MARRAKECH – CCWG-Accountability Face-to-Face Meeting
Friday, March 04, 2016 – 08:00 to 17:00 WET
ICANN55 | Marrakech, Morocco

LEON SANCHEZ: Good morning, everyone. Could we get started?

Could you please kindly take your seats?

Good morning, everyone, and congratulations on surviving (indiscernible), almost.

And welcome to this face-to-face meeting from the CCWG Accountability, Marrakech.

And as usual, we will be going -- doing the roll call with those attending the AC room as well, so please log into the room. Remember, we use the room to handle the queue, so it is important that even if you are presently here that you log into the AC room so we can handle the queue.

And also, I remind you to kindly state your name before speaking, which I didn't. I am Leon Sanchez. So I remind you to state your name before speaking for transcript records and also, I believe, it's important for everyone to actually get to know who is speaking.

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

We might have, of course, remote participation, so at this point I would like to call for anyone the phone bridge that is not in the Adobe Connect room to please say their name so we can add them to the roll call.

Okay. So it doesn't seem the case. We have no one on the phone bridge that is not in the Adobe Connect room, although I see many people here that are not in the Adobe Connect room. So please log into the Adobe Connect room.

Are we having problems with -- -- Okay. So some seem to be having problems with the Adobe Connect room. And could we please paste the URL for the Adobe Connect room so that anyone has it handy at the top of the agenda.

Thank you.

UNKNOWN SPEAKER: (Off microphone).

LEON SANCHEZ: Okay. So one important thing for this day is that we are not engaging in any substantive discussion on our final report. The word "final" is exactly that, it's final. So please let us not get into discussions about the final report as it has already been sent to the chartering organizations, and we are just expecting

authorization and approval from each of the chartering organizations.

We remind you that we have a long-established rule of maximum two interventions per person per topic, and we also have a clock, and we know how to use it. So if participations begin to be excessive, as has been leveled, we will begin using this two-minute timer to manage the queue and interventions from participants and members, of course.

And our main goal is to have a party by the end of this meeting, of course, but we also want to have a clear view on how we're going to implement our Work Stream 1 recommendations and how we are going to plan our work forward for Work Stream 2.

So with no further delay, I would like to hand over the floor to my co-chair Thomas.

THOMAS RICKERT: Thanks very much, Leon, and good morning to all of you on this ICANN meeting in Marrakech. And there has been a lot of complaint about transparency over the last couple of months, and I think at the moment, the only thing that's not transparent is the sky. And hopefully that's going to change. But our report is all done. That's excellent news, so let me also use this opportunity to thank you all for your constructive discussions

over the last couple of weeks. It has been a painful process at times. We understand that. We've all been suffering, I guess. But I think that the work product that we now have in front of us and that hopefully will be approved by the chartering organizations in the next couple of days is really something that we should all be proud of.

And we certainly haven't managed to make everyone happy, but I think -- and that's part of the exercise. We've managed to make everyone equally unhappy. And so if you frown or your groups frown upon certain recommendations, look at the package. Look at what we've done in order to make ICANN a better place, to make ICANN a role model for the multistakeholder model. And try to convince those that don't like individual aspects of the set of recommendations to look at the whole package that we've brought together; and that others are unhappy on other aspects of the proposal, and let's all just say yes to what we have on the table.

So the main purpose of this hour is to prepare for this week. As Leon said, this is not the place to relitigate or re-open debates on substance, but we would like to discuss with you how to best engage with the community.

We are all knee deep in all this, but we need to make sure that we take the whole community along with us. And I'm not sure

whether we have the slide deck to be used in the engagement session ready. There have been some issues because Hillary, who is the master of all this, had some problems get to go Marrakech. So I'm virtually looking or physically looking at staff, whether we should -- or whether we can bring that up. Otherwise, we're going to save that for later.

UNKNOWN SPEAKER: (Off microphone).

THOMAS RICKERT: Okay. So what I suggest we do, then, is do a quick tour de table for representatives of the chartering organizations to see if there's anything they would like to bring up with respect to their approval process so that all of us are on the same page with respect to what to expect and when to expect breaking news during the week.

So if I may, I would like to start with the ccNSO. So do we have a ccNSO member in the room that could potentially --

MATHIEU WEILL: I can do that.

THOMAS RICKERT: So Mathieu, conveniently sitting to my left. So you're going to decide that amongst you're, but Mathieu, you get the first bite of the apple.

MATHIEU WEILL: So thank you very much, Thomas. Mathieu Weill speaking, ccNSO appointed co-chair.

The ccNSO is planning two or three sessions on the IANA stewardship transition during its regular face-to-face member meeting, so it's on Tuesday and Wednesday.

The first session is on the Tuesday morning. And it's going to include an update on the report, but also each of the ccNSO appointed member is going to provide a very summarized view of whether or not they recommend approval. There will be some question and answers and debates. And another session on Wednesday about the next steps.

As the ccNSO has the practice of taking the temperature of the members before going to the council meeting where decision is to be made upon supporting our recommendations, and the council meeting where that will take place is scheduled on Wednesday at the end of the day. I think it's around 5:00 p.m. local time.

So that's the plan for ccNSO.

THOMAS RICKERT: Thanks very much, Mathieu.

Let's hear SSAC, and let's all congratulate SSAC for being the first ones to send --

[Applause]

-- letter of -- letter of approval to us. I guess that's excellent. If you look at the CCWG Wiki page, we have a visualization of the approval status of the respective groups and you have a check mark on it, so let others follow that excellent example.

So I'm not sure whether you want to say a few words. I didn't want to skip but you, but just shout out that you've been great.

JULIE HAMMER: Thank you, Thomas. Julie Hammer speaking. Just on behalf of SSAC, this wasn't rushed through by any means. Lyman and I have been keeping SSAC up-to-date with what has been happening within the CCWG, the various proposals, and we've certainly considered the issues that affect SSAC in some detail, and in reality, that is only a few of the issues. Many of the issues, as you well know, we believe are not within our remit. So when the final report did come out, we explained the changes. We put it through our normal, quite extensive SSAC approval process,

and all the members were quite comfortable with our recommendation that we approve it.

So thank you for that. But it was not rushed through. It was certainly put through our normal, very deliberate process.

THOMAS RICKERT: Thank you. No one expects you to rush the process. Over the last year, we know you actively followed the process. But I think we've all been very impressed with you being the first one to lead on the approval process.

So RSSAC. Someone from RSSAC in the room? I shouldn't have asked RSSAC in the first place, because they're not chartering.

UNKNOWN SPEAKER: There is someone from RSSAC wondering why you asked that question.

THOMAS RICKERT: This is just a test to see whether you pay attention to what I'm saying.

UNKNOWN SPEAKER: Does RSSAC want to become a chartering organization right now? You can take all the glory.

CHRIS DISSPAIN: Can we discuss that? I think we can talk about that for three hours.

THOMAS RICKERT: I apologize for this hiccup. Let's move to the GNSO then. Steve, do you want to speak?

