be more formal to that, to have, if you like, the buy-in from the chartering organization. That's why that section is there. And reporting to the chartering organization comes later in the text I think. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Nigel. Rafik has written in the chat we can just add text about liaising with the Board Working Group on Internet governance but removing the rest of the section. How does everyone feel about this? Is that in the right direction? Seem to have heard similar

views there, that the reporting to the Board Working Group is not something that the engagement group has to do since there's no decisional side to it.

Rafik, your hand is up. I gather you want to speak to this. But, so far, I'm not seeing anyone speak against removing the rest of the section and just sticking to text liaising with the Board Working Group on Internet governance.

Just taking my moderator hat off and my personal view on this is that the group does need a formal vehicle and a formal chartering from supporting organizations specifically because of the allocation of resources that is needed for the group to have its face-to-face meeting and the public meeting in a meeting.

Unbeknown to many of you, the way that we manage to get space is actually to ask through staff and a whole process that includes the SO and AC chairs and so on. We have to ask formally for some rooms, and if the group was not chartered, then it might not put it in a position where it can ask for some rooms. And of course, by rooms with all the associated paraphernalia such as microphones, etc., and for of course the things to be recorded, etc.

Okay. I see Jim Prendergast is typing at the moment, but I don't see anyone else putting their hand up apart from Nigel who still has his hand up. He's put it down. Okay, Jim is just mentioning about coming up on time. I think that this was supposed to be a 90-minute call, though. So, I'm not quite sure. Maybe many people have just put 60 minutes aside. Rafik, how much more do we have on this? I can see there are

several further pages, but not that many changes to be added there, so we've kind of done the bulk of it. Go ahead, Rafik Dammak, you have the floor.

RAFIK DAMMAK:

Thanks. I think the rest is about the membership. So, if we are chartered, we can keep what we get I think from the CCWG. It should be okay, I think. Also, we have ... The rest is really [inaudible] from there and it didn't really make that much change in the previous iterations. So, we can be okay with that, I assume.

But, back to the discussion about the current section. I think we already made it clear that we were seeking to be chartered by different SO and ACs. But, if we can just really simplify this paragraph, just to focus on how we can liaise with the board, even changing the title to relation to the Board Working Group, just like one or two sentences should be enough, and we can remove the rest because we are not really submitting a report to the board. And I think even in terms of – I cannot speak about other SO/ACs, but [inaudible] GNSO, we can avoid this, I think it would be helpful in terms to [inaudible].

OLIVIER CRÉPIN-LEBLOND:

Okay, there are no hands up at the moment, Rafik. So, in the meantime, I note that Rafik is making the changes then to the submission of a board report, [inaudible] CCEG relation to Board Working Group on Internet governance. There will be some paragraphs that will be deleted as we speak. Okay.

Membership, staffing, and organization. Nigel Hickson, you have the floor. And apologies to people that have to leave for another call. We should've made it clearer that this was going to be a 90-minute call because we don't have time to have another call and be on time with the final charter, so 90 minutes was the original intent. Nigel, you have the floor.

NIGEL HICKSON:

Thank you, Olivier. I'll carry on. Just on the membership criteria, in the fourth paragraph, it's got this line that says where board [inaudible] or advisors are to be appointed to the CCEG, they should be specified in the charter. I'm just wondering what that really means and whether we need it because if it's not in the charter, then does it have any relevance here? It seems to be one of these [inaudible].

OLIVIER CRÉPIN-LEBLOND:

Rafik, perhaps could you explain this part, please?

DESIREE CABRERA:

Unfortunately, it looks like Rafik has dropped off.

