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DUBLIN – CCWG-Accountability Working Session III  
Thursday, October 22, 2015 – 08:00 to 10:30 IST  
ICANN54 | Dublin, Ireland

LEON SANCHEZ: Good morning, everyone. We don't have a working microphone here.

Now we have a microphone. So this is a two-minute warning. We will begin shortly. Remain seated with your hands inside the vehicle and with your seat belt fastened. This is going to get bumpy.

Okay. People might still be coming in, but let's kick it off. Good morning, everyone. Welcome to the CCWG on enhancing accountability working session Number 3 on October 22nd. Please remind you to state your names when speaking for the transcript purposes and, of course, for the benefit of our remote participants. And today we have a very useful session, a very important session ahead of us. And as always, we encourage you to have an open mind and willingness to compromise.

And I will now turn to my co-chair, Mathieu, is that right? Or is it Thomas? Thomas.

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THOMAS RICKERT: Good morning. I'm Thomas Rickert for the transcript. I hope everyone is feeling good today. Kudos especially to our GAC colleagues who have been burning the midnight oil to get the communique written up.

[ Applause ]

I'm sure a lot of you will join me in saying what's in the communique is very encouraging for our work, so that's much appreciated. And please do convey that to your GAC colleagues. We know you have spend hours and hours discussing this. We said it's a discussion that needs to take place inside the GAC. This has taken place. And what we are reading in the communique actually shows that we might have a way forward, which is very, very positive. So that's much appreciated.

The reason why we brought up decision-making again is twofold. And maybe we can bring up the slide with the escalation path, if we could.

There has been some discussion, as you know, about the allocation of thresholds for the initiation as well as for objection levels and support levels when it comes to the consensus-based decision-making. And we would like to get back to that point.

And we think that the item is twofold. And we should be very clear in our discussion as to what item we're talking about, what

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we're speaking to. I think after the second public comment when the community pushed back quite unambiguously on the notion of voting, we developed a concept that got broad support on how we come to consensus decisions with the community. This is the escalation letter that you know with the multiple stages of a petition. Then we would have the precall. We would have the community forum where everyone chimes in. The SOs/ACs would take decisions after internal deliberations and then specify the outcome of their internal decisions. And then either the community power would be voted down -- or, you know, there would be consensus on the execution of the community power or not.

So we would just like to confirm that this methodology of community decision-making stands. We have not heard anyone who took issue with that as an escalation path.

What we need to discuss, though -- or has been requested to discuss is -- I'm sorry?

UNKNOWN SPEAKER: (off microphone).

THOMAS RICKERT: The slide is not yet there. But I'm sure that you will remember having seen that over and over again. That's the escalation

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letter, the staircase, you know, with different phases of consultation. And we would just like to confirm that when we're discussing who -- how many SO/ACs are required for petitioning or for carrying sufficient support or objection, we are not questioning this methodology of decision-making, right? We would just like to confirm that. We've discussed it a couple of times, and the group really liked this notion of coming to decisions.

However, we think what needs to be discussed is the way -- is the exact balance of SO/ACs required to chime in. And let's be specific not to mix the two.

This is something that we can lean on. This part is not moving anymore, right? So we're going to have consensus-based decision-making. The question is: What are the niceties? And we know that SSAC, for example, has discussed this at length. And Julie Hammer is with us today.

So why don't we kick off the discussion by inviting Julie to the microphone and allow for her to share SSAC's views with us.

JULIE HAMMER:

Thank you very much, Thomas. Since becoming a chartering organization following the Buenos Aires meeting, the SSAC has been closely monitoring the evolution of all these proposals for

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enhancing accountability. And in particular as members of the CCWG, we've been reviewing the various options under consideration for accountability structures and the processes within ICANN that will be considered.

And SSAC has been considering how it might continue to contribute effectively in any new accountability framework.

Sorry. I might just sit down, if that's all right.

We recognize and we very much applaud the significant progress that's been made in recent weeks and, in particular, during the CCWG working sessions this week in Dublin.

And during the past few days as the CCWG's work has moved closer to consensus on the workstream 1 proposal, we in the SSAC have taken advantage of our opportunity together here to carefully review the issues and discuss the implications for the SSAC and for ICANN as a whole.

And as a result, the SSAC would like to reiterate and reaffirm the advice that we provided in SAC 071, and that is that the SSAC is a purely advisory committee with a mandate to provide unbiased expert advice to the ICANN community and the ICANN board on matters relating to security and integrity of the Internet's naming and address allocation systems. That's per our charter.

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And in fulfilling that mandate, the SSAC doesn't seek to claim any special standing for its advice other than it be considered on its merits. And we believe that this model in which the SSAC advice is provided and received in a completely independent and unbiased manner provides the greatest value to the community.

With respect to the current CCWG discussions, we believe that the appropriate role for the SSAC with respect to accountability is to continue to serve as a timely and reliable source of independent expert advice concerning security and stability.

That advice may then be incorporated into any community deliberation to which it might apply, including those that involve the community's exercise of accountability mechanisms.

We don't believe that the SSAC should be involved in any other way in the exercise of those mechanisms. But we do believe that we need to be engaged in the process.

So we hope that clarifying the SSAC's position regarding its participation in accountability structures will give the CCWG the opportunity to formulate a consensus proposal that the SSAC as one of the chartering organizations will be able to support.

Thanks, Thomas.

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THOMAS RICKERT: Thanks very much, Julie.

Any other contributions to this item? Malcolm and then Robin.  
Can I encourage you to use the Adobe to raise your hand. It will  
make it easier for us to manage the queue.

Malcolm.

MALCOLM HUTTY: Thank you. Malcolm Hutton. This is more a question for  
clarification of the previous statement.

I understood -- some words that stood out there was the idea  
that of the advice being considered on its merits. And I wanted  
to understand how that would work within the community  
decision consensus-making bit that we are formulating.

So I'd like to pose a scenario, yeah? Suppose that it is proposed  
to use a community power. Our rules say that that community  
power will be exercised provided there are, say, four SOs or ACs  
in favor and no more than one opposed because that's what we  
have on the table at the moment.

And suppose that we have four in favor and we have one AC  
opposed that is not the SSAC. Suppose that the SSAC gives  
advice expressing concerns with this. Would you wish that to be  
only considered as being relevant to the decision of those others

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as to whether or not they still wish to go ahead? Or would you wish that to be counted as being a second advice against, such that threshold of no more than one against was not met?

THOMAS RICKERT: Thanks, Malcolm.

Julie?

JULIE HAMMER: The answer is a very clear no. We would not wish it to be considered as a second objection.

THOMAS RICKERT: Thanks, Julie.

Robin?

ROBIN GROSS: Hi, this is Robin Gross for the record.

So I wanted to address the issue of the role of the ACs particularly with respect to the SOs and the public comments that we received. And if you take a look at the paper, the group that was developing the public comment analysis on this issue said there was no consensus about the role of the ACs. And so I



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think that we need to discuss that. I think we need to consider that it just be advisory perhaps with the exception of ALAC.

And I also think that the switch from our supposed proposed switch from a voting model to a consensus model, if you really think it through, we are still voting. We're still in a voting model. And I think we need to think it through and understand that simply calling it consensus doesn't change what happens at the end of the day when the different SOs or ACs vote on the exercise of a particular power.

And so we got a lot of public comments that the concern that a lot of commenters had was the shift to a governance structure that provides GAC with power. And we heard from the board before that that kind of a shift isn't something that they would be willing to accept with respect to a membership model. So it's unclear how they would accept that under a designator model if we go that way.

I think it raises significant concerns with NTIA and Congress if we suddenly switch to a model in which the GAC has a vote that is equal, one vote to all of the SOs -- excuse me, to the GNSO, to the ccNSO, to the ASO, et cetera. Because we've just gone from a five-to-two scenario to just a one-one-one scenario.

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And one of the dangers of that is that we lose the granularity that we had before. We lose the opportunities for minority views to come out and be attached.

So I think I wanted to urge people to consider these issues that have just really been raised in the last few days, this idea of switching from voting to consensus and really think that through, that it's just -- it's kind of an illusion, if you will. We're just changing the word. So we really need to understand that we are still voting, but we are changing the number of votes and in a way that goes against public comment and in a way that discourages minority views in the overall mix. Thank you.

THOMAS RICKERT:

Thanks, Robin. Before we move to Brett, let's just be very clear, the notion of voting is off the table. Some are calling this voting, and I think that's plain wrong because voting is up or down.

What we are coming up with is more nuanced because we have expressions of support, expressions of objection, and that is distinctly different from voting.

UNKNOWN SPEAKER:

Majority vote.

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THOMAS RICKERT: It's not majority voting. And I guess that's the word you've been using, Robin.

We should be using the microphone, please, so everyone in the room and outside can understand.

ROBIN GROSS: So at the end of the day, we've got the SOs and the ACs that reach their decision within their own mechanism. And their position counts as a vote. I mean, we are deciding not to call it a vote but it has the exact same effect as the votes. It's just a different number of votes that we're talking about now.

I really have to urge people to think this point through because we are still voting even though we are calling it consensus.

THOMAS RICKERT: Robin, I think we should make this a discussion amongst ourselves. Maybe we should take it offline.

ROBIN GROSS: You said come to the mic.

[ Laughter ]

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THOMAS RICKERT: I'm just trying to caution us with the language that we're using. If your approaches were correct, then you would call each and every consensus-based system a voting system, but the mechanisms are different. The process is different. And I think if we want to communicate with our community, it's important to get that nuance right. We have different definitions of consensus. We know the GAC consensus. GNSO has a different version of consensus. And we are defining consensus with two qualifying parameters. And that's the level of support and the level of objection. But, yet, it's a different approach.

I understand your point that, basically, we're counting the objections and that has a certain effect. But I think we need to be clear in our communication with the community what the approach is.

ROBIN GROSS: Even our own lawyers in the memo on this issue said it's, basically, the same thing. It's just changing the words.

And I'm confused. You said voting is off the table. When was that decision reached and confirmed and that process gone through? Because I think we just sort of talked -- started talking about this this week, switching to a consensus -- to calling it consensus --

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THOMAS RICKERT:           Actually --

ROBIN GROSS:               -- under different numbers.

THOMAS RICKERT:           We started the discussion on that in L.A. and had a subteam making great progress on that.

I would need to dig out -- out of the archives exactly --

ROBIN GROSS:               I think it's too premature to say that issue is off the table. I think that's still very much up in the air, and there hasn't been consensus reached on that. That wasn't what's in our draft report. So if we're going to switch, I think we need to have some discussion about that and maybe more confirmation of that.

THOMAS RICKERT:           Whether it's been discussed or not might be an area where we can agree to disagree.

Shall we move on with the queue. Brett?

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BRETT SCHAEFER:

With the announcement by SSAC here, and I believe that RSSAC has a similar view but I don't want to speak to them since they haven't spoken here, I wonder if it's, you know, ripe to consider what Bruce has mentioned in the chat.