STEVE DELBIANCO: Yeah. I don't see James in the room at this point. This is Steve DelBianco. The GNSO working session over the weekend has two hours dedicated tomorrow from 1:00 to 3:00 p.m. for the discussion. The GNSO has posted a draft motion. And the motion, while it is only a draft, suggests adopting and lists all 12 recommendations. But I'm sure there will be a full-throated discussion tomorrow between 1:00 and 3:00 p.m. in GNSO leading towards their Wednesday consideration of the motion.

THOMAS RICKERT: Thanks very much, Steve.

Is there someone from the GAC in the room? I know this is a rhetorical question. But -- I saw -- who would like to speak on behalf of the -- Olga.

OLGA CAVALLI: Good morning, everyone. I don't know if our chair is in the room. No? Okay.

Thank you for giving me the floor.

The GAC is planning five sessions to review the document. And we would finish by Tuesday. That's the idea. We still have some issues to talk about and discuss.

You know? But we -- that's the plan. I don't know if you have further questions. Thank you.

THOMAS RICKERT: Thanks very much, Olga.

ASO. I saw Izumi. Whoever wants to speak.

ATHINA FRAGKOULI: Good morning. Athina Fragkouli on behalf of the ASO. So the ASO had no issues with the third proposal. Also we shared the supplementary or final report. And we don't see any issues also with the community. We shared it.

The only issue we had was explained in our minority opinion but had nothing to do with the substance of the report. It was just a matter of the implementation because our accountability we based pretty much on the SLA for the numbering function.

So we don't expect any issues. We have given our positive feedback as ASO liaisons. And it's just a procedural matter to have a final approval by the end. We expect it around the 6th of March. Thank you.

THOMAS RICKERT: Thanks very much. That's very helpful. And last, but not least, ALAC. Alan.

ALAN GREENBERG: Thank you very much. Before the ALAC's statement, I'll suggest the GNSO representative arrange for the transcript to be changed. There was a minor typographical error in the transcript that described your motion as a daft motion. Or it could be left alone.

The ALAC has been working hard on this. We had four hours of two 2-hour briefing sessions for ALAC and other at-large members over the last week. We have an extensive amount of time allocated, which I dearly hope we will not need, over the weekend. And we hope to finish our process this weekend. Should something come up, it will be done -- finished at our wrapup on Wednesday. But we're optimistic that it will be done prior to that. At least I am optimistic.

I have a question. There are some people who are suggesting that, in addition to ratification, should we ratify, that we may provide a statement. What would be done if we did such a thing? It's not a minority statement. It's too late for that. But statement along with the ratification. Obviously, if we don't ratify, we'll provide a statement.

THOMAS RICKERT: Yes. We wanted to speak to that anyway. I guess the answer is this. We have our report. Ideally, we would expect a "yes" or "no" to the whole package.

We would strongly disencourage you to combine your approval with conditions. That would put us in a very bad situation.

We know that some are considering explanatory notes or clarifications on their understanding of certain aspects of the report. Certainly, there's no way for us to prevent that from happening. But let's just say that each and every language that you add to your approval might add ambiguity and cause confusion as to whether approval is conditional or not. So we'd like to encourage you to be conservative with any additional language that you might consider.

Tijani, your hand is up.

TIJANI BEN JEMAA: Thank you, Thomas. I don't think they would be conditions. But there might be remarks about the implementation and the bylaw drafting. So I think it is useful to have something like this.

THOMAS RICKERT: It's certainly a thin line. If you speak to matters of implementation, we know that there's always an issue between implementation and policy. So, if you are requesting things to be done during implementation, that might change the policy recommendations that we're making. So I would just advise to be conservative with any additional language that might cause frictions.

Just imagine we have all the chartering organizations. The first has set a precedent by sending an unconditional, very straightforward approval letter.

But, if everyone else comes back to us with additional narratives on how they understand and construe the recommendations and how they want them to be implemented, that might cause some issues for the process to come and the approval as such.

Mathieu.

MATHIEU WEILL: Thank you, Thomas. Mathieu Weill speaking. I think I'm very much in line with Thomas. Interpretation -- even statements that would be felt in good faith as purely implementation run the risk of creating some conflicting interpretations between different chartering organizations. And we would be in a very bad situation if we had to resolve this between, basically, Wednesday 7:00 p.m. and Thursday 1:00 a.m. Something like this. Right?

So I understand the need for also providing some flesh to the rationale for approving. But maybe this flesh is better if it's considered as internal to the chartering organization, the rationale for ALAC or any other chartering organization in its analysis of whether or not the report -- the recommendations can be approved and not sent back as a statement or a position to the chartering organization itself.

So it can help the ALAC or other organizations in the way it will oversee the implementation later. It certainly is useful context element. But I think it's best if it's separate from the -- what is being considered in our charter, which is the approval or rejection of the recommendations.

And I hope this helps and finds a way to accommodate your concern, Tijani. Thank you.

THOMAS RICKERT: Leon.

LEON SANCHEZ: This is Leon Sanchez. Tijani, one of our main objectives today is just to know how we're going to go forward and how we're going to implement things. So, hopefully, by the end of today, we won't be needing to make any kind of clarification statements or side statements along with the chartering organization's approval. Because, hopefully, we'll find out how this is all going to work by the end of the day. So let's not anticipate any conclusions. Just let's wait for what we have prepared for you.

THOMAS RICKERT: So what I understand from the chartering organizations is that there is to be some discussion. It's good to have discussion, even in the inside -- inside the chartering organizations. Not everyone has been following our process so closely as we were forced to. So everyone should need to know exactly what they approve ultimately. But it looks like we don't see any dark clouds coming up. There are no major issues, which is a good sign. Otherwise, I think individuals that just smoke would reflect that. Kavouss, you've raised your hand.

KAVOUSS ARASTEH: Yes, it was. Good morning to all of you. As the representative, not as a member of the GAC and CCWG providing (indiscernible) is very good. I as a participant of CWG, CCWG want to add some complimentary information.

We have discussed in our last call, which took about two hours, all 12 recommendations. Preliminarily we made the statement that we have no difficulty with ten recommendations. That's the good news. There are two recommendations, because of the complexity, sensitivity, and delicacy, we have to further discuss and several meeting has been envisaged and you know that many of the government, due to several reasons, may not have been actively participated or followed all the discussions. So we need to discuss these two recommendations in our physical meeting and we do always.

One thing more (indiscernible) that, we should look into the word as it is but not as it should be. We should understand each other. There is no question on the table who is right, who is wrong. The question is that people should agree with each other. So that is very, very important. You have to buy and you have to sell. You have to sell our ideas. If there are buyers, so far, so good. If there are no buyers, we have to try to make it in a way that could be bought by others. Never we should look into any idealistic. Never into any perfections.

One thing in the law is that letter and esprit. Associated with the esprit of law is circumstances and environment under which that has been agreed. When you have something it takes a lot of discussion took place and the result of those is that is that. Does not mean it is perfect in language, but it is what is outcome of that meeting. Thank you.