OLIVIER CRÉPIN-LEBLOND:

I was about to say that. We appear to have just dropped Rafik again. I'm afraid I have no idea is my frank answer on this. Where board and staff liaisons or advisors are to be appointed to the CCEG this should be specified in the charter. I think that this can probably be taken out. That's just my gut feeling, if anybody else has a view on this. Nigel

Hickson? Rafik, you're just back. The question was whether the sentence ... If you look under membership criteria, the fourth paragraph, fourth box at the bottom of the fourth paragraph where board and staff liaisons or advisors are to be appointed to a CCEG, this should be specified in the charter. I'll just highlight it. Is this sentence worth being there or can it be removed? Yes, Alan, you have the floor.

ALAN GREENBERG:

That makes no sense. This is the charter. So, either we specify that there are advisors or we leave it out altogether or we specify that the CCEG may, from time to time, appoint board members or liaisons to the CCEG. We can't say something will be in the charter, when this is the charter. So, it's either there or we make provision for doing it without being in the charter, or rather the charter allows us to do it on the fly.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Alan. Rafik, did you catch this? The highlighted text where board and staff liaisons or advisors are to be appointed to the CCEG, this should be specified in the charter. The suggestion is just to delete that. I don't see anybody going against it, so delete the whole thing.

ALAN GREENBERG:

There's nothing to prevent us from appointing an advisor or a liaison when it's not mentioned in the charter. I don't think we explicitly need that. If we want to put it in the charter, we can say we may from time to time.

OLIVIER CRÉPIN-LEBLOND: So, on the listing of expert advisors, that you would say can remain?

ALAN GREENBERG: I haven't read it yet. Well, again, it should be included here. Either we include it or we don't. That's a note to the charter drafters, not a line in the charter.

RAFIK DAMMAK: Olivier, I think we can also remove the [inaudible] expert advisor. As we are setting this engagement group, I think it's really for the community. All this stuff is really coming from the CCWG framework that's a different context. They have a different intention. I think we can remove it. Keep it simple in terms of membership. It will make our lives easier, I think. I would say also just to delete this paragraph. If they want to join us, [inaudible] participant.

OLIVIER CRÉPIN-LEBLOND: Thanks, Rafik. Are there any objections to removing the expert advisors paragraph? I'm not seeing any objections, so let's just strike that one as well. It certainly doesn't make sense.

Next, where applicable, all participants of this process shall submit a statement of interest following the procedures of the chartering organization or at minimum a statement listing his or her SO/AC association if applicable and relevant expertise, skills, and interest. Then, we have further text which says that chartering organizations should make reasonable efforts that individual members have sufficient expertise to participate in the CCEG on the applicable subject matter

[inaudible] participate in activities of the CCEG on an ongoing basis, where appropriate solicit and communicate the views and concerns of individuals in the organization that appoints them and commits to abide to the charter when participating in the CCEG. Are there any comments on this paragraph? Alan Greenberg?

ALAN GREENBERG: Thank you. Is there a section somewhere saying ACs and SOs are obliged ... Chartering ACs and SOs are obliged to provide members?

OLIVIER CRÉPIN-LEBLOND: Rafik? Rafik, is there any section? Rafik seems to have some connectivity problems. My gut feeling is that there isn't.

ALAN GREENBERG: Well, no, no. It actually says that up a little bit. Each chartering organization shall appoint a minimum of two and maximum of five members. That's the standard out of CCWGs. So, if you were going to charter it, then you are having a requirement to appoint people and then this sentence makes sense, that you're obliged to appoint reasonable people. I think that's fine.

OLIVIER CRÉPIN-LEBLOND: Rafik Dammak?

RAFIK DAMMAK: Thanks, Olivier. I wanted to highlight that part. [inaudible] chartering organization shall appoint members. So, yeah, if we are fine, we can keep it.

ALAN GREENBERG: The sentence “where applicable, all participants in this process ...”

RAFIK DAMMAK: Okay. So, regarding the SOI, do we need such level of [inaudible]?

OLIVIER CRÉPIN-LEBLOND: Thanks, Rafik. So, the question is regarding the SOI, do we need such details? But, before, Alan, you were about to say something.