We're going to have to rejigger the numbers in terms of how many numbers are -- you know, how many communities, constituencies or whatever are required to activate a community power or to block a community power based on two of the ACs pulling out, I would think. And I wonder -- I spent last night looking over some of the GAC communiques which is obviously very entertaining and very interesting, and last night I was looking at the comments from July when the GAC was asked if they want to exercise community powers. And some countries said yes. Some countries qualified yes on some, no on others. And some countries said they would not like to exercise community powers. Denmark, in particular, with Egypt said participating in the forum of a member-based community empowerment mechanism would change the role of governments in ICANN from being advisory to taking part in decisions carried out by voting, which we would not support, for instance.

Last night the GAC communique said that, and I'll quote this in regards to the CCWG work, "In assessing the specific accountability recommendations put forward so far by the

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CCWG Accountability, the GAC considers that whatever the final outcome in this process might be, the new accountability framework to be agreed upon must preserve the current role of governments in ICANN."

Now, considering that, I wonder if it's worth considering Bruce's proposal which is to have the SOs and ALAC be voting and to have SSAC, RSSAC, and GAC be advisory in the process. And I just want to put that on the table.

Thank you.

THOMAS RICKERT: Steve.

STEVE DELBIANCO: On the point of voting, Robin, it's correct that the first step is to ask each AC and SO what is their preference. And the way they express their preference is they get to say "I support" or "I object." And that feels like they voted. I get that.

But the way in which we determine whether we reached consensus is completely different than voting. So we should say, if you wish, that they vote whether they support or object, but we don't measure the outcome based on two-thirds majority, we don't measure it based on simple majority or

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percentages. The outcome of whether we have consensus is the presence of strong support and the absence of strong objections. It's very different than, say, a two-thirds majority threshold, which you and I know is the way we do some of the things we vote on in GNSO. And a two-thirds voting threshold in a traditional model, a supermajority model doesn't actually care how many objections there are. See, that's the difference here. Or how strongly held they are.

So if, for instance, four of the six ACs and SOs said they supported exercising a community power, if they, quote, unquote, "voted" to exercise, in a simple two-thirds majority model of voting, it would carry. But in our proposed model, if two objected of the four, two-thirds wouldn't be enough to carry, because two objections would kill it.

So you're right, we should be careful about our vocabulary so we don't stir up unnecessary objections. I think that we do allow people to express a preference, but the way we measure the outcome is not the typical measure of voting.

You're smiling as if you're not quite agreeing, but this is not just semantics. Do the math. A two-thirds majority in a voting model would carry, but not in the model we proposed because here two objections would kill it, even if you had two-thirds in favor.

Thanks.



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THOMAS RICKERT: Thanks very much. And next is Jordan.

JORDAN CARTER: The theology about the use of the word "voting" is somewhat distressing this early in the morning so I don't go there, but I will say this; that when we had our initial discussions about this mechanism, the whole way along we've said that no single SO or AC should be able to block the use of a community power. And if we're down to four decisional bodies, whether you call it votes or not, if it isn't one, it's two out of the four. So you have a situation where two say yes and two say no, and then you've got a tie. So you don't have an outcome.

So there is a -- even if it's not voting, there's a mathematical problem with that number of decision-makers. And as you may recall, that is why we evolved our system of notional votes for the SOs and ACs, so they didn't have to put entirely yes or no, and so there could be a way of assessing the strength of their preferences.

So if we're to go from -- with seven, it just about works. I can see how it could work with that table in front of us. With four, we've got a lot of work to do.

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THOMAS RICKERT: Thanks. Kavouss and then Pedro.

KAVOUSS ARASTEH: Good morning, everybody. Good morning, eight wise (indiscernible).

I'm not a spokesman of the GAC, but as a member of GAC, I think you should distinguish to issues. One is how you make the decision, and the other one, the role of the GAC.

Our communique as it stands is quite clear. You want to preserve the current role of GAC. What is more than that you expect from GAC?

From my point of view, personal, you should remove this distrust to the GAC forever. GAC made a lot of positive contribution toward the CCWG, but I hear again and again people fingering to the GAC.

We have not decided yet participation in decision-making or not. We want just to preserve our current role. That's all.

Now it depends on you, the CCWG, how you want to make decision. My understanding is that you would have a consensus. Whatever way you want to reach that consensus -- rough consensus, hummm, any other things, or full consensus -- but this consensus must not have more than one advice against. So

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why are you pushing to the GAC? Why are you pointing to the GAC? Advice from the advisory committee. That's all. So ball is in your camp but not camp of the GAC. So you should clarify how you want to make decisions.

For me as a participant, I am against the so-called voting, counting, and so on, so forth. We discuss and we continue this international practice of the consensus. However, according to what we receive from the ICANN Board, according to the discussion, we believe that we should continue to have consensus, but this consensus should not have more than one advice against.

So please kindly put GAC out of these discussions. You have to decide what you want to do -- more than one advice, more than two advice, more than three advice, so on, so forth -- but consensus is the center of the decisions. So you have to clarify (indiscernible), but please kindly don't point to the GAC always.

Thank you.

THOMAS RICKERT:

Thanks, Kavouss, and certainly there's no pointing to the GAC intended. I think we need to have a discussion about how we evolve this consensus building model that we've been working on for the last couple of weeks.

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Next is Pedro, and though he is not in the Adobe, Thomas had indicated he wanted to speak, and after that Alan, please.

PEDRO DA SILVA:

Thank you, Thomas. Let me just briefly clarify that this issue of GAC participation in the decision-making process, it has been raised in the GAC, but it hasn't been fully discussed. We were concentrating on -- guess what else? Say that name again.

[ Laughter ]

I think we have made quite a good progress on that, as you could see.

[ Applause ]

Thanks to all GAC colleagues here.

But, well, my take on that is that we haven't discussed that in detail because we think the discussion here in the CCWG needs to be more mature so that the GAC can then, let's say, give its position on it.

My country specifically has endorsed the consensus paper of the GAC to the -- to the second public comment period in which the GAC has, let's say, indicated, of course, based on the voting system, that it would like to have the five seats reserved. But

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initially, the GAC wouldn't participate. It would like to have this possibility of opt-in.

So this, I think, needs to be considered, and also its initial considerations within my government. We think that the GAC should participate in the decision-making process here, and in -- and on a case-by-case possibly -- let's say indicate willingness to participate, to indicate a support or objection. And in some cases where the GAC thinks doesn't have something to say, then basically not saying anything.

So basically, that's our take on that.

Thank you.

THOMAS RICKERT:

Thanks, Pedro. I was quite amazed when people stopped you from saying what you had concentrated on discussing, the word that must not be said. The "S" word.

Thomas.

THOMAS SCHNEIDER:

Well, good morning, everybody. I have missed the first few interventions, I think, but since people are looking at me, so I thought maybe I should say hello to you. So hello.

[ Laughter ]

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THOMAS RICKERT: Thank you. Next in line.

[ Laughter ]

Hello, Thomas.

THOMAS SCHNEIDER: With regard to this discussion, I can confirm that, first of all, the GAC has delivered or proven that its intent to work on consensus is meant very seriously, even if that means staying on until late at night in a room and asking for it to be open and not be closed at 10:00 because otherwise -- well, we finished at ten minutes past 10:00 but we would have been thrown out of the room if we hadn't made it clear that we would not cease to talk until we had a consensus. We had a consensus last night based on what you have seen this morning. I think you have all read it.

With regard to the GAC's intentions, first of all I think I want to stress that point that we are doing all our best to understand what the actual current almost minutely changing state of the mechanism is. You see in that communication of yesterday that we basically send a positive note to the development of that model because we think it is less oriented now towards confrontation than the previous model or the reflection. So it's more striving with these escalation steps towards getting back

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in case there's a threat of divergence. It helps us as a community to get back together on a consensus basis and only at the very end some decisions will be made.

So this is something that we strongly support, I think, the notion of trying to work together and find solutions, and not in a divisive way. And as it has already been mentioned by my colleagues, you have our GAC input to the second public comment period where we say that we haven't decided yet, and this is still the case because we're still trying to -- we're waiting for something that we can actually decide on. And as you know, as we take our jobs serious as government specialists, we don't defend our own special interest. We were actually supposed to consult with our citizens and our businesses and try to defend national interest, which then is integrated or aggregated into something like a global public interest. And we'll wait until the final model is there, and then we will come back with a position. But it will not be completed different from what you have, from the consensus you have of September; i.e., what has been said in voting, that we will, in any voting, not intend for the time being to participate but the opt-in option will remain. But from what I understand, this issue of voting is less of relevance now with the new model than in an earlier model because, as I said, its -- all its stairs, all its steps are meant to go, rather, for consensus, for getting people back together than for dividing us.

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So we're looking positively forward. We continue to engage on a consensus basis in the GAC, but also we try to reach a consensus with the rest of the community, always bearing in mind our role, which hopefully will not change, which is we are giving public-policy advice, public-policy input into the community. We have now 155 members of the GAC; i.e., from 155 countries. I think we have the greatest diversity in terms of representing people, or trying to represent people in this institution. And I think this is something that adds to the balancing and the bringing together of all people in the world into the ICANN system.

Thank you.

[ Applause ]

THOMAS RICKERT:

Thanks so much, Thomas. And at the risk of repetition, since you were not in the room when I last spoke to this, please do convey to your GAC colleagues our appreciation for the progress that you've made. And -- I said please convey to your GAC colleagues our appreciation for the progress that has been made. This is really outstanding. And I would like to also commend your chairmanship and your co-chairs. Although these meetings have not been open, we see the results, and we would also like to go on record thanking you for that personally.



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Next in line is Alan.

ALAN GREENBERG:

Just a couple of thoughts.

I realized as Thomas was talking that the position the GAC is giving is almost identical to the ALAC in that we have always said we will participate, but in any given case, we may choose to be silent. That's an option we always have.

So we're saying in any given case, we may opt out.

What I hear Thomas saying is that in any given case they may opt in. But since that's a sole decision of the body, they map to the same thing.

The real quandary we have is with the comment from the SSAC, to use one of Kavouss's comments of, you know, we'll use humming to judge the tone of the room. If some people refuse to hum, then we have a problem. We can't tell the tone of the room from that. And it's a real quandary, and we heard from Kavouss that if some group advises against, then we should treat it as advises against. And it's a negative from this point of view. Other people have said advises against is not a negative one. And we have really different definitions and different implications from different people. And our challenge now is to try to make something that works out of that.

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Thank you.

THOMAS RICKERT: Thank you, Alan.

ALAN GREENBERG: I wish I had an answer.

THOMAS RICKERT: Chris.

CHRIS DISSPAIN: Thank you, Thomas. Good morning, everyone.

Just a suggestion for thinking this through, obviously we're not going to solve this today, but we have a base -- if I understand it correctly, we, in effect, have a base of five with one of those five saying, "Probably most of the time you won't hear from us." The second most likely thing is "You'll hear from us with advice that we have a problem." And the third is that "We may decide to actually be positive and --" that's not meant to be derogatory in any way; that's just the way it's likely to be.