THOMAS RICKERT: Thanks very much, Kavouss. That's very helpful. After this walk through the different chartering organizations I would like to invite Kavouss maybe again to speak to the process that's going to be used by ICG, because delivery to the U.S. government also has the component work done by ICG, and then I would like to turn to a board representative to speak to the process that the board envisages to follow during the week in order to achieve our goal of handing over the proposal on next Thursday. So Kavouss, if I may put you on the spot.

KAVOUSS ARASTEH: Yes, with the agreement of Keith Drazek who is the liaison of the ICG. Our task in the last call that we had was quite simple, how to send our information to the NTIA. This was discussed at whether you send it to the NTIA or how do you send it. We said that we send it to the ICANN board and ask them to send it to NTIA within some period of time, 14 days. If they have any

comment, they could add to that. If they don't have comment, but they don't change the text. We didn't have any other information in the ICG because we were prepared about six months ago, so we're just waiting.

Our important point was that now we have a confirmation of CWG that all conditions and requirements of the CWG were met by the CCWG accountability. That was important for us. And we have that guarantee from the CWG co-chairs that conditions are met. So for us, that is important. We are not dealing with the result of the CCWG, whether there would be any addition or not, because our main condition was CWG requirement must be met and it has been convened well met. So ICG has no problem to send the information, and we have already prepared a draft letter and authorized the chair of the ICG to sent it on the 10th of March to the NTIA to ICANN or to ICANN to be sent to the NTIA. Thank you. If Keith wants to add something.

THOMAS RICKERT: Yeah, I just wanted to invite Keith to add to that, if you want to. No?

KEITH DRAZEK: Okay. Thank you, Thomas and Kavouss.   Keith Drazek.   No, Kavouss summarized it perfectly well.   I would just add that

there was some discussion in the ICG about the possibility that it could send its report prior to the completion of the CCWG work because the CWG had, in fact, indicated that the key dependencies had been met. But the consensus agreement within the ICG was to wait until the CCWG work was, in fact, complete, approved by the chartering organizations, and ready to be transmitted as well as a package. So thank you.

THOMAS RICKERT: And let me just personally add that I very much welcome the wisdom of the ICG to wait. I think it makes the whole proposal look more cohesive if delivery occurs at the same time. So thank you for that. Thanks, Kavouss. Thanks, Keith. I'm not sure who wants to speak on behalf of the board. Bruce, do you want to speak as board liaison?

BRUCE TONKIN: I'm happy to speak as board liaison. What would you like me to speak about?

[Laughter]

THOMAS RICKERT: Happy to do that. Bruce, after we've heard from the chartering organizations as to what their process is going to be towards

approval during the week to come, we would also like to hear from the Board what the next steps will be. You know there are transition facilitation calls where the Board has gone on record that they would appreciate a cool-down period between finalization approval of the proposal and passing it on to NTIA. Now things look like the chartering organizations will formally approve on Wednesday, at least some of them. Are we going to see issues with the timeline? Are there any other pieces of information that you would like to convey from the Board in our journey towards submission to NTIA?

BRUCE TONKIN: Yeah, thank you, Thomas. Certainly the Board's been keeping -- or having regular information calls. There was an all-day meeting yesterday of the Board with -- where recommendations were discussed. Certainly the recommendations, as drafted in the current draft that came out a few days ago, there's no issues from the Board so, you know, as long as things don't change, I think we're on board. And so more of the discussion is now about implementation. So we're assuming that if the chartering organizations sign off and we get the final report from the CCWG that we would be able to process that report fairly quickly and now focus is changing towards what are the critical path elements to get the process complete.

One of those is bylaws drafting. So we've formed a team on the Board that will work closely with the CCWG team to try and get those bylaws completed. And the aim obviously is to try and get all the bylaws published and reviewed by the community and then approved by the Board within the next three months or so.

THOMAS RICKERT: Thanks very much, Bruce. That's helpful. So it looks like everything is on track. All the groups are working hard to make possible what some have thought would be impossible for this community to achieve. So that's great news. I think that the -- the slide deck for the engagement session is not yet ready, which is why I would suggest that we skip this particular point for the moment and get back to it later. The -- I guess what's important, though, is to speak a little bit to the expectations for the week. The slide deck that I've planned to show to you is the slide deck for the engagement session, to ensure that we take the community along with us and explain -- explain the -- the recommendations to the community. We have a Town Hall session on Monday that's going to be used for that purpose.

Our group also has work to do on Work Stream 1 implementation and Work Stream 2. So by the end of this week hopefully we'll all have a clearer view on how we're going to organize our work, for both of these areas. Right? So even

though the work will not have been kicked off in substantive discussions, we will start the discussion here and try to frame a straw man work approach for all the subject areas that need to be worked on in the months to come.

So hopefully we're going to have that by next Thursday, before we have our big party. Hopefully there's something to celebrate. And then I would suggest that we move to the next agenda item on Work Stream 2, and Leon, you're going to take over.

LEON SANCHEZ: Thank you very much, Thomas. This is Leon Sanchez. And our next agenda item is planning for Work Stream 1 implementation, right? So I sent you an email yesterday on behalf of my co-chairs trying to kickstart the discussion on how we see our work going forward, not only in regard to implementation of Work Stream 1 but also as to planning our work for Work Stream 2.

So in regard to planning our work for Work Stream 1, we have been discussing our way forward. And this way forward could be that we have two teams that would be working on implementation, the first one being the IRP team, which I believe would be led by Becky, hopefully. I'm volunteering you. Well, of course, this is subject to discussion and approval by the group, but I think that it will be great if you led that.

And the other one would be an implementation oversight team, and this implementation oversight team would be comprised of the co-chairs and the rapporteurs so far. And the object of this agenda item is to, of course, discuss with you whether you agree on this way forward, whether you have any suggestions on how we could proceed with implementation of Work Stream 1. And of course planning our path for Work Stream 2.

So in the mail that I sent you yesterday, I proposed a way forward, which we would be breaking the different items for Work Stream 2 into small subgroups that would plan their work. They would schedule their calls, et cetera, and we would be establishing a coordination with this implementation oversight team that would be coordinating the efforts of all the different groups and would, in turn, be reporting to the wider CCWG.

So this is the starting point for discussion, as I said, and we would very much like to hear from you whether this is a viable proposal or whether you have any ideas that you could share with the rest of the group as to how we can move forward on implementation of Work Stream 1 and, of course, our work in Work Stream 2.

So I would like to open the floor for any comments on, firstly, how do we want to proceed with implementation. Let's remember we are proposing to establish an oversight team, and

we are also proposing IRP implementation team at this point. Should there be a need to establish more teams, we are open, of course, to set up other teams that would implement other parts of our proposal, but so far, these are the two main teams that we are envisioning.

So the floor is open, and I see a hand up.