ALAN GREENBERG: Well, it was on the same item. I think it is reasonable to say what the SOI should include, but I think it applies to all members and participants, not just participants.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you. So, all members and participants in this process. That’s a good point. We usually do note that members are a subset of participants, but this makes it clearer.

ALAN GREENBERG: I think members and participants have to be capitalized, also.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for that. Any other comments? Nigel Hickson.

NIGEL HICKSON: Olivier, yes. Just three brief things. Unfortunately, I'm going to have to leave because I'm required for another call. I do apologize. But, just two comments, if I may.

Going back, on the introduction on one dot – and I think this is just the way it comes across, but at the moment the introduction lists the three chartering organizations – GNSO, ccNSO, and ALAC. I just wondered whether it ought to say something like chartering organizations on an application or something, because those are the three organizations in the CCWG, but of course in the CCEG there might be more or less or whatever. That's just a point there.

I apologize that I've got to go. I'll circulate something on the Mobile World Congress. It really is just a paragraph. I'll circulate what we're doing there. I think when you give the update on the WSIS Forum, you know as much as I do, really. The session has been accepted and we will work it out in due course. There's no absolute date to work out the sessions, and obviously we'll have to work it out. But, I circulated the date and time, but obviously happy to answer questions on the chat. But, I have to go to this call because it's an important one. I do apologize.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you for this, Nigel. Just on the update to the WSIS Forum workshop, if you could please follow-up also by e-mail, so that we actually organize this. I was hoping that we'd have a few minutes here to start the ball rolling on the organization of this session on the WSIS Forum. So, as long as you can follow-up by e-mail on both this and the Mobile World Congress, and if there is any question as to what inputs you might require for the Mobile World Congress, you also do this by e-mail, then it's all fine.

NIGEL HICKSON: Okay, Olivier. Yes. Sorry, I have to drop off. I'm being chased.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you, Nigel. Thank you. Back to the CCEG charter drafting. We still have two hands up. I'm not sure whether they're new hands, but we have made the quick change in the first paragraph introduction just by taking the three current chartering organizations out, so that we leave it open for any SO and AC to join. Nigel's hand is still up, but he's just left the call, so we can continue. Currently are looking at the makeup of the CCEG with some extensive changes here. All members, participants, and observers will be listed on the CCEG's Wiki link.

Rafik, I was going to say maybe leave advisors and liaisons in brackets if applicable. I would've said in case the CCEG wishes to nominate advisors or nominate liaisons, then we can make sure that these are also listed on the website, if applicable. Advisors and liaisons in brackets. Yes. Excellent. Thank you.

I don't see anybody else's hand up, so let's scroll down. The next paragraph is about the chartering organizations being encouraged to use open and inclusive processes when selecting the members of the CCEG, [text] that is entirely lifted from the standard text of CCWG and which I gather, for any type of vehicle, would be the sort of processes that SOs/ACs would be adhering to and certainly being happy with. Any comments on this? If not, then we can move to the next paragraph and that's support staff and tools.

ICANN will provide sufficient staff support and support activities of the CCEG. Again, that's text that is directly lifted from the CCWG text. Are there any comments on this part? I'm not going to read through the whole length of it. It's not text that we've drafted ourselves. Effectively, it's just to make sure that there is still staff support for this group. And of course that we're given the tools, the Adobe Connect, et.

Let's move on. Six, rules of engagement. Developing its output, workplan and any reports, the CCEG shall seek to act by consensus. The chairs may make a call for consensus. In making such a call, a chair should always make reasonable efforts to involve at a minimum all members of the CCEG or sub working groups if applicable. The chair shall be responsible for designating each position [inaudible] one of the following designations – full consensus. And it's a description of what full consensus is and what consensus is. The absence of full consensus, the chair should allow for the submission of minority viewpoints. Again, text that is lifted from the CCWG.