So if we can come up with something that works, if you just ignore that for a minute and say you've got a base of five. If we can come up with something that works if one of the five is out

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of the game, because it wouldn't necessarily be the GAC. I mean, the ASO may decide that they don't want to play in a particular arena.

So what we need to do is to find one that works with a base of five where one is missing. And the challenge is not so much the how many support, it's how do you deal with a one -- you can't break one objection down below one objection.

So that's the real challenge. It's not so much how do you get agreement. It's what's the weight of somebody saying no if it's only one. But one is very -- Is one more powerful the fewer there are or less powerful the fewer there are? It's quite a challenge.

But I think we need to work on a base of five and just say how can we build it? So if only four out of the five actually participate, what can we do?

THOMAS RICKERT:

Yes, please do some scribbling. And before we move to Malcolm, let's just be very clear that even if we're talking -- you know, Chris has talked about five. We're down to five now. It is my understanding, and I guess this is important, also following up on Kavouss's point, we will have seven in the process that contribute and inform the decision of the whole community. So it remains to be a community decision-making process. And this

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decision is being informed by advice in the subject matter area that SSAC is offering. It may be informed by advice from the GAC.

So let's be very clear that we still have the whole community at the table with the opportunity to chime in. It only comes to the level of objections and support that we're now trying to get our heads around.

So I think when communicating with our peers in the community, let's not give the impression that with SSAC pulling out, we're having something that falls short of the whole community.

Malcolm.

MALCOLM HUTTY: Firstly, I don't think that we should describe what we just heard from SSAC as pulling out.

THOMAS RICKERT: I wanted to emphasize that point.

MALCOLM HUTTY: It's an important and meaningful participation that they're offering. But we still need to understand, you know, how to deal with advice that we receive from each quarter. And SSAC has

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just been admirably clear so that we absolutely know how they wish to use our advice. It's advice into each of us, as we think. Whether or not we wish to object to a proposal on the table, we have the SSAC advice before us to guide us in that. But it doesn't contribute to an objection itself.

Now, we also need the same level clarity with regard to all the other participants.

Yeah? So we need to know if -- with regard to the GAC as well, when they issue their advice, does that act on us in a similar mode that the SSAC advice does, only to guide our own decision as to whether or not to object but not -- does not itself contribute to the number of objections? Or, as does it follow the mode that I understand ALAC to be proposing for itself, which is that that advice could contribute to the requisite number of objections so as to prevent it. Both of these two are possibilities. Personally, I, in terms of interpreting what the GAC would want, I look at the previous comment from the GAC that -- and the previous proposal that they that they would want five votes. And I would use that to imagine that that would imply that they would want their advice to contribute towards one of the requisite number of objections.

On the other hand, the GAC communique issued today says that the GAC expect and require that the existing -- that the proposals

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that we make preserve the existing role. And I think that could be -- I would tend to think that the existing role is more similar to following the advisory mode that the SSAC have put out.

So either of these, I think, are possible. But -- fine. If that's not the way it's going to be, that's fine. But I would say is this: It is absolutely crucial that we are clear, crystal clear at this stage, as to which of these two models we get. The advice -- in the event this actually is used, we have a community forum. If we have advice from the GAC and it is nuanced and it does not say no but it expresses concerns, we need to know how we would treat that in that case.

Would we treat that as being something that we take into account and that we might go ahead but do other things to accommodate it? Or would we treat that in the mode of an objection counting as more than one objection? It is important that we know in advance how we would approach that situation.

A GAC advice may not say no, don't do this. It might well say we are concerned that this will have these consequences. And, whether or not that counts as an objection, may be a matter of interpretation. And we need to know how we would approach that. And, if it's not capable of amounting to an objection, that's one thing. If it is capable, maybe we need to say we need to need a clear statement in that advice to meet such an objection.

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To count as being qualified as an objection, we need sufficient clarity to know it is intended to amount to such. Clarity -- more than the decision as to which way we go on this, clarity as to how we go on this is crucial to avoid a crisis at the time.

THOMAS RICKERT: Thanks Malcolm. I'd like to close the queue after Olga. Next is Kavouss.

KAVOUSS ARASTEH: Yes. This time I speak as a participant of CCWG.

I think this situation is not clear. GAC advice could be taken into account in two different ways. One count as advice that has impact on that not more than one. Or advice as an input to help and to contribute to those people who are decide against or in favor.

Suppose GNSO, ccNSO, ASO, and ALAC discussing something. And then there's input from GAC and advice, which usually should be taken before. Because GAC advice would not be at this part. It should be discussed at GAC to have consensus before and giving that authority to the person delegating or delegated by GAC. Presumably, the chairman of the GAC. So the chairman knows the position of GAC.

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At that meeting, chairman of GAC perhaps announce that this is our view with respect to this particular case. That could influence the discussions of those SOs and one AC to formulate their contribution and decisions. This is non-counted advice.

Counted advice would be that, when you have that not more than one objection, like I had the other day -- and Mathieu perhaps forgot to put that -- or not more than one advice against. So this is counted advice.

So now you have to discuss within your community whether you want that advice. It is not GAC agree or not. But whether you want that advice of the GAC should be an input or should have an output affecting the decision making. This is two different things. Independent whether GAC agree or does not agree with that. You have to be clear of that. Both is positive. The first one is positive that AC, ALAC and, the others know that GAC uses this one. So they might change their mind when they decide to meet the requirement of that community governments. Or you want to count. Count the views of GAC but in the form of consensus advice.

That means GAC has come to the conclusion with the consensus, whatever consensus be carried out in the GAC. Each community has its own way of consensus making. And GAC has its own. And



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we are working on that. Currently, we have something. Very probably we may take it. Continue that.

So it is now up to you to discuss counted advice or advice as an input in order to facilitate discussions and decision making of those people who directly have impact on the decisions. So this is a point that you have to discuss. Thank you.

THOMAS RICKERT:

Thank you very much, Kavouss. I had closed the queue after Olga. Since Jorge is not in the AC, I understand, I've added you. Alan, if you can be very brief, you can also speak. After that we really have to wrap up. Izumi is next.

IZUMI OKUTANI:

Good morning, everyone. Izumi Okutani from the ASO.

I very much like the basic framework that is being presented in the decision-making process. It gives the basic threshold on how to start the process but focusing a lot on the discussions among the SOs and ACs. And I think this will actually allow participations of these ACs or possibly the SOs who have made a decision not to participate in this basic threshold of expressing support. But we can actually listen to what exactly those SOs and ACs are saying, even if they may not necessarily join in this -- what do you call it? -- this expression of support.

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And, regarding how we handle this advice of the SO or the GAC, I think by basing it on the discussions will actually allow us to have engagement on how we would take into this advice the strength of it. Because many of these issues, it depends on case-by-case basis. And it's a little bit difficult to just make a perfect framework at this stage without considering the details. So, having this framework that is based on discussions and consensus will accommodate many of these -- each of the different cases and possibly corner cases that we might want to address. So I'm very comfortable with this basic framework of the decision-making process.

THOMAS RICKERT: Thanks, Izumi. Chris is next.

CHRIS DISSPAIN: Okay. So, just as a sort of starting point, if you take two columns and you have the advice column and the decision column, the SSAC and the RSSAC will sit in the advice column permanently. The GAC straddles the advice column and the decision making column because they require the ability to do that. What you need -- what we need, I think, is two things. We need a quorum in the decision column, which will allow for -- will allow for -- you know, to make sure that enough people are involved, enough of the SOs or ACs are involved.

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And you need two processes. You need an, if the GAC is on this advice column side of the column, then this. If the GAC is on the decision making side, then this. So I don't think you can make one process. Because I think you probably need to think about, if the GAC jumps down -- so it's on a decision-by-decision basis. If you've got advice by the GAC -- I know that sounds complicated. I'm not saying that I'm the be all and end all on this. But, having looked at the numbers, it's almost impossible to come up with anything that stretches to having enough flexibility to work. But I'll keep going. But, certainly, if you do an if this, then that, and an if this, then that, that gives enough flexibility for it to work, I think.

THOMAS RICKERT: Thanks, Chris. Maybe you can write it up for the list to digest. But thanks for that.

Steve is next.

STEVE DELBIANCO: First to respond to Chris. The notion of quorum is a very difficult one. Because participation might be that the GAC or any group stayed involved in the discussion all along, didn't feel strongly enough either way to express a preference. And they get to the end, they're in the room, they're completely engaged and

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participating. But the SSAC or the GAC or anyone just looks at both side and says, "I see your point and why the three of you feel strongly, and I see your point as to why you object. But I'm willing to let that 3-in-1, 2-in-1 -- I'm willing to let that guide the decision, and I'm just going to stay quiet because I think an appropriate outcome." They've participated. But under a mathematical quorum rule, we will have failed to meet quorum.

There's a lot of nodding heads right now. That's why I don't think that forcing quorum to be based on whether they indicated an up or a down won't work. Even so. If it's quorum for four -- and we have a couple in here that say 3-in-1 is fine. The GAC can sit there and say, "I'm comfortable with that 3 for, 1 against. It carries." I'm not going to vote either way. So I'm just asking let's run the math on quorum.

My second point is very brief on clarification. When people talk about their current role, you know that's with respect to the current ICANN structure and bylaws where all the advisory committees provide their advice to the board of directors of ICANN.

In the current structure, there isn't this thing called the community mechanism. It doesn't exist. It doesn't exist. So, when the GAC says we preserve our current role, the only thing the GAC is describing is that they advise the board of directors.

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And the Board has certain obligations with respect to their advice. That was the subject of what we shall not be talking about. And that role is preserved. It's a separate question to say what do the advisory committees want to do with respect to this new collection called the community mechanism, the one that is on the screen and we described it in the stair step.

So they're separate.

When somebody decides to participate as a decision-making body, in the community mechanism, it has nothing to do with their current powers they exercise in the bylaws with respect to the board of directors. So let's just keep that distinction in mind.

THOMAS RICKERT: Thanks very much.

Next in line is -- Izumi, that's an old hand, I guess. Bruce.

BRUCE TONKIN: Thanks, Thomas. I certainly like the direction this is heading and I think Chris's hopeful way of thinking about the different columns.

One thing I think Izumi mentioned was context. And I think it's important to understand that each of the advisory committees actually has quite a narrow charter, actually. So RSSAC is really

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just advice on the root servers; SSAC security advice; GAC is, you know, advice on where policies might conflict with national law, international laws, and also on public policy issues. So they're quite narrow. And, if you almost align that with the left-hand column, you'd see that recalling the board of directors isn't really the role of SSAC. It's not in their charter in any way. They're not a governance body.