PAUL TWOMEY: It's Paul Twomey. A clarification about the oversight process. If I can take a specific example, the subgroup I'm interested in is the human rights one.

How do you see the approval of any -- of any language that will emerge working through that process? Do you see -- I'm just thinking through, how does the bottom-up work here? Does the subgroup work with language? Does the oversight team have the opportunity to change that language? Does the CCWG as a whole get to see the language? I mean, how do you see the approval processes working.

LEON SANCHEZ: Thank you, Paul. I think we are going to go into details when we discuss implementation of -- I mean, our work plan for Work Stream 2. So I wouldn't want to go into details at this point, and

I would ask for your understanding so we can get back to this when we are at that agenda item.

Thank you.

Any other comments?

Yes, Kavouss.

KAVOUSS ARASTEH: Thank you, Leon. Are you referring to your email dealing with the working method strategy, so on and so forth? I heard you talking about one group, when you call them a small group or whatever group or reflection group, they did what they have to do and based on that we establish other small group with dedicated subject, and so on. Is that also something you refer to that or is it different from these two you are talking about? Thank you.

LEON SANCHEZ: Well, I think they are linked to each other. One thing is the implementation oversight team, and the other one is, of course, the IRP team, and we will also be breaking down all of our Work Stream 2 subjects into different small groups that will coordinate along with the implementation oversight team. So they are linked; they are not the same. And they are not

completely independent as we will be, of course, interacting and coordinating the different groups among them.

And we have a queue on the AC room, and first on the queue Alan Greenberg.

ALAN GREENBERG: Apparently in face-to-face meetings, only physical hands count.

What you describe as the two subteams is generally acceptable to me, and I'm certainly not volunteering to take on one of those roles. However, the drafting of the bylaws, and certainly in my personal case, a number -- a specific number of the bylaws, is going to be really critical. We've made statements along the way saying we'll take this into account when we draft the bylaws.

If the first time that I, as a regular member of the CCWG, see the draft bylaws is after we've gone through the whole process and they're presented to this group in a large swath, if not all of them, it's really too late to make changes. The inertia that goes along with this kind of thing, my standing up from the floor and saying, "I have a problem with the wording of that thing" is a voice in the wilderness.

So it's really important for those of us who care about the detailed wording of the bylaws to have an opportunity, as they're being drafted, to point out that there's something wrong,

that it doesn't meet what our intent was or what we thought --
said our intent was.

So although I'm not volunteering to help draft all of them, there
really needs to be some involvement, some way to get in part
into the loop before they are presented as an almost fait
accompli for ratification by this group. If not, I think we're going
to have a lot of trouble. Certainly you're going to have some
from me.

LEON SANCHEZ: Thank you.

                       Mathieu.

MATHIEU WEILL: I think Alan's point is a very good one. There are some areas
                       where direction will need to be provided, questions will be
                       asked. But -- and we've had a good discussion with our lawyers
                       on that a few days ago. I don't think the notes have been
                       circulated yet because of the travels, but it will be. And the
                       strong recommendation is, what they're saying is it's going to be
                       more efficient and easier to discuss with the group if you give us
                       some time to -- the wording was in the initial drafting work in a
                       dark cave. Go into a dark cave, draft the whole set of

documents, ask for some questions and have an initial check with the small group, and then go for the full group.

We need to make that process open and transparent for -- so that everyone can see the different questions that are raised by the lawyers, the different answers that the small groups are providing and how they're -- so that we can track what's been done in this process. But they are strongly cautioning us against a process that would be too iterative initially because in the drafting they're really cautioning us about the time it will take, the cost, and for them, the confusion that might stem from it.

So I think that's the balance we're trying to see here. And the openness and transparency of the review by this implementation team here is critical. Many in this room have some topics or many topics they really care about in terms of implementation, and I think it's good to write them down for each of us and know exactly what we're going to check, but it's compliance check we're talking about. We're not here to open any new question. And I think letting the lawyers draft initially is certainly the best way to avoid that a group starts discussing actually new questions when -- when the drafting occurs. So that's why we're trying to find this balance. But transparency, yes, yes, yes.

LEON SANCHEZ: Thank you very much, Mathieu.

Next on the queue I have Tijani Ben Jemaa.

TIJANI BEN JEMAA: Thank you, Leon.

If we could have the groups displayed here because I heard something about the implementation team, about oversight team. I would like to see all those groups displayed with the composition you propose and with the mission they would have.

LEON SANCHEZ: Thank you very much, Tijani.

Thomas.

THOMAS RICKERT: Yes, just to be perfectly clear, in Work Stream 1, we're only having two tasks, two groups. That's the IRP and implementation oversight. All the other work areas are Work Stream 2. We're going to discuss that soon.

So let's just focus on these two areas now.

LEON SANCHEZ: Thank you very much, Thomas.

Next is Steve DelBianco.

STEVE DELBIANCO: Thanks, Leon.

The process you have on the slide up here speaks to what Alan was getting at in that when the bylaws come from our lawyers, the first task is to compare them to the written proposal we're approving. And that includes comparing it to the clarifications, all those notes that we added between the third draft and the final.

The purpose of that is to make sure that the bylaws have reconciled potentially conflicting clarification notes and understand that then would release them to the full CCWG for ratification. And hopefully, Alan, to your point about timing, I think one lump-sum distribution would be difficult to digest and could potentially slow the timing down. So I would say that if we can, as we get chunks of the bylaw from lawyers, we would quickly reconcile them with recommendations and the clarification notes, and then turn that around for CCWG approval as each section comes along.

The prior slide up there had said AoC bylaws, but AoC is just one recommendation. It's recommendation 9. What you're really saying is that all of the bylaws other than IRP, because IRP has

its own Work Stream 1 implementation, it's so complex and it's really the crown jewels of what we're proposing, so the IRP gets its own path, but the other recommendations, ten of them that affect the bylaws, mean that there are ten chunks of drafting we'll get from our lawyers. We want to reconcile those and then publish them to the CCWG.

So I want to clarify and support your notion of keeping it simple and streamlined; at the same time acknowledging Alan's points about whether one lump sum is the right way to digest it.

Thank you.

LEON SANCHEZ: Thank you very much, Steve. And, yes, the way you have described it is exactly how we are trying to drive this. So thanks for helping us clarify our way forward.

Next on the queue, I have Malcolm Hutty.

MALCOLM HUTTY: Thank you, yes.

I share most of the views in the comments that were just placed both by Alan and by Steve by way of clarification. I think the label that you have on the slide there, CCWG approval, rather than exacerbates the concern that I think Alan was raising and

rather tickles me as well, the idea that this would be presented too much as a fait accompli and there will be no opportunity for the plenary as a whole to check that they really owned the way that this was being implemented.

If it said something like "review and approval," I think it would give more of an indication that this was -- it was understood that there would be an opportunity for the group to consider whether or not they were satisfied that the text had implemented what we had decided.