Then we have the use of a poll if consensus cannot be achieved. And finally, in that paragraph, if there is no consensus reached, then the

chair of the CCEG will submit a chair report to the chartering organizations. And in this report, the chair shall document issues that are considered contentious. The process that was followed and any suggestions to mitigate these issues or those issues that may be affecting consensus building. Again, the rest of the paragraph is all lifted from the CCWG. Are there any comments or improvements or does anybody believe that this needs to be deleted or amendments? I don't see anyone lifting a finger or clicking on the hands up button, so let's move to the next thing and that's modification of the charter. Standard text again, lifted from the CCWG.

I think this is the part that we're [now] using ourselves to make amendments to the CCWG, to propose a CC meeting charter.

I'm not seeing any comments regarding that text anywhere, neither on the document nor currently in the chat. So, that part just takes us through the whole [empowerment] to restrict the participation of ... Okay, so the first part is modification of the charter. I believe that the second part is not to do with modification of the charter. So, I'm not sure why that is there.

The chairs are empowered to restrict the participation of someone who seriously disrupts the group. Generally, the participant should first be warned privately and then warned publicly before such restriction is put into place, etc.

We've gone through some extensive discussions on this in the past, or at least I recall a few discussions on these for other charters. This is again standard text, but perhaps might it not be in the right section

because modification of the charter is definitely not this. It's more to do with disruptive behavior, I would say. I wouldn't want to call it disruptive behavior because we probably need to describe what disruptive behavior is, but anyway ...

Rafik, I'll leave it to you to think of a subsection for this or a section name for this. "We can find the correct title from other charter templates," says Rafik. Okay, excellent.

Next, working group self-assessment. At each ICANN annual general meeting, the chartering deliverables of the CCEG shall be reviewed by the participating SOs and ACs to determine whether the CCEG should continue or close and be resolved. Consistent with ICANN community practices, the CCEG will continue if at least two of the participating SOs or ACs extend the mandate of the ... And it's not WG, it's the CCEG I guess. And notify the other parties debating SOs and ACs accordingly one month after the annual review date. Notifications will be included in annex A. Any comments for this? I'm not seeing anybody putting their hand up.

ALAN GREENBERG: You are seeing someone if your screen is up to date.

OLIVIER CRÉPIN-LEBLOND: Oh, it just came up now. It wasn't up to date, obviously. Alan Greenberg, sorry for this.

ALAN GREENBERG:

Thank you very much. A couple of things. First of all, if the ACs and SOs are to have an opportunity to review at the annual general meeting, then we have an obligation to submit some of these to them prior to that. That's number one.

Number two, I would strongly suggest that you say the chartering organizations may review or the CCEG may be reviewed by the chartering organizations at the annual general meeting. Essentially, I'm not trying to give you the wording, but in the absence of them saying we do not support you, that they do support. Meetings are busy. Scheduling things is difficult and we cannot presume that an AC/SO will do that and therefore I think we need to presume support in the absence of no support.

And lastly, the notifications will be included in annex A. If annex A is part of this charter, then it makes no sense that we add notifications into the charter. So, I'm not quite sure what that's referring to.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thanks for this. Rafik is making the changes. Regarding the submitting of a report, I believe that this is in section 3.1 where it is mentioned that position papers and other documents will be drafted and there will be three annual reports. Summary of activities of the CCEG.

ALAN GREENBERG:

Then we should say it should be submitted no later than a month before the AGM or something like that.

OLIVIER CRÉPIN-LEBLOND: Perhaps that needs to be edited. I know we have visited that in the past, but Rafik, you have a better grasp of the document than I do. [inaudible] make a note of this, please.

ALAN GREENBERG: if I may continue, I notice this section also says the chartering organizations will review whether it should continue, close, or be dissolved. Number one, I'm not sure what the difference between closed and dissolved is. Number two, the next sentence implies that each AC and SO does not have the right to do that because if two AC or SOs continue, then it will continue regardless of whether one of them wants it to close. So, I think this whole sentence needs to be reworked to make that consistent and to allow an AC and SO to support the continued existence by silence.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. The text actually says here that the CCEG may be reviewed by the participating SOs and ACs to determine whether the CCEG should continue or close and be dissolved. Should there not be a case of by the participating SOs and ACs to determine whether they should continue their participation, rather than say [inaudible] close and be dissolved?