So it's something you might also want to think about is some of the combinations on the right-hand side. When you're talking about what consensus support is required, you might need to think about what's in the left-hand side. I'll give a specific example. Number 3: Block changes to regular bylaws. Probably the only part of the bylaws that SSAC would care about are the actual bylaws that relate to SSAC. And, if SSAC objected to changing those bylaws, that's probably a pretty significant objection. So, currently, you just said no more than one objection, hey, we object because you're changing the way we operate. You know, so you may need to think about that particularly with changing bylaws is that there bylaws that relate to a particular SO, maybe their policy development process or an AC that might relate to how they operate. You may well need to take that into account when you're looking at the thresholds. Because that's where I think it is in context. But

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some of these other powers are not in context, really, for the other advisory committees.

So I think Milton and others have made this comment before. But, actually, I think you need to start filling out the detail a little bit against some of these powers as to what particular SOs and ACs are involved in that particular decision making. Because I don't think it's the same for all the seven topics you've got there.

THOMAS RICKERT: Thanks very much, Bruce. Olga.

OLGA CAVALLI: This is too tall for me. I'm short. Hello. Good morning, everyone. Sorry for being a little bit late this morning. Thank you for the nice words about the GAC. And I would like to really commend our chair for a great job yesterday and also all my colleagues in the GAC. It was really hard work, but I think we had a good outcome.

And I think it was already said in my other colleagues in the queue. But I would like to stress the fact that what the communique is expressing is that the new accountability framework to be agreed upon must preserve the current role of the governments in the GAC in relation with the advice to the Board. About this new structure, we are working on it and we

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are still debating. And we have to think about it and find a consensus eventually. But that's the role that we at least need to preserve. Thank you. Just wanted to clarify that.

THOMAS RICKERT: Thanks very much, Olga. Jorge?

JORGE CANCIO: Hello. Good morning. It has been a little bit hard to wake up so early after the GAC advice yesterday. But we've managed to do it.

So I think one of the effects of all this exercise is that we recognize that we are a community and that the GAC is not a silo, is not anywhere outside there and is not part of this. We are engaging. We want to be engaged and treated fairly by the other parts of the community.

And we are talking about community decisions. It's a point I've made, I suppose, a bit repeatedly. But community decisions have to reflect the community as widely as possible.

So don't put any barriers to parts of the community. If we are still in an ongoing process and a work that is just -- we had, I think, five days ago, as Kavouss has said sometimes, we were almost nowhere. And now we are in a place where we had these



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excellent discussions with the post-its on the decision-making process. It's being evolving. And I think it's acceptable or it's much more acceptable to wide parts of the community. Don't put barriers to that.

And the GAC, while we always try, we strive to get back with consensus inputs. We did it before Istanbul. We did it before the -- after -- before the Los Angeles meeting and within the second public comment period. And that is the last input that really stands as a consensus.

But the system has evolved. So perhaps what was an opt-in, now could be something more. I don't know. Because voting and this kind of divisive adversarial approach, which was not intended but was behind some parts of the second draft, that really draw many people back not only in the GAC but also in other communities.

Now we have a different setting. Let's have a stable draft on the table. If we have a stable draft on the table. If we have a stable draft on the table, we will surely try to come back with this consensus input from the GAC.

And whatever role in the end we have, which we have to decide, I'm sure that, be a counting advice or a not counting advice, it has to count because we are here. It has to count, although formally, perhaps, it won't count for some reason.

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But it has to be taken into account because we are part of the community. While I disagree with Bruce Tonkin on this, public policy is almost everywhere in ICANN. Thank you.

THOMAS RICKERT: Thanks, Jorge.

Bruce and then Alan. Okay. Alan.

ALAN GREENBERG: Thank you. And I will be brief. Steve said a lot of what I was going to say, that all of this is new so saying that we're maintaining our old positions really doesn't work. But it's not only for the ACs, it's the SOs also. The GNSO does not have in its mandate blocking bylaws, removing the whole board or any of the other things. These are all new things.

The problem is we haven't at all talked about the concept of if the GNSO now chooses to vote -- I say the GNSO but it is the ASO or the ALAC for that matter -- we're now supposed to not only present our view but factor in the views of the other groups. The ALAC gives advice from our perspective as the representative of the interests of users. The ccNSO does something representing the ccNSO. And now we're asking them to take on the role of the board and balance the advice from other groups.

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And maybe I'm being a little cynical. I think that's going to be a really, really hard thing for them to do. It's going to be a hard thing for us to do.

THOMAS RICKERT:

Thanks very much, Alan.

I think in summary, what we can say is that there needs to be further discussion. We don't have a solution for that one yet. I think we've learned a lot about the parameters to take into account when having such discussion. I think also we have some concrete proposals on the table. Bruce Tonkin mentioned the idea of engaging -- or entering into an engagement process on the advice received. Chris proposed two different alternative scenarios should the GAC wish to chime in to the decision-making formally, if you wish, or not. We need to be nuanced about the power concerned. And all this needs to be thought out a little bit more.

And I'd like to offer a price for someone who proposes something which is easy to understand. I think if we follow through -- if we follow through Chris' proposal, we might end up having two alternative paths for seven community powers that would make 14 different decision-making regimes. I mean, that would certainly be good for the lawyers in terms of billable hours to write up the bylaws.

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[ Laughter ]

But to convey that to the rest of the world will be quite challenging. So I think we need all of us -- all SO/ACs that are affected by this I think need to consider what impact their stance on this has on the overall outcome of our discussion. So we might be in a situation where we say, well, the Number 7 is needed. It might be that we end up saying a lower number is needed. So I suggest we all try to think through the consequences.

We would like to task WP1 to look into this further. I think support from XPLANE would be greatly appreciated in order to maybe visualize and make it easier to understand what we're doing. This needs more discussion. We're not going to take more stock than this. But I think this has informed our thinking hugely and let's take this to the next level when we all get home and rested a little bit.

With that, I would like to hand it over to Mathieu who is going to chair the next section.

MATHIEU WEILL:

Thank you very much, Thomas.

Hello, everyone. I'm seeing some quite tired faces in the room. I have no idea why. Probably none of us on this table look tired.

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[ Laughter ]

There was some hesitation in this answer which find quite surprising.

Yeah, we all look tired, but we have a lot of work ahead. So moving on from yesterday's discussion on the work plan, yesterday we heard a number of positions on how to move forward. There were -- I think we acknowledged widely the need for -- to check our latest developments with the public, to get correct public input on it. I think that was an agreed point.

We heard about the time line pressure and the risk of delaying for actually the outcome of our work and the risk that there would be, basically, no transition if we delay too much or at least not for the next few years. That was an argument that was offered.

Others were, I think, rightfully concerned about our ability to deliver in very short time frames as well as the risk of getting pushback if we did not get this right in terms of messaging, in terms of details, in terms of documentation at this point.

And that translated into different perspectives for the time line. There were people arguing in favor of a shorter public comment, others suggesting, for instance, that we publish only a summary of the changes in the report. We have suggested a process

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where we would go ask for public input at the same time as we would move for SO/AC -- we would submit the final draft to the SOs and ACs. And that attracted diverse feedback.

So we have tried to take stock of some of the comments. Obviously we couldn't take stock of all. There was some that were contradictory. So it was obviously not possible to take everything on board. But we'd like to suggest a little refinement of the proposal we made yesterday.

Alice, if you can move to the time line.

So the idea is still to have a public comment period at the same time as submitting to the SOs and ACs. Obviously we haven't had time yet to liaise with the SO and AC leaders. I'm just putting that clear. Apparently some were very busy last night.

So our suggestion would be that we actually would issue two -- have two rounds of publications. One would be a summary of the overall proposal, an executive summary written by professionals so that it's really very really accessible and focused on the essential of our recommendations plus some details on the latest changes.

At the middle of the public comment period, we would be able to provide a more detailed report for full consideration by the

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SOs and ACs. So the comment period would actually be a little longer than 30 days, 35 here, but with two different steps.

Of course, there's still a lot of work to be taken on during the holiday seasons.

UNKNOWN SPEAKER: What holiday?

MATHIEU WEILL: That's the truth. I wouldn't deny it.

But I would still enable us to deliver a final proposal to the ICANN board. And, Kavouss, we adjusted the time frame at the end as per your request. With the possibility for chartering organizations, if they need it, to organize an intersessional face-to-face for their organization. We know that ICANN has offered to facilitate that, if that's requested. Obviously we're not pushing for that. If it can be done in AC room meetings, that's perfect. But it might be needed at some point.

So that's the refinement we would suggest for the time line. And this is really something that we need to have a conclusion on in order to get clarity right after we leave Dublin so that everyone can prepare in this room obviously but also in the other groups and in the public in order to be able to provide the public

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comments. And that is our suggestion. So I'm now going to the queue for comments, suggestions.

Alan, was that an old hand?

Okay. Avri, then.

AVRI DORIA:

Hi, Avri speaking. I think it's actually a good plan, though. I do despair of the fact that every time we look at the plan, we slip by a week. And every rethinking of the plan -- I think it makes sense to send it both to the chartering organizations and to the wider review at the same time as long as the chartering organizations know that this is a prereview and not their final review and they are going to get something that indicates whatever changes do get made later so that they can see.

My one issue is with getting the professional writers. It's a great idea. But are we getting the professional writers from within among people that already understand the subject matter? Or are we reaching out to a bunch of professional writers who will have to spend far longer than that understanding what the issue is? And that is my main concern. I like the idea of professional writers. We have bunches of them. Policy staff is full of really fine writers that understand the world here.



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But to reach outside -- and I know we're not that special. But the nuances are, indeed, that peculiar that that would concern me in terms of trying to make that schedule. Thanks.

MATHIEU WEILL:

Thank you, Avri. You are reiterating your comment you made yesterday, and I think this is a very good one. And I know ICANN is currently trying to look at some resources within a pool of expert matters, expert of our matters and maybe if there's other volunteers who have the skills, we can arrange that. But our goal would be to be able to present more details both on the resources as well as how we will interact with this group -- because obviously our group needs to stay in control of the content of our proposal and be able to check whether the writing is actually meeting our requirements. That is extremely important so that we avoid any bias into the writing. And that's - - so that's the kind of writing literary process that we need to be very clear about very soon. And it's actually on top of our priority list for consideration probably at the next goal on Tuesday. I think your point is well-taken. Thanks very much.

James?

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JAMES GANNON:

Thank you. James Gannon. Two points. First, to Avri's point, I think I agree with most of what Avri has said. I think it's incredible important that we understand the audience that we are bringing this professional writing team in to write for. I don't believe policy staff and technical writers are what we need. We need creative writers who need to sit down with us and build off of what we can tell them.

I think bringing in a technical writing team would be incorrect. We would end up with a similar document to what we have now.

On the second point I want to reiterate what I said yesterday. I don't believe we should be doing time lines until we have the facts on which to base time lines on. I think we're doing things backwards here.

I understand the need to have some form of framework on what we will do, which I think is quite good on the board right now. But I think the dates we have in here, we don't know how we are framing those dates. We don't know when the chartering organizations -- if they are even going to be able to meet intersessionally. I think we are doing things backwards.