At the same time, I also feel very strongly in agreement with Steve's comment there. This is not an opportunity for the group to re-open issues that have already been decided. The criteria for checking is whether or not the wording adequately implementation what has been decided and not whether it does what is right. The objective has been decided in our report and supplemental report.

So I think it will be very important for the chairs there, really, to both ensure that there is a proper opportunity for review rather than bouncing this group through the terms, but at the same time holding us very strictly to ensure that we don't re-open issues of principle that have now been decided and agreed upon and approved by the chartering organizations which will have happened by this point, we hope.

I do have one other question regarding composition. Leon, you skipped rather quickly past the issue of composition of the review teams. In particular, the IRP implementation review team.

We had already chartered such group, and it has had a composition selected and it has met once. Are you proposing to close that group and replace it with a new composition or are you referring to that group as being this?

LEON SANCHEZ: Thank you very much, Malcolm. I am referring to that group, and we will also be calling for volunteers later on the agenda. We have an open item for call for volunteers at some point.

THOMAS RICKERT: Not for -- the IRP group is set. We have our participants there.

LEON SANCHEZ: The other groups. The other groups.

But I am speaking about that group, Malcolm. And, yes, I think that maybe we should relevel CCWG approval with CCWG review. That seems quite reasonable. And one point that I really like from your intervention is that this shouldn't mean -- or this shouldn't lead us to re-open any agreed issues but just rather

check that what is in the bylaws does match with what we have -- with what we have agreed.

Thank you, Malcolm.

MALCOLM HUTTY: Thank you for that clarification. I'm satisfied with that answer.

LEON SANCHEZ: Thank you very much, Malcolm. Next on the queue I have Jordyn, Jordan Carter.

JORDAN CARTER: Thanks, Jordan Carter, dot NZ.

We have one is the general bylaws drafting project and the other is the IRP implementation. IRP implementation group is largely sorted out already.

We're talking about an iterative process for doing the bylaws, and us suckers who have been stupid enough to be volunteers, rapporteurs and co-chairs, helping make sure the initial draft of those bylaws is consistent with the report. As long as all that is done transparently, so there is an open archive list, and as long as there is substantive time for the group to review, identify any other areas, areas that can be changed -- so in other words, as

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long as it's not fait accompli style stuff, I'm comfortable with that.

I don't really see it as an implementation oversight team. That sounds too grand. It's more a kind of review function that we're doing for the group.

LEON SANCHEZ: Thank you very much, Jordan. We can always adjust the wording and the language that we're using in the slide. So yes. I think we are in line with what you just raised.

Next on the queue, I have Kavouss.

KAVOUSS ARASTEH: Yes. I think the parting with the written -- writing the bylaw is a very delicate part and you said that this should be compliance with recommendation. So we should be quite careful about that.

One thing that I have to also emphasize, that we need to enter the logistic that's required for the work, the number of the call or any physical meeting or need for the legal counsel. And in that, we should also look into the availability of project that we have. And the other thing is the way that we have organized the

meeting in the past was criticized by people. So many meetings in haste and not very well ---

My queue wasn't refreshing, and I may have altered the order in the queue. And, as things stand, I have next on the queue Sebastien Bachollet.

SEBASTIEN BACHOLLET: Thank you. No need to apologize. It's already very difficult to run those meetings. And that's okay.

I have a few points here. And, by your introduction, you talk about Work Stream 1 and Work Stream 2.

I know that when the OIT -- sorry -- I don't know what it means for -- but in French it's (speaking French.)

And you were elected for a mandate of three, four, five years? Then you will stay on the job for this time. It's great. I thank you for that. Because it's a very heavy job you were taking 1 1/2 year ago.

But, joke aside, we need to have -- we have two streams. And I understand fully that the first stream needs to be taken care by the current stream. I have no doubt about that. I have some reflection on why the OIT taking care and not a specific group who will be in charge of the bylaw, because there are some

people with eventually some knowledge or willing to be part of that specifically.

But my point is that we need to have this group with some breaths, respiration, whatever you want to call that, and to see if those chartering organizations or people participating want to stay on board or it's time to have new people. And I have the impression that, for the moment, as we are doing two in parallel, we are assuming that the same will play again. And, if so, thank you very much. But, if not, I think we need to ask the chartering organization and each participant, each member, if they are willing to stay and if it's not time to change a few of them eventually. Thank you very much.

LEON SANCHEZ: Thank you very much, Sebastien. Mathieu.

MATHIEU WEILL: Thank you, Sebastien. In your introduction you said there was Work Stream 1 and Work Stream 2. And, indeed, this was just designed for the finalization, implementation of Work Stream 1 recommendations. And, certainly, when we come to discuss Work Stream 2, we'll have to discuss exactly how we organize work. And, yes, it is a probability that the team that was so involved -- and, once again, I think we had tremendous efforts

from our rapporteurs in Work Stream 1 -- might need to breathe. And maybe new people might come up and take the work one step further with renewed energy.

And at the same -- so that's going to be discussed in -- when we discuss Work Stream 2.

The second point you're raising was the relationship with the chartering organizations. And I think Leon went over this item quite quickly. But it's certainly our intent, just like the CWG did, to write to the chartering organizations at this important point in our work to ask for confirmation or maybe renewal of members, if they find it appropriate, and also to have confirmation of the role that a group is planning to play in terms of implementation. Because that's not specifically written in the charter. It was not in the CWG stewardship charter either.

So I think there's an opportunity to use this meeting in Marrakech to also liaise with the chartering organization on this aspect. And that would be, if the group agrees, one of the action items we would take out of this meeting so that they have this on their tables and can discuss it during the Marrakech meeting or in the few weeks after Marrakech.

So thank you for raising these points, Sebastien.

LEON SANCHEZ: Thank you very much, Mathieu. We have some people in the queue that are not in the Adobe Connect room just so everyone knows.

Next we have Eberhard. And then I will go to Chris Disspain. And then I will go to Jonathan Zuck and then Alan Greenberg. So, if you don't see your hand, it's not because you're not in the queue. We're not jumping anyone. We're just trying to set the record straight. So next in the queue is Eberhard.

EBERHARD LISSE: Eberhard Lisse from .NA, for the record. I'm not in the Adobe queue. I have heard what Alan says and Steve says. And, as you have noticed from some of my posts, I find it difficult to read 385 pages preferably as pdf. I need to study them in depth.

On the other hand, I realize we don't want to interfere with the legal team doing the actual work. But I find it very helpful if they publish often, they publish incremental, and they publish into a list observers cannot post to. So whoever's interested can subscribe as an observer to the list, can read this earlier. And, if we have issues, we can refer it to the co-chairs. And then you can take it -- sort of certify it and vet this so that we don't interfere with 20,000 emails like we have done this time.

LEON SANCHEZ: Thank you very much, Eberhard. Sounds quite reasonable. Thomas, you want to add something?

THOMAS RICKERT: We will do exactly that, Eberhard.

LEON SANCHEZ: Thank you, Thomas.

Next in the queue I have Chris Disspain.