ALAN GREENBERG: I think so. Because the next sentence says the conditions under which the CCEG will dissolve. That is, if it does not have at least two supporting organizations.

OLIVIER CRÉPIN-LEBLOND: Correct. Yeah. So, determine whether they should continue their participation in the CCEG. Thank you for pointing this out, Alan. Any other comments on this? No? Okay, let's see how changes are being made. They should continue the participation, consistent with ICANN community practices, the CCEG if at least two of the participating SOs and ACs extend the mandate of the CCEG and notify the other participating SOs and ACs [inaudible] one month after the annual review date.

You're suggesting that we look at some text of the kind of absent notification from chartering organizations to discontinue their participation.

ALAN GREENBERG: How would the absence of formal decision at the AGM shall imply continuation ... Sorry, I'm not good at drafting on the fly. I'm going to have to leave in a moment. May I suggest that after all this, we've made lots and lots of changes. I suggest that, to the extent possible, either this document or a version of it be cleaned so we see a nice clean version and then people do a complete read-through because this has changed substantially since the last version and I think we need a good, clean read of it to make sure that what we have is completely consistent.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. I believe that's the plan forward, yes. So, a final version will be sent to everyone, or a cleaned-up version will be sent to everyone. I wouldn't call it final. A cleaned version will be sent to everyone for them to comment on it. But, we have a very short amount of time before this needs to be sent. So, the absence of formal participation, the absence of formal notification from a chartering organization will assume continuation of their participation. Presume, okay.

ALAN GREENBERG: Okay, I've got to drop. I just want to make sure that when we submit this to the GNSO, it's for their comments, not for their approval.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you for this point.

ALAN GREENBERG: Because we are going to need a full review by all ACs and SOs to get to something which is going to be ready for approval.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this, Alan.

ALAN GREENBERG: Sorry, I have to leave. Bye-bye.

OLIVIER CRÉPIN-LEBLOND: And I believe that a number of other people probably have to leave soon as well as we reach our 90-minute mark. Rafik mentioned that this is not planned for approval at the next Council call, so we have some further time, but at least the discussion. It needs to come before the Council for discussion and for comments to be received, to be sent back.

We've reached the end of the document and I think that really closes it off. The next steps are for Rafik to work on the cleaning up of the document and we can then share it with everyone.

Rafik, how long do you think that might take? Can you work on it now in the next hour and then send it out? I'm pulling your leg. I know you're about to go to sleep. I believe probably in the next couple of days. Rafik Dammak? Unfortunately, now we've completely lost you. We cannot hear you. Okay, well, when technical issues start coming in and communication dies off, I think it's probably time to close off that call.

Rafik, I'll give you another 30 seconds if you have to add anything or please type it in text. It looks as though the microphone has stopped working or Adobe Connect has stopped working on your side.

There will be a track change version. The current version here is a track change version as it is because we've made suggestion as such. We can certainly record this, send it out, and send also a fully changed version after that.

Rafik, if you can just indicate that you're okay with this, then we'll close the call. For the transcript, Rafik will work on the cleaned version. I will

also add the wording from Adam. Yes, I've taken note of it. Okay, thanks for this.

Thanks, everyone. This has been a productive call. Sorry for the misunderstanding about the length of the call, but we needed this in order to be able to reach the end of the charter. Next couple of days, we need to submit by next week, as Rafik mentioned, so the next couple of days we'll see the final version – sorry, the final proposed version – from what we have.

If you have any further points to make, please come back on the mailing list as soon as possible. Point out any last-minute changes in time for it to be changed before I believe it's the 12th that we have to send this out. So, Monday is when it has to be sent out.

Thanks, everyone, and have a very good weekend. This call is now adjourned. Goodbye.

[END OF TRANSCRIPTION]