I think the framework is backwards, and I full agree with it. I think locking in dates here now this week until we've heard from chartering organizations on their process for approval is backwards.

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MATHIEU WEILL: So there is an amount of tentativeness. A number of things need to be checked with the chartering organizations. But if we could agree on A framework and on the first steps, that's giving us a baseline for discussion with the outside world because obviously we are not the only ones deciding on this. That's correct.

Kavouss, you're next. And I will close the queue -- I will close the queue after Kavouss has finished his intervention.

KAVOUSS ARASTEH: Yes, thank you very much for providing the time line. Last night was quite difficult to do something in five days. It is now better.

Last night we have discussion in GAC. As it appears in the communique after a very extensive and tough discussions, finally we have decided that we further work on famous stress test 18 and provide input to CCWG within the time line. Could you kindly clarify what time line you expect that you receiving input, whatever that input would be?

I don't believe that the time level 20th of November will be possible for the GAC. So the next time line would be what that you receive that input?

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I personally think that input should receive before finalizing the report to sending to the ICANN board. So the end of the time line is clear. But what is the time line that you expect at the latest to receive that input because the GAC need to organize how to proceed with the matter and so on and so forth. So that is important point.

And this is my personal view, purely personal. Has nothing to do with my government or being a member of the GAC.

Without clarifying the situation of a stress test 18, the whole transition is at risk. Thank you.

MATHIEU WEILL:

Thank you, Kavouss. I guess based on this time line, I mean, public input would be expected by December -- mid December. But if we could obviously be much earlier, because if it's only mid December, then obviously we might need to revisit a number of things. That would need some further thought and discussion. I hadn't really considered it like this, so I don't want to rush into an answer.

So I'm closing the queue after Thomas Schneider.

Erika, was your hand lowered? Okay. Just checking.

Roelof?

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ROELOF MEIJER:                   Roelof Meijer for the record. I like the plan. I think it's the only pragmatic, possible way out of this logjam with the deadline.

Two remarks, I think we should start communicating with it as soon as we have the decision so the community knows what is coming.

And, secondly, I would like to repeat my point that I made yesterday, that if we get a lot of negative sentiment about the fact we have a shorter comment period and that we are combining the comment period with the period with the supporting organizations, that we can always extend. We will miss the deadline. But that will be the way out.

If we get the signal from the community in a serious extent, then I think we should do that.

MATHIEU WEILL:                Thank you, Roelof. Good points. I think, as I said, we need to communicate about this time line very soon and right after this meeting.

Athina. Where are you, Athina? It's amazing how this room is filling up.

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ATHINA FRAGKOULI: Good morning. Athina Fragkouli, ASO, for the record. So we believe that this time line is, indeed, pragmatic. We like the combination of the public comment period with evaluation of the chartering organizations. SOs and ACs have seen this report before. With a proper summary of all changes, it will be easier for them to evaluate within this time line. So I think this is a good balance between sticking on the time lines and having a proper evaluation.

We like that we see January as the deadline. We would prefer, of course, to have this a little bit earlier. Initially it was proposed -- from the time lines we have seen before, December was proposed. But, okay, we understand that, okay, certain concerns need to be addressed. So it has been stretched, fine.

And we trust and we expect that this deadline will not be compromised. Thank you.

MATHIEU WEILL: Thank you, Athina.

Alan?

ALAN GREENBERG: Two brief comments. On writers and technical writers and editors and all of those, I've had a lot of experience working with

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people like that. I have had technical editors who will find discrepancies in a very technical document, 150 pages apart and note that we have a conflict and are really good.

I've also had people who in trying to get clarity completely changed the intent of the statement. So the right person is absolutely critical. But the related thing is what are we trying to get out of this rewriting or writing. We need clarity so no one says what we are doing is complex.

On the other hand, we need preciseness because we're going to expect people to write bylaws from what we're doing. And there's certainly cases in the CCWG report where it's not 100% clear what we meant. And that's also critical. I'm not sure how you get the two at the same time. It's something to think about I don't have a magic answer.

In terms of the time line, I have never participated in anything related to a business decision or perhaps a personal decision where I had all the facts. You simply have to make decisions and time lines, if nothing else, impose deadlines which motivate people to get things done. So I support what we're doing.

MATHIEU WEILL: Thank you very much, Alan.

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Just to add two things about what we need to set up very clearly now is the report structure.

It's what exactly is the level of detail we're expecting in each section. How each -- there's certainly a lot of documentation to be provided on the processes. That's something that we can standardize in terms of level of detail to make sure that we have the right level of detail. And then move to the technical writers or at least the editors.

But it's -- let's move -- let's keep that discussion for next week. Our focus now is can we agree on this framework? And I'm speaking of framework of timeline.

Next is Sebastien.

SEBASTIEN BACHOLLET: Thank you. I do like this proposal. I think it's very good way to go forward. Everything also -- so we need to stress again that we discussed yesterday that, if comments can be made for the people who are participating to an SO and AC, directly to that SO and AC and not to the public comment, will be a good thing. Then it will diminish the number of, I would say, outside public comments of the ICANN arena and will be helpful to find a way.

My second concern and -- I see that there is a possibility of intersessional meeting. But I really feel that maybe we will need



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to get together. I know that it's -- we don't know where we are and how the things will go. And I am not sure that just having possibility for each silo to get together, that will be the only way to go and the best way to go at the end. I am not saying that we need to have it. But we need to consider to have the possibility to have it. So that's my point. Thank you.

THOMAS RICKERT: Thank you, Sebastien. I thought you were mentioning a CCWG face-to-face in the North Pole on the 24th of December.

[ Laughter ]

We'll see.

SEBASTIEN BACHOLLET: I would like to suggest, no. We need to go to south hemisphere, because I have not the same holiday period than us. And we can work more in the south hemisphere than in the north.

THOMAS RICKERT: Yes. And it's summertime there. It's summertime there.

UNKNOWN SPEAKER: Wrong way around.

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THOMAS RICKERT: I know Namibia is volunteering. Thank you very much for that. Next is Alissa.

ALISSA COOPER: Thanks. So just wanted to say that, looking at this from the ICG perspective, I'm quite happy that people seem to be supportive of this and that the commitment to get the work done on a short time frame is there. I would also say, you know, I liked what you had yesterday, because the actual very last date wasn't actually written down. And that gives some flexibility such that the chartering organizations don't take those full two weeks at the end. Do not delay in sending their proposal forward. Because every day will count, I think, for this.

Just one thing that you didn't say, Mathieu, that I wanted to emphasize is I think the other important piece of this is to be very clear in going to public comment what you are seeking comments on and what you are not seeking comments on, in particular all of the parts of the proposal that have previously been agreed.

We did this with the ICG. And I think it worked quite well. Because it, essentially, gives you the leverage to say afterward, even if you get comments about things that have been hashed out for months and months and previously agreed, you can acknowledge them. But you don't have to deal with them in any

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other way. I think that will be very important for this process to succeed.

THOMAS RICKERT: Thanks for the wise advice, Alissa. I have Thomas. And Steve will close.

THOMAS SCHNEIDER: Yes, hello again. This is a useful discussion. We will need to somehow manage ourselves in the coming period. So, actually, what I like best is that we will receive a Christmas present in the form of a paper. So I hope that, if we open it up as a PDF, it will play Jingle Bells on the 24th. That would be really a very nice signal.

But, with regard to the timeline, I want to follow up, actually, on Stephane. Because, of course, we may need -- we don't know yet. But we may need to meet as the GAC. But I think it may actually be more helpful if there be a chance to not meet in silos -- but in case that we may have to continue to talk to each other -- that we try and meet at the same place at the same time. I don't know whether this is feasible. I guess nobody knows. But I would like to give you the signal that, if we managed to meet together, those who feel like they have to meet, I think that would probably be a benefit. And, just for your information, I

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think it looks like this meeting will probably happen in January, if I get this table right, which is good for us because, as some of you may know, we have a rather large meeting that we may have a company-to-company -- a ministers and other high-level officials in December. So December is quite a heavy month shortly before Christmas. So to get a confirmation. So these meetings may take place in January. This is what you think is probably probable.

Okay. Thank you very much.

THOMAS RICKERT:

Thank you, Thomas. And Thomas to like to answer to Thomas.

Hello, I'm Thomas. Thanks, Thomas, for -- what you're saying makes a lot of sense. Nonetheless, I think we should be very cautious in how we communicate this. Making it look like an intersessional ICANN meeting where all the chartering organizations can come together to discuss what we're doing, looks like we're opening it up for other opportunities of negotiation of other deliberations.

This is far from the truth.

Our understanding is that ICANN would volunteer to facilitate meetings by the chartering organizations for them to discuss and approve the recommendations. So let's just be very clear.

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There shouldn't be any expectation in the community that such meeting would be the opportunity to, you know, to be sort of an end game.

They can happen at the same time. They can coincide. I think, you know, it will be a task for the co-chairs to reach out to the leadership of the various groups. The GNSO is in a position to do asynchronous decision making at the moment.

I think we should be talking through the microphone, and I that think Chris's comment was sort of unqualified anyway. I think I made my point. Thank you.

Thank you, Thomas. All right. 1-1. Steve.

STEVE DELBIANCO:

Thanks. Steve DelBianco.

Alissa, you said "previously agreed." And you're right in that some things are previously agreed by the CCWG. But I don't think we have anything we can say has been previously agreed by the chartering orgs. Because, to my knowledge, none of the chartering orgs have officially come forth and said we're good with pages 15-96. So we probably can't say for sure that the chartering orgs are previously agreed, even if CCWG has. And, second, Thomas, if we do meet for this chartering org intersessional -- and, again, it's only if needed. It's possible. The

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best Christmas present of all would be that, if the amended report, the one that incorporates GAC's chartering org opinion on the report and ALAC and SSAC, if we can meld that together and spice it up with the public comments as well from the outsiders, it's possible that all of the leaders of the SOs and ACs would come back and say, "Hey, we're good with this new amended report."

But, if not, to facilitate a quick resolution of the remaining differences, there's an invitation to do an Adobe chat or meet in person. And, while it wouldn't be silo'd, you understand we'd have to have the ability to leave the big room real quickly. And the GAC leadership meets in that room, GNSO over here so that we can decide whether we're good and come back together. That might take a day or two. So, hopefully, we don't have to do it.

But we need to be able to pay attention to the fact that only the chartering orgs and not the CCWG, the chartering orgs are the only ones who can approve this.

THOMAS RICKERT: Thank you, Steve. And Chris asked for a qualified comment.

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CHRIS DISSPAIN: If I can make a decision that maybe, during this comment period, right? -- I'm guessing that you'll do the usual thing of running Webinars and, et cetera, right?

UNKNOWN SPEAKER: Yes.