CHRIS DISSPAIN: Thanks, Leon. Chris Disspain. Good morning, everybody. I want to talk briefly about the implementation of Work Stream 1 and talk as a lawyer. I've just got a little bell ringing in the back of my head that what I'm hearing or at least what I think I'm hearing may lead to an issue.

If you let the lawyers draft the bylaws and then you say we're not sure that this does what we want, that's going to be a problem. The way around to do it is to make sure that the lawyers understand exactly what you want and then let them draft it. And, if they tell you it gives you what you want, it gives you what you want.

The concept of having lots of different people in this group judging whether or not what the lawyers have drafted provides

you with what you want is very, very dangerous. Because they'll be using different reference points, different legal systems, et cetera, et cetera, different meanings of different words. So I'd encourage you all to make sure that the key is to let -- make sure the lawyers understand what you want and then let them do the drafting. Don't start wordsmithing their bylaws. That just won't work. Thanks.

LEON SANCHEZ: Thank you very much, Chris. I think that we couldn't agree more with you. That is precisely why we're trying to go with our lawyers to have them understand perfectly what we want them to reflect in that -- in those bylaws. And then run the drafting process. So I think we're pretty much in line.

Next is Jonathan Zuck.

JONATHAN ZUCK: Thanks, Leon. Jonathan Zuck here, for the record. I would concur, Chris. Wordsmithing the work of lawyers is the best way to guarantee a good college education for their children.

I see the way this is divided one of the questions that occurred to me is the budget for which there is, in fact, a bylaws portion. But there's another part of the implementation as well that has to do with coordination with CWG that has to do with the draft --

the maintenance budget outline, what that would look like, et cetera. It's more of a detailed part of the implementation. But it's part of Work Stream 1 implementation. We've got to make sure we don't let it fall on the floor.

LEON SANCHEZ: Thanks, Jonathan.

Next in the queue is Alan Greenberg.

ALAN GREENBERG: Thank you very much. I think it was Jordan or somebody who made reference to the implementation group's email archive will be open. Eberhard made a comment. And Thomas said, "Yes, we'll do it." But I'm not quite sure what the "it" was. So I would like some clarification. Is the "it" saying there will be observers on this mailing email list?

THOMAS RICKERT: The idea is that this interaction with the lawyers will follow highest principles of transparency. So calls will be recorded, potentially transcribed. The mailing list is going to be archived. But what we want to avoid -- and this is what the lawyers have explicitly cautioned us not to do -- is have the lawyers interact with hundreds of people. So everyone can know what's being

discussed. No problem about that. But we should channel the input to the lawyers through a few individuals. That's the idea.

ALAN GREENBERG: I'm requesting that you use push technology, not pull technology. I don't want to have to go to an archive to read it. I'd like to be on the mailing list to receive even if I can't send messages. Thank you.

THOMAS RICKERT: Let me just say that we've discussed this quite a bit when we prepared for this meeting. We want to make sure to keep the workload for all of you as low as possible.

At the same time, we do know that this group is very, very sensitive that bylaws are not being drafted in a cave. You know, someone comes out, "Eureka! This is what we have. Now you take it or leave it."

So everyone who takes an interest in this, whatever technology we deploy to make that possible should be able to get all information on what has been discussed, to flag issues -- and I think we need you guys to flag issues should there be any.

But we have volunteered to accept the workload, to do sanity checks. That is not, as Chris said, to have a wordsmithing

contest with the lawyers. You know, they're the experts. But we can check whether the requirements established by our group make their way into the bylaws. So I hope that answers the question.

LEON SANCHEZ: Thank you, Thomas. Thank you, Alan. I see a question at the back of -- it's Mike.

MIKE CHARTIER: Yep. Thank you. Just for clarification, when you say "our lawyers," are you talking about CCWG? Because I heard Bruce mention that the Board also has a team. So is it going to be the case that our lawyers are going to do something and then it goes to the Board's team and then Jones Day looks at it and we might get some lawyer-type thing? Or are they going to be working together? How is that going to work?

THOMAS RICKERT: Thanks for the question, Mike. The exact flow between the teams involved is yet to be determined. There's going to be a kickoff meeting that we've accepted to hold on Monday evening. After that we'll be able to shed more light on that. But this is certainly a collaborative effort between our group, our lawyers, the Board, and the Board's lawyers. So let's be clear on that. I

think what we're now trying to establish who's going to be on this implementation oversight team to agree with this group. And there seems to be a lot of agreement in this group that we can do as suggested by Leon.

And I think that maybe by Thursday next week, even when we reconvene, we can give you more detailed -- more specific information how exactly that's going to work.

LEON SANCHEZ: Thank you very much, Thomas. Bruce?

BRUCE TONKIN: Just a quick follow-up on that on the Board side. The Board has selected a subset of board directors to help be involved in facilitating the process, particularly with respect to communication with the wider board and making sure that, from our perspective, the bylaws reflect what's in the report.

There's no shortage of lawyers. So on the Board directors' team, several -- maybe a majority of those board directors are lawyers. I will be on that team, and I can assure you I'm not a lawyer. So sometimes it helps to not have lawyers there.

And then we will be using the ICANN corporate counsel, which is Jones Day, to help provide advice to the Board. And, certainly,

our direction as a board is directing our legal counsel to work collaboratively with the CCWG lawyers. We don't want a conflict situation. We actually want a collaborative situation.

So the goal of both groups is to come up with bylaws that reflect the report. That's the common goal.

LEON SANCHEZ: Thank you very much, Bruce. Thomas.

THOMAS RICKERT: Thank you for these helpful recommendations. Let me go on the record by saying the role of the board and what this group has done doesn't change during the implementation. So this is still the process that needs to be community-led with ICANN being the facilitator of the community exercise. And then the Board certainly has its fiduciary role to exercise when it comes to bylaw drafting. And, therefore, we need to make this truly a collaborative effort that maintains the spirit of the work that we've conducted over the past 15 months.

LEON SANCHEZ: Thank you very much, Thomas. Mathieu, did you want to add something?

MATHIEU WEILL: I appreciate Bruce's statement and the fact that you're highlighting that we all share the same goal, which is to provide a set of bylaws that adequately reflect the report and recommendations.

And I just -- a question came to my mind when you were speaking about if the Board already has clarity about the process towards bylaw approval and some timelines that would be already considered so that this can take place in a time frame that is consistent with the INS stewardship transition. I think it would be extremely helpful for the group if we can have this in mind.

As mentioned on the slide, we were operating under the assumption that a public comment might be needed on the bylaws. So, if there's a plan -- a project plan for that, we really need to work on this very early on so that we ensure we have -- we're all consistent with that. And we respect the duty of the Board to go through public comment on the bylaws, and we can fit this all together.

It's not to be done here, but certainly an area where further discussions need to take place and transparency with the whole CCWG and the chartering organizations as well.

BRUCE TONKIN: I think that's right. To give it a timetable with locked in dates is difficult until we actually know that the chartering organizations have signed off and the Board actually receives a report.