CHRIS DISSPAIN: Can I suggest that you, actually -- instead of doing what you've done in the past, which is having the CCWG organize Webinars, that we actually get the SO and ACs themselves to organize a Webinar so that it's actually driven by them and then you participate in that. Because that way it's -- if Byron and Jordan and I actually go into bat and say for the ccNSO you come to this Webinar because it's a ccNSO Webinar, then you'll get more people involved and you'll get more traction.

MATHIEU WEILL: I think it's an excellent suggestion, and we'll certainly take it on board.

So this is the framework. We still have to reach out to the SO and AC leaders to, I mean, collect their feedback. But I think we've got sufficient traction to move forward with that framework in terms of timeline. We -- I took note of the

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comments that we need to be clear what we seek comments on, that our report structure and how we're going to write the report in order to get the messaging and level of details correct are really very high on our priority list right now, and that we need to communicate about all of this very clearly and probably as soon as in the public forum this afternoon and in a statement right after this meeting.

And I think, with that, we can move to the next agenda item. And I'm now turning to Thomas. Thomas.

THOMAS RICKERT: Thank you very much, Mathieu. This is to continue our discussion on the incorporation of the AoC review and to the bylaws. And I suggest that Steve refreshes our memory on that.

STEVE DELBIANCO: Thomas, I assume you'll bring up the same document we worked with yesterday afternoon. There were just a couple of remaining items we want to put on a second read with respect to questions for the whole group. So, Alissa, it's best if you scroll to the part of the document at the end where we have questions meaning CCWG with options. I believe it started on page 5. Thank you. The first one is the notion of review



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recommendations on -- this one went with B. This was pretty strong for B. Good. Let's go to the second one.

It's called the composition of the review teams. Again, there are four review teams in the Affirmation of Commitments that we're bringing into the bylaws. In our second draft report we suggested that the composition of those review teams would be taken from all seven of the ACs and SOs who could each offer a list of names for people that wanted to participate. And in our second draft report we allowed the chairs of the respective ACs and SOs to jointly determine three from each of the ACs and SOs maximum -- so up to 21 total participants on a review team. We had public comments that suggested that that would be an inappropriate mix for certain reviews that looked heavily at something -- let me give you two examples.

The review team on the new gTLD program is heavily focused on the gTLD space, so the GNSO would have multiple individuals who would want to participate and give their perspective on that review team as would ALAC and GAC. The ccNSO might not be as interested. And I don't know for sure if SSAC and RSSAC and ASO would have a significant level of interest.

But, knowing that 21 feels like the absolute maximum that you could do in a review team, many parts of the GNSO in the public comments, in the written public comments, suggested that we

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use some of those 21 slots -- if others don't want them, use some of those 21 slots for members of the community who feel very strongly about participating in something that affects their interests fundamentally. So that, if ASO, for instance, didn't want to use three review team slots on a review of the new gTLD program, then GNSO and/or ALAC and GAC could have more members on there. It also allows us to get closer to the aspiration for diversity when we have a slightly greater number and there could be some discretion.

The key departure from the current AoC is the current AoC didn't have numbers in it and it didn't allow the community to do the picking of who goes on. It allowed the chair of the GAC and the chair of ICANN to approve the names that came in. You know, the good news is they always accepted the names that came in. But we still have this issue of representation.

So we have two options. First option was to preserve a hard limit of three from any given AC and SO with a total of up to 21. Option B on the screen in front of you creates discretion that, if the ASO didn't want all three, that the chairs could allocate that to another group, another AC and SO who wanted more representation.

Again, all the AC and SO recommendations on a review team go out for a public comment. And there's a consensus decision

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model that's adopted within the review team to be that somebody doesn't simply load up the review team with a particular AC and SO.

We had a relatively split decision. I would have said that option B got slightly more support than A. And that was in the discussion yesterday. But I think that the chair would like to try to get a final view on that.

The text on the screen has underlining in the very last sentence - - I'm sorry -- the second to last sentence so that you understand what's different about B.

THOMAS RICKERT: Thanks. I suggest, just to take stock, we had option B for the first topic. Option B is preference for the second one. So can you show us the third one, briefly, on the fundamental?

STEVE DELBIANCO: So you're not going to assess anything here but move on?

THOMAS RICKERT: We discussed it yesterday. We would just like to confirm the understanding we reached yesterday, which was option B is preference for the first item. Should be for this one. Let's now move to the fundamental --

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STEVE DELBIANCO: With all respect, are we going to say that the quiet in the room indicates that we have a confirmation that B -- is that what you're suggesting?

THOMAS RICKERT: We're going to open it up for discussion after you've presented the third item.

STEVE DELBIANCO: The third item is a little bit unrelated to this. Okay. I guess we're expecting Alice to scroll the screen to the third item. All right. So brand new topic. This is a lingering question of fundamental bylaws, whether the commitment in Article XVIII of ICANN's existing bylaws should be fundamental or not.

Article XVIII in the current bylaws says, "The principle office for the transaction for the business of ICANN shall be in the County of Los Angeles, State of California." That's existing bylaws.

The Articles of Incorporation separately say that ICANN is a California nonprofit public benefit corporation. So those are two descriptive statements. And they don't contain the word "shall be." Right, Kavouss? That's a big one for "shall." They contain the word "is, so they're meant to describe a situation.

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Both of those are subject, under the community powers, to the approval or blocking of the community. And I described it last night as belts and suspenders. Because, to change these statements of California presence, would require the community to approve by two-thirds a change of the articles and to approve or not block a change to Article XVIII. There would be many other changes if ICANN were to pull up its roots and incorporate as a different kind of entity in a different -- in a different country.

So we have two options in front of us. The CCWG's proposal in the second draft was to designate ICANN bylaws Article XVIII as a regular bylaw.

Option B, which was something in the public comment period many expressed strong preference for and about the same number expressed strong preference against -- and I'll note that governments were most of the ones who would favor A and oppose B.

And the B would be to designate ICANN's bylaws Article XVIII as a fundamental bylaw. What would that mean? The difference is that, if it's a regular bylaw, the community power was to block it, if we had a consensus -- do you recall that from the chart this morning? Blocking bylaws? Okay.

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If you make it a fundamental bylaw, we move to the community power that says we must approve, affirmatively approve a change to a fundamental bylaw. Okay?

So, moving it to fundamental is what I characterized last night as more than belts and suspenders. It's holding up your pants with super glue, too.

And I think that the sentiment in the room last night was difficult to assess. And I would gather that it was relatively split.

So, Thomas, I'll turn it over to you to decide how we confirm.

THOMAS RICKERT:

Thanks very much, Steve. I think our group was leaning towards option B on the first question, option B for the second question. And this was still open. And we had a tie, more or less, is the outcome of the public comment period. Let's just remind ourselves of the working method we applied so far.

Looking at previous reports we made it very clear to the outside world that we have a finite list of what goes into the fundamental bylaws. That's the starting point. And it was our practice that we would change that, if there is support, sufficient support for a change. Then we would refine.

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What I'm sensing here is that we have a tie on whether we should change or not. And I would not qualify that, from a chairing perspective, as overwhelming support to move this question to a fundamental bylaw. Nobody's asked for adding that to the fundamental bylaws in this -- in the fundamental bylaws section, as far as my recollection goes.

So this is just to confirm that we are not or we should not reopen this discussion from scratch. But we actually have a history to this discussion, which at the moment shows that, unless this group with broad support wishes to make it fundamental, this would look like it's going to remain a standard -- or remains as it is, which is option A on this topic.

So please bear this in mind when you speak. I think we really need a lot of traction for us to move it to fundamental. I think Sebastien's and Thomas' hands are old hands. So we can now move to Alan, Brett, Greg, and Chris.

ALAN GREENBERG:

I'm speaking on the AoC review. We can scroll back to those options.

Okay. I heard something different when Steve described it than what I see written there. Option A does not mention the Number 21. You did when you described it.

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STEVE DeIBIANCO: It absolutely does. Option A is to preserve what's in the bylaws. And it is up to 21. In other words, option A is to preserve the text in the second publication which says up to 21, Alan.

ALAN GREENBERG: Ah, okay. Sorry. It wasn't mentioned there as 21, so I thought we were talking about omitting it at that point.

STEVE DeIBIANCO: If you scrolled up -- nevermind. I understand your point.

ALAN GREENBERG: That was really my point. I feel putting the Number 21 there which is not in the current AoC review will set expectations and make it very hard for the Chairs not to have that kind of size committee, which means once we add in board, experts, we're talking 25, 27. Again, I think it's just too heavy.

THOMAS RICKERT: Thanks, Alan.

Brett?



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BRETT SCHAEFER: Thank you. Mine is regarding the fundamental bylaw option. And the reason I'm concerned about this, we've just spent a year, maybe more, maybe a little less on the part of some people talking about a structure for how we want to have this community mechanism work. And that has involved an extensive amount of legal advice, very expensive legal advice. And it is all based on the California code in California law.

If we change jurisdiction, we are possibly opening up this entire process again to the community reengaging in everything we have just gone through for the past year. And so if we go through this belts and suspenders -- I understand that is the two-step process. But with the super glue, it requires the community to approve it. I think the community should have to approve going through this painful process all over again. And I think that we should consider this as a fundamental bylaw.

THOMAS RICKERT: Thanks, Brett.

Greg?

GREG SHATAN: Thanks. Greg Shatan for the record. I'm speaking about the fundamental bylaw as well. I think it's important to view this in the context of the Affirmation of Commitments paragraph 8

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where there is a commitment to keep ICANN in the United States. And that's possibly the only commitment and I believe the only commitment not to be imported back into the bylaws as a fundamental bylaw. So that stands out to me. So this can't be viewed just in the isolation of the choice within the document, within the bylaws of the articles, but also needs to be viewed with regard to how we're dealing with the Affirmation of Commitments.

And I think that anybody who does a reasonably good analysis of this will see that we've made a choice to downgrade that commitment. And I think we need to think hard if that's really the message we want to send at this point in time.

Thank you.

THOMAS RICKERT: Thanks, Greg.

Chris?

CHRIS DISSPAIN: I want to support Greg, Brett. Unless I'm mistaken, everything else from the AoC is in the fundamental bylaws or pretty much everything else.

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STEVE DeIBIANCO: Not so. All of the reviews are in the regular bylaws.

CHRIS DISSPAIN: Yeah, okay. But the commitments, okay.

Well, look, I mean, I won't take up any more time. It should be a fundamental bylaw. We should be -- moving the jurisdiction should be a positive affirmation by the community rather than an objection. It should be in the fundamental bylaws.

STEVE DeIBIANCO: Chris, because it's in the articles of incorporation as well, we already have an affirmative 2/3 requirement to change that. So our point in our second draft is that there's already an affirmative approval required by the community to change the articles of incorporation.

CHRIS DISSPAIN: Then what's wrong as putting it in as a fundamental bylaw? Delivers an important message, I think.

STEVE DeIBIANCO: So both to be affirmative. Is that what you are suggesting?

CHRIS DISSPAIN: Yeah.