But, certainly, Mathieu, I think by the end of the week we would aim to give some sort of timetable which we would work on, you know, with your group as well. It's really got to be a shared timetable. I don't think we can direct it. But you are correct. My feeling is that the -- you know, our normal process for approving bylaws is that the bylaws are a bylaw for the whole community to review before the Board finally approves them.

LEON SANCHEZ: Thank you very much, Bruce. Thank you very much, Mathieu. And so, just to recap our discussion, we will be setting up a list so that everyone can observe this process. And we have agreed to this. We have some refinements. And we will be also having the IRP group plus the leadership group that would be coordinating the efforts between the different groups.

And I see, Kavouss, you raised your hand.

KAVOUSS ARASTEH: Yes. I have one small question. In the first box we are preparing a bylaw or draft a bylaw. We said that asking directions. What

do we mean by "directions"? Is it advice? Is it clarifications? From whom we ask this advice or directions? Thank you.

LEON SANCHEZ: I think that asking for directions means what we were just discussing, that we need to tell our lawyers what we exactly need to be reflected into the bylaws, according to our proposals. So that is what we meant by asking for directions, if need be. If the lawyers have some doubts on what they are drafting, they should come, of course, back to the CCWG and ask for that direction whether they are reflecting what we're actually meaning to be reflected in the bylaws. So that is meaning for them.

Mathieu, you wanted to add something.

Okay. So does that answer your question, Kavouss? Okay.

Anyone else? No? Okay. So Mathieu.

MATHIEU WEILL: Just to take stock of this discussion.

The overall process set out here is going to be our direction, with some refinements to the CCWG approval which will be review and ratification rather. So the initial drafting is going to be directed to the CCWG independent counsel primarily but

working in a collaborative manner with ICANN legal. We are going to continue with the IRP group that had been set up so far and use the current rapporteurs and co-chairs as the small group overseeing the drafting for the rest of the bylaws. And both of these groups will operate under the same standards that were already set up for the IRP group actually which is a transparent mailing list. People can subscribe and it's archiving and everything. Okay? And we know that what is at stake here is ensuring we have compliance between the report and the bylaws and no new issue is to be opened.

And finally, we heard from Bruce that we'll get some key milestones from the process that the Board is drafting for the final approval obviously and that is going to certainly drive our project plan as well, and that's going to be a subject of discussions in the next few days. Maybe if we have -- we have a meeting on Thursday, so maybe we'll have more details by then, but if -- if not, it doesn't matter. It can be a few days later. So that's the stock we can take from this discussion, which has been very productive because I think we now have a way forward to deliver as soon as the chartering organizations have approved the Work Stream 1 recommendations. And with that, I think the next -- you're next.

The composition of IRP, I don't have it by heart, but I know Becky is the -- is the lead and I think an answer is coming your

way, Avri, with probably even the documentation. I think there's a wiki page on it. There's always a wiki page on something. So we'll find it. We'll find it.

Becky, would you like to say a few words on the IRP group?

BECKY BURR: Yes. The IRP group that we have up here includes Chris Disspain, David McAuley, David Post, Greg Shatan, Malcolm Hutty, Robin Gross, Samantha Eisner, Tijani, Arun, Marianne Georgelin. I don't know if I pronounced her last name right. Avri. Sorry, Avri. Olga Cavalli, Kavouss Arasteh, and then a variety of liaisons. So it includes lawyers and non-lawyers. And Avri, if you didn't know you were on it, my apologies.

[Laughter]

THOMAS RICKERT: So can I ask staff to bring up the slides for the engagement session. We had skipped those earlier today. Just give me an indication. If it's not handy at the moment, we can do something else. Okay. So what you see in the remote participation room is the slide deck that we plan to use for the engagement session, the Town Hall session on Monday. And again, this is a slide deck meant to educate or to inform the community as such about what we've been doing. So I'm not

going to deliver this presentation to you because that's all information that you are already aware of. But I would suggest that we go through that briefly. So maybe staff can just slide through those. So that's an overview of the process and where we are. Then we talk about, you know, some statistics, composition of this group, the volume of emails exchanged, Work Stream 1, Work Stream 2. Then an overview of the proposal, you know, how it's structured with the core document and the appendices. We will speak to the CWG dependencies. And then we're going to go through the recommendations. And as expected, we will speak to the changes from the third draft. So that's basically a quick run-through of the recommendations. And the timeline and next steps. So, I mean, that's something we can -- you can digest, if you want to, once it's been sent to the list, but that's just to let you know that, you know, there won't be any surprises or any new facts but that's basically what we have in our report. With the specific focus on the changes to the third report that's been put out for public comment.

Okay. Are there any questions on that or do you have any suggestions in terms of topics that might be of special or of particular interest to the community? Doesn't seem to be the case. Which allows us to move on with the agenda. Actually we're ahead of time. I think this is the first time in the CCWG's history that we are ahead of time.

[Applause]

But that doesn't mean that there is a lot of work to come. So can we go back to the face-to-face slide deck, please. And to the -- skip that. Yeah. So this is to discuss Work Stream 2. As you know, this is a kick-off. We have requested travel support for this extra day, and we would like to thank ICANN, again, for making it possible for us to meet on Friday, you know, because that wasn't so easy. That took some debate because there's enormous costs involved with that. Also, it's an administrative nightmare to add a day to the ICANN meeting. So thanks so much to ICANN staff, and I'm not sure whether Nancy's in the room. Nancy, can you stand up for a moment? So ...

[Applause]

So I guess we should in return evidence to ICANN and the rest of the community that this money is well -- is worth spending, and we would like to kick off the Work Stream 2 discussions.

As you know, we have a couple of topics to be discussed during Work Stream 2 that's -- just to refresh your memory, that's diversity, that's human rights, that's jurisdiction, that's SO/AC accountability, staff accountability, we have transparency, and this is going to be covered by an interim bylaw and the subject of the ombudsman. Do we have Chris LaHatte in the room with us today? Not yet. So we will try to reach out to Chris because he

has scheduled a session during this meeting to discuss the role of the ombudsman and the post-transition ICANN and certainly that will be relevant to our Work Stream 2 discussions.

You will see here -- and that's just by way of introduction -- that there are certain links between the items to be discussed in Work Stream 2. And I think we need your wisdom to make sure that we organize our work in a way that avoids friction, duplication, contradiction between the outcomes. Also -- and we will speak to that later when staff gives the quick introduction to how ICANN has dealt with other implementation-related projects. We should discussion what aspects of our work would potentially fit in nicely with the ATRT2 reviews because those are related topics. And we need to make a decision as a group whether we want to try to combine efforts with work underway in ATRT. Let me be very specific that there have been concerns in this group that if we add things to ATRT that this could be putting them on the back burner and burying them, deprioritizing them. That is not the intention. Let's be very, very clear on that. This is under our control. We're just trying to inform the group about synergies that could be used, volunteer resources, professional resources, staff resources -- not that staff is not professional, but you know what I'm saying. We might need legal advice on those efforts as well. So we want to make the best out of the resources we have, and

we need to discuss whether some of the items can maybe be combined amongst themselves, maybe we can put something into the ATRT effort without giving a signal to the community that this is not going to be prioritized. And we have a wealth of ATRT expertise in this room that we would like to hear from when we organize our work.