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STEVE DeBIANCO: Okay. Got it. Pedro? Then Olga and Fiona. Mary, you weren't in the Adobe. Let's do Pedro and then Mary and then Olga.

PEDRO IVO SILVA: Just for the record, I would like to reiterate the support of my country for option A to keep it as a regular bylaw. Thank you.

THOMAS RICKERT: Olga, thank you. I apologize. Mary. Please go ahead.

MARY UDUMA: Thank you. I want to draw attention to the fact that the commitment made by ICANN was to the United States government. And now we are looking at the whole world.

We have the Internet community. And everybody is now taking part in the affirmation of the commitment we are making. And we are saying for that reason it should be kept as a standard bylaw and it should be option A. Thanks.

THOMAS RICKERT: Thanks, Mary. Olga?

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OLGA CAVALLI: Thank you, Chair. I would like to support what our colleague from Brazil said. Argentina also supports Option A, retain it as a regular bylaw.

And I would like to make a comment about the other points up about the composition of the review teams.

While I think Option B sounds more inclusive, I think it could be a little bit complicated to implement. So there should be some -- there should be some thinking about how to -- because it sounds nice but then in practicality, it could be perhaps complicated. So we may think a little bit further how to implement it.

I think Option B could be fine but that should be taken in consideration. Thank you.

THOMAS RICKERT: Thanks very much.

We have Fiona now. I'm looking for Fiona. Fiona is over there. Go ahead.

FIONA ASONGA: Thank you very much. Fiona Asonga for the record.

I think the fact that -- I will not repeat what Mary has said. But just to emphasize, ICANN is now wanting to make a commitment

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to the global community as we open up and try to show that we have a multistakeholder model that works.

In the interest of addressing that and in the interest of all the global participants that we are soon going to have coming in for the ICANN meetings as we show and demonstrate to the world that we are a global multistakeholder body, able to work together to get the Internet moving in the direction we want to, it is important that that is not a fundamental bylaw. Let us be open and flexible to be ready, if need be.

We may one day find Australia is probably able to give us a better arrangement than the U.S. is giving us in terms of hosting our offices, tax issues, embargoes, relationships with other countries of the world because that is also an issue for those of us who have to come in from our regions to participate in ICANN. Sometimes we can't get support because the U.S. government has embargo issues with our countries.

So let us accommodate each other here, and let us be flexible and allow that to be an ordinary bylaw and not a fundamental bylaw.

Secondly, on the issue of participation on the HRT, while we would want to increase the numbers of some of the groups, I think it's important that there is a clear guide on how participation is allocated. Let it be that if, for example, the ASO

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can only fill one slot for a particular area, let the ASO be asked to confirm they can fill that one slot. And whoever is doing the selection can then see how to balance it out.

We should also be very cognizant of the fact that the review teams have taken quite a bit of time and resources. When they are too bulky, they become heavy in terms of ICANN being able to accommodate them in the budget.

And when you look at the reviews that are planned between now and 2019, there's going to be so many groups that it's going to be difficult for ICANN financials to manage the weights of moving all those review teams around across for face-to-face meetings on their own, for the ICANN meetings. Let us -- if we want to really tie all that to the budgets and everything else in the interest of running the organization properly, let us keep the numbers low.

Option A again becomes the ideal to go with keeping the numbers at 21. That include any experts that have to be brought on board as well as the ACs and SO representatives. Thanks.

THOMAS RICKERT:

Thanks very much, Fiona. And the queue is closed after Bruce. Next is Rafael.

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RAFAEL PEREZ GALINDO: Thank you, Thomas. We are for option A. It is perfectly clear that the organization needs stable and predictable jurisdictional environment.

And these requirements could certainly be included in bylaws as a way to ensure compliance with the ICANN security measures designed. But to prescribe in a particular jurisdiction now would preclude other jurisdictions in the future that could perfectly fit and comply with those requirements in and out of the USA.

On the other hand, jurisdiction is already a task of workstream 2 and enshrined in ICANN's current jurisdictions of fundamental bylaw would sort of preempt the future work of the workstream 2 in this regard.

So, in addition, I would like to ask the colleagues who would prefer the option B to sort of make a reflection on the message they want to convey to the rest of the world. Thank you.

THOMAS RICKERT: Thanks very much. Jordan.

JORDAN CARTER: Thanks. Jordan Carter here, dot NZ, just speaking as a participant in the group.



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My organization supports option A. We've got a careful bag going on here between the various symbolisms at play with these decisions. And we were able to consolidate in our report, our second draft proposal, around the idea that, you know, there's already provisions in the Articles of Incorporation and in the bylaws around the location of the company. We've got jurisdiction being done as workstream 2.

You know, it seems to me that we've come to a kind of nice balance there. And I haven't heard anyone argue anything that suggests that we need to change that balance. So, without a reason to change that balance in a way that will make it harder to -- in a symbolic level harder to get assent from one of our key chartering organizations but that would provide no practical benefit that would help other chartering organizations, I don't see the need to change. And I think -- I risk seeing this as just another example of our constant desire to relitigate things because we can. So I support option A.

THOMAS RICKERT: Thanks, Jordan. Avri.

AVRI DORIA: Thank you. Avri Doria speaking. I want to join those that are supporting option A. I think, first of all, with the rest of the AoC

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components going in as regular bylaws, the fact the only reason this is going in is because we might get in trouble if we don't put it in and it isn't really necessary I think is another reason to not consider giving it even more value than the whole rest of the AoC that it was a component of.

I think we have to remember that a regular bylaw is still difficult to change. You know? We haven't just said that, by putting in another bylaw, it could be changed willy nilly. It would still be tough.

I think also, when you think about what it would mean, people talked about the pain already of having to go through all this stuff again of how we rebuild all our mechanisms under some other law, unless, of course, we're moving it to Delaware.

And so that is -- but there's also going to be a budget impact. The idea that we would do all this and that we would spend all these millions -- so that means we really have two shots for knocking it out.

We have the shot of knocking it out for changing the bylaw, and then we have a budget that would have to take into account that decision. So it's already nearly impossible to do.

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And so, putting it in the fundamental bylaws is really just a thumb in the eye to the rest of the world saying, "And we really, really, really mean it. So you guys don't even think about it."

So I really -- I think that we should keep it at option A if we have to do anything at all.

THOMAS RICKERT: Thanks, Avri. Tijani.

TIJANI BEN JEMAA: Thank you, Thomas. You'll remember very well that at the beginning that there are people asking for moving ICANN from California to Geneva, et cetera. A lot of discussion about that. And we finally closed this discussion saying that we are not about jurisdiction or about location of ICANN. We are about making mechanisms of accountability for the transition. So it is not our job to do it now. And moved it to workstream 2, if you remember very well, the jurisdiction.

So my fear is that, if we move it to a fundamental bylaw, it will open again this discussion. And we may have pushback. And we have a problem of time. So we don't -- we have to come up with a proposal that are acceptable by everyone. Thank you.

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THOMAS RICKERT: Thanks, Tijani. Bruce?

BRUCE TONKIN: Just wanted to make a little -- I'm a little lost, because I think before you were talking about the numbers of people required on a review team. So just a comment on that. Yeah.

I think we should avoid trying to put too many specific details under the bylaws, to be honest. If I use the Board, for example, we have board committees. And those committees have different numbers of members. And we set that in the charters of those committees.

So what I suggest with the Affirmation of Commitment reviews is you leave it more general in the bylaws. But I assume that each of these reviews would have their own sort of set of rules in terms of reference and charters. And we evolve that over time. Because it's not a fixed number per issue. So I don't think you need as many people on a security review as compared to, say, the new gTLD review.

I realize it's up to. But you might even want to be bigger on some of these reviews.

Also, you're looking at, for the new gTLD process, it's the very first review. So there will be a lot of different opinions there. You probably actually want to go a bit larger than that. It's a

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major review. Versus something that is much more stable and is going to be small changes. You might want a review team of just six.

You know?

So I think we should not should not try to be too subscripive in the bylaws and allow that to be set in terms of charters for the individual reviews.

THOMAS RICKERT:

Thanks, Bruce. I could see a lot of nodding from here. Just, as a procedural point, I think our group is very much leaning towards option B and is ready to confirm it. So, in order to make progress, I would be inclined to take that off the list and mark it green.

What I suggest doing, though, is that, from a bylaw drafting perspective, being a lawyer, I think it doesn't belong to the bylaws. The requirement is there. And I suggest that we take stock on that point, settling on option B in terms of substance. But we bring it up on the list looking for support to not write it up in the bylaws but put it into other documents. Right? So that we can take stock on the notion. But we can be flexible on where we put it. I hope that is an acceptable way forward. Chris.

CHRIS DISSPAIN:

Two things. One just to endorse what Bruce said and what you said. Maybe we should think about putting a bylaw in place, putting a simple bylaw that talks about operational procedures document and say the operational procedures document contains all the detail and it sits underneath the bylaw. Just a thought.

But secondly, much more importantly at this point, I want to change my position. Having thought about it and thought about the Articles of Incorporation, I'm actually fine with it being a standard regular bylaw. So thanks.

THOMAS RICKERT:

So you make it easy for me to segue into taking stock of this discussion. On the first two questions, we did not see any violent opposition against moving away from having options B as a result. So let's confirm that. With respect to the third point of making it fundamental or not, let's look at the mechanisms again. We would need consensus on changing what we had in previous reports. And I don't see that consensus emerging. And I'm not going to repeat any of the arguments that have been made, but I'd just like to add one factor to it.

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Even those that have really asked for question of jurisdiction to be discussed wanted to look at it in a more nuanced fashion, not that much in terms of place of incorporation, but in contractual matters, legal recourse. What jurisdiction does apply to that? So it is more nuanced. I would just add that I wouldn't want to be the manager managing the transition from ICANN into another jurisdiction, other than the bylaw power where you just say, you know, we're going to need to change that.

Moving ICANN elsewhere would be an administrative and logistical nightmare. So I think we should pause here. Thank you very much for a very constructive discussion. And over to Mathieu.

MATHIEU WEILL:

Thank you very much, Thomas.

It's good that we're really keeping this constructive and engagement tone all across the week. And what we want to highlight here is some of the short-term next steps. But starting with probably a little look a week back. We've made tremendous progress. It's actually exceeding expectations. I expect -- I suppose for many of you, we're far beyond what we would expect. And that's certainly -- that's certainly worth noting.

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I tried to recap a couple of the key decisions we've made to make sure we measure the progress we have been making. Because, obviously, we are having a little problem assessing the scorecard. But you have the link in the chat on the scorecard. And you'll see that, basically, we have moved all the items into a refinement stage, at least, if not already agreed. Or accept for this one waiting item of which I will not pronounce the name or the number or anything because it shall not be spoken of, except that probably my understanding is that we will be now in a position to further the discussion about it, maybe without mentioning its name.

I hope -- I hope there are not too many outside participants who are not familiar with our work because, otherwise, they're probably totally lost by now. So we will -- well, apart from this, we've made progress in the mission and core values. We are currently ensuring that we can have -- that we're in agreement with the requirement to have the contract enforcement clarified in this with the right checks and balances for registry and registrars.

We are moving on with general statement on the human rights, which still needs to be refined.

We are moving the IRP discussion into the implementation group phase. And that is no small feat. I think that must really



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be something to emphasize in terms of achievement from this group. We have the sole-designator model as our new reference model.

We are still refining the decision-making mechanism that we have adopted a new approach of, which enables us to assess the level of support and the level of objection. We have found a very balanced process and approach for the one-year operating plan and budget, which was an outstanding item coming into Dublin.

Same for the removal of individual board directors, which were giving way to a lot of discussions. And we found something that is taking every perspective into an appropriate balance. And I would really speak about a balance between the various aspects here.

And I would call it a Tijani balance, because it's certainly something that was highlighted by him in the Paris meeting. We finalized some of the details of the AoC review incorporation into the bylaws. We are absolutely -- we're very close to being able to have these bylaws ready for our consideration in terms of implementation.

We've adopted a focused list of workstream 2 items with transparency being one of the most prominent ones. And we know that we also have some transparency discussion to finalize as part of the discussion on the model. And we have updated

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our timeline in a manner that I think is appropriately capturing the balance between various constraints that we have, the timeline constraint, but also the need for -- an inclusive and open and bottom-up process.

So there's plenty of work ahead. No shortage of conference calls and work parties and drafts to be reviewed at the last minute. I can promise that.

And I think that's extremely -- I mean, that's the best outcome we could have expected. And we really can be proud of this.

I'd like to highlight what we think are the key priorities now. We will certainly try to update the community at the public forum and publish a co-chair statement recapping the progress we have made as well as the time line.

We are going to actually work on defining this finalization of the report process, hiring the writers. That's going to be on our agenda in our debrief which is taking place right after this meeting. So you can expect this on the agenda for Tuesday's meeting.

We have to finalize the decision-making discussions in work party 1. We also have to finalize the transparency discussions that were started yesterday. And those are at the moment our key next steps. And before we actually close the meeting, I'd like

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to check with the room -- and I have a couple of remarks to make before we close the meeting, but check with the room whether we have captured correctly what you think are the key priorities we need to focus on now and whether there are next -- other next steps to be considered in this part.

I guess the hands in the room were there before so they are old hands. And James may be --

UNKNOWN SPEAKER: (off microphone).

MATHIEU WEILL: Go ahead.

JAMES GANNON: Thank you. James Gannon. So Keith Drazek made a very good point in the chat earlier, and I would like to get a feel from the room. Would anybody who is going to be at the IGF raise your hand. Yeah. So Pedro has said -- Pedro from GAC has said that, if necessary, he may be able to organize a room for us in Jaoa Pessoa.

So I think it would be a useful exercise that if we try and organize some -- even if it is just on an ad hoc basis somewhere for us to work while we have some time for free where many of us are

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going to be together, it's an informal face-to-face, so to speak, while at least 40, 50% of the group are going to be in a physical place together.

MATHIEU WEILL: It's a good point. And I think we'll need to think about how to best benefit from this physical proximity. Maybe in reviewing some documents or something.

UNKNOWN SPEAKER: (off microphone).

MATHIEU WEILL: Yeah, definitely.

I'm a bit confused with a queue in the room. I know Kavouss wants to speak, Mary, and Tijani.

Tijani, can you raise your hand your in the room.

KAVOUSS ARASTEH: Yes, two issues. In a few minutes we will have ICG meeting. And I have to report to the ICG with respect to the process of the CCWG. I am not happy with the issue related to the separations of the PTI. There is no enforcing procedures. The only thing is enforcing the process. And after that, we have to go to recall of

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the board, which is totally disruptive and impossible. I don't understand why there is no possibility to include something as the intermediary step not to go immediately to recall of the board.

If the board does not approve the separations, we have no means unless go to recall the board, which is not a good process and disruptive. This is point one.

Point number two, decision-making is totally vague, clearly vague. If SSAC and RSSAC does not participate, there will only be five. And within that five, GAC is one of them. If you do not count GAC as a decision -- as a counted advice, then when and how this four plus one will be filled up because we have four in favor and one against? And that one is not counted. So that column has no meaning. Please reconsider the situation. This is something very, very vague.

MATHIEU WEILL:

Thank you, Kavouss. I think the first point we will need to investigate offline.

Mary, Tijani, and then Avri. Mary.

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MARY UDUMA: I just want to thank this group. This is the most intelligent group I have belonged to since my life going to global meetings. And the take-away is always when there's cooperation, when there's collaboration, when there's balance, where there's consideration for other people's view and at the end of the day, let's have an ICANN that all of us will be proud of. And I'm proud of you guys. You have done so well. Please, can we clap for them?

[ Applause ]

MATHIEU WEILL: You are stealing my words.

MARY UDUMA: I'm saying this because I'm going away for ICG. Thank you.

MATHIEU WEILL: Thank you so much, Mary.

[ Laughter ]

We'll come back to that. Tijani.

TIJANI BEN JEMAA: Thank you very much. I would like to support the proposal of James regarding the IGF but with a small difference. It is good to

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meet and to discuss. But it is better -- it is more -- let's say we can add to that a communication effort to show to the global Internet community that the multistakeholder model is working and that it is not what some people are saying that it will not work and it is better to go to the ITU. Thank you.

MATHIEU WEILL: Thank you very much, Tijani.

Avri.

AVRI DORIA: Thank you. Avri Doria speaking.

I wanted to speak to Kavouss' issue briefly. I know you said we would take it offline, but I put my hand up to speak to it. I think that it's not quite as dire as Kavouss believes because if you look at the escalation ladder we've got, if the community mechanism and the board were to come to different decisions, there is that dialogue between them before escalating further up the ladder and then, you know, if that dialogue or mediation or some such doesn't work, then you're at the nastiness of either spilling the board or going to the court.

But there really is an opportunity for a dialogue phase after the community mechanism and the board have each made their

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decision on the outcome of the SCWG. Just wanted to put that into the consideration, that it's not -- it's not terribly dire.

MATHIEU WEILL: Thank you, Avri.

Bruce, you really want the last word?

BRUCE TONKIN: Certainly I endorse what Avri just said. I also just want to put a bit of context here. The IANA function today works very closely with the users function of the IANA function. And every single one of those users have said the IANA function is performing its role to their satisfaction.

The first escalation point is, basically, those users. And the whole point in the CWG proposal and all the other proposals is there's, basically, effectively a user group that's formed. I can't remember the exact terminology. But they will have a great acronym for it. It was basically a user group. By and large, those things will be resolved. And this is well done in the organization. It is not even at the CEO level.

And then the first escalation would be to take it up to the management, which I think is Akram. The next point is Fadi as the CEO.



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Then the next point is the board. And we have board members that have come from each of the supporting organizations that relate to the IANA functions.

And then you get to the community mechanism.

And then we have a public forum.

You are talking about so many points of escalation on a function that's just basically putting names in the equivalent I could run it on my laptop.

I think we're just way overbaking this. So, yes, if after all those mechanisms the IANA function is not working, of course, get rid of the board. But the chances of that happening, I think, are infinitesimal.

MATHIEU WEILL:

I think I have heard this discussion take place before in the CWG a few times.

It's actually interesting that we're closing sort of a loop at the end of this week with this particular point. But what I think we can take away from this week is the wonderful and amazing way we're bringing people together from the different groups into the same room in a collaborative manner actually makes a difference. It brings progress. It makes differences.

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And this is something that we need to go home with. This is our take-away message that when we get together, we can find a way. And that's, I think, what we need to convey to our respective organizations and beyond, to our respective communities, that this is what works. And this is what we are actually embedding in our accountability framework. We're embedding so many opportunities for these discussions to take place.

So that's really, I think, what we need to take back to. And we need to also acknowledge that it's tiring, sometimes exhausting, often frustrating, but also very rewarding experience when we do that. And actually this week has been -- yeah, no sleep, the stress, whatever, it's over now.

[ Laughter ]

This is the time where we finish our sessions! It's going to be at least four days before we reconvene on the phone.

UNKNOWN SPEAKER: Whoo-hoo!

MATHIEU WEILL: That's great, right?

[ Applause ]

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And I think we need to really say big thanks to the meeting staff. They've been tremendous many adjusting all the time.

[ Applause ]

And I know with them there's the I.T. team at ICANN, all the support in ICANN. The travel support have been doing marvelous things for us with very short notice in the last few months.

We have the wonderful creative team at XPLANE that have been in front of you for the breakout sessions.

[ Applause ]

Including Dave. I'm including you, Dave.

[ Laughter ]

We are delighted to have Trang and the implementation team getting on board. And I think that is an extremely good sign that we need to bring them into the group and get them to familiarize themselves with our work.

And I'm sure I'm forgetting many in the ICANN organization and I apologize for that.

I want to thank our lawyers for being quiet.

[ Laughter ]

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[ Applause ]

But also for being extremely productive over the week. You haven't seen that because it was in the background. But they've been doing tremendous work on very short turnaround. But, yeah, the quiet aspect is quite an achievement.

[ Applause ]

That was actually nice, Holly, in the French context. Consider it a cultural difference.

I want to thank also our wonderful direct support team. I mean, Alice, Harry, Bernie, they have been outstanding. They have been turning around agendas and slides in a few hours' time. And I can tell you they are all seriously behind on sleep.

And, yet, there's still thinking about bringing me this in case I get starve in the morning. Thank you for taking care of us. You've been great.

Kudos as well to the rapporteurs.

[ Applause ]

They always find ways to produce an additional document like this, like, in two hours. They have been doing ten calls a week. And, yet, they still bring us -- you have no idea the insight they are providing us in these meetings. And they are really, really

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challenging us into prepping better. And I think that's making a very significant difference in the way the meetings are managed after that.

And I think we need to also acknowledge they have been demonstrating leadership in their ability to go beyond their own personal views for the benefit of the process. And I think that needs to be stated, reinforced, and deserves a big round of applause.

[ Applause ]

Special thanks to my fellow co-chairs, Thomas and Leon. It is inspiring and amazing to work with you. And I think we're a good team.

LEON SANCHEZ: And thanks to Mathieu, too.

MATHIEU WEILL: And, finally, thanks to you. This is your work. This is your report. This is going to be your report. Especially the remote participants who have been following, we haven't heard that many during the week; but I know there have been a few. I'm learning a lot from you, both in terms of managing the meetings because of your feedback, direct feedback, honest feedback,

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blunt feedback sometimes. But also because you have the value, and the knowledge of the skills you have is what we have in the reports. So that's something you need to be proud of. And from the bottom of my heart, it's a great team to work with. Thank you all. And I hope you enjoy the end of the meeting. Stay tuned for the public forum later today. And safe trips back because we have a packed agenda still for the next few weeks. Thank you very much, everyone.

[ Applause ]

**[END OF TRANSCRIPTION]**