So the projects that we need to work on are on the screen. You might, in your imagination, add time to that. So ideally, what we would do is we would work on all these seven projects in parallel. Work Stream 1 implementation we must do so that the transition can take place. So this is something that is on our plate for 2016. So those two bars, if you say that beginning of 2016 is on the left and end of 2016 is on the right or end of the IANA functions contract is on the right, that's something we must do. Question is, what can, want, and must we squeeze in for Work Stream 2 at the same time? Is there a topic or are there topics that you want to let go first? Do you want to work on all those topics in parallel? Do you want to work on them sequentially, which I think would not be a good idea. Do we do a combination of sequential and parallel? So I would -- I would suggest that before continuing we hear some views on that. Maybe someone has an idea. We're going to have another session in the afternoon where we're going to have like 10 to 15 minutes per Work Stream 2 item collecting ideas on what needs

to be done. Maybe that will help this group get more clarity on how big the tasks are. Take jurisdiction as an example. That's so multi-faceted. You can have different subteams working on that only. And the same would go for other areas of work.

So I think we need to understand collectively what's involved with these tasks for Work Stream 2 and then be wise about how we allocate our resources, how we allocate time. How we help our lawyers plan their time in supporting us. We might not need lawyers for all of this. But when we had our call with the lawyers a couple of days back, and you can go read the transcript, they say it will add to cost if we want to do too many things at a time. Because they need to have big teams fully up to speed with what we're doing and that -- that incurs costs.

Also, if we crunch our work and force them to work 24/7 during weekends and what have you, that will add to costs. So ideally, after this week, we would like to have an agreement with you where we have a straw man project plan and we think that we can pretty much tap on what we've done with the CCWG. Just thinking out loudly, but that could be first phase of work regardless of what the topic is, is create an inventory of what we have already. As we did with the CCWG. Then you would establish requirements of what should go into a report of these -- of the subteam. Then you would put the lawyers to work to help you produce a first draft. Then you would do two feedback

loops to get towards the final report. Maybe you want to do a public comment period somewhere in the middle. Maybe you just want to do one at the end. Maybe the group wants to deliver one cohesive report on all Work Stream 2 aspects. Maybe we want to throw them out as they get ready to make it easier for the community to -- to respond to solicitation of public comment. This is all up to us to define now. But I think we would be well advised to have a straw man to say okay, you need to come up with your inventory, with your requirements, with the first draft, within, let's say, three months. Then we're going to have a phase for lawyers to review so we can phase out the work, irrespectively of when it starts in a comparable manner for all these work items and thereby help spread the workload over, let's say, a 12-month period of time or a 15-month period of time. Are there any views on that? So let me just go to my Adobe and see whether there are hands raised. And in fact there are. There's a big queue forming. Olga, you're first.

OLGA CAVALLI: Thank you, Thomas. I have many questions, but some comments. I think these different issues in Work Stream 2 are very important. The fact that a single group could follow all of them is very improbable. We would focus on different things. So my comment would be, you made a point about having public

comments, for example, every now and then. So that would be important to have a vision at plenary level say. For example, if some people is focusing in diversity and jurisdiction and then not focusing so much in human rights, it could be good at a point to all of us have a view of what each of the different groups are doing. This is a comment just from my own impression. Sometimes I have seen in this process groups doing some text and then it's written in stone and nobody else can ever put it down. So that, for the GAC especially that we have to consult in capitals and it takes some time, it's very important to have a vision at a plenary level of the different -- what each group is doing in each of the subjects. Thank you.

THOMAS RICKERT: Thanks, Olga. Good questions and it's up for us to find answers. Certainly not everyone can work on everything. So we need to form subteams. And that goes hand-in-hand with a note that Leon sent out yesterday. It goes for the leadership team. We can't possibly work as hands on as we did for all these topics as we move on. So we need to find caretakers, people that want to take responsibility, maybe jointly with others on those topics. So next in line is Sebastien.

SEBASTIEN BACHOLLET: Thank you, Thomas. Yeah, first of all, I think it's very important that we do that with taking into account what has already done within ICANN on those topics. That's, for example, jurisdiction, we have already a large amount of documents from the Presidential review team to some other discussion within ICANN. Then it's important to take that into account. And maybe to ask the people who were participating into those discussions at that time are still participating the ICANN work to help with bringing to the memory what they have done at that moment. And maybe we can also ask the president at that time who is in this room today to help us with that specifically.

The second point is that yes, subgroup is a must, and I hope that subgroup will be real subgroup, not the same people shooting again in the seven or six or seven or eight or whatever subgroup. We need to have here also diversity in each group and diversity in all areas.

The third point is that we need to take into account, for example, what ATRT is doing and what are the current remit of the ATRT because maybe we want to change those remits to add them some possible items to do the work. For the moment it's just 9.1, 9.2, 9.3 on the AoC with a limit of the ART and that's a question we need to take into account.

And my fourth point is that do we want to -- to outsource to another group some work? To take two examples, there is already a human rights working group. Do we want to give them the work or do we want to have this group embedded within the CCWG framework.

And the second, it's as you say, the ombudsman is already organizing some consultation on the -- what he will do in the future. It is right way to go? It is not the CCWG to do this work. I am a little bit puzzled to have the ombudsman who is working on this future work definition. But nevertheless, we need to take that into account. Do we want to ask him to do the work with a group of people or do we want to take that as -- in our responsibilities. And having him included in this working group and not the reverse. That's a few comments. Thank you very much.

THOMAS RICKERT: Thanks very much. And I suggest we not speculate what the intentions by Chris were for this group. I think we've all been surprised to see the announcement on the list but I guess it's excellent that he reaches out to the community to discuss what community expectations are. But nevertheless this is a Work Stream 2 area for this group and not necessarily only for the ombudsman himself. Next in line is Tijani.

TIJANI BEN JAMAA: Thank you, Thomas. As you know, we need to finish the IRP implementation and the bylaw drafting by -- in six months maximum so that the transition can happen. So I think that this work has the absolute priority. I am not saying that anything about Work Stream 2 must -- must be put aside, but at any time and in any case, if we have to choose between those two works, the Work Stream 2 compilation has the absolute priority. Thank you. Work Stream 1. Yeah.

THOMAS RICKERT: Understood, Tijani. Thank you. Next in line is Steve.

STEVE DelBIANCO: Thanks, Thomas. Steve DelBianco with the CSG. In the very beginning when you introduced this slide I believe you did mention the ATRT or Accountability and Transparency Review Team in the context of some of these Work Stream 2 measures, and I wanted to just sort of pick at that because I'm guessing that we need to start the next Accountability and Transparency Review Team, probably a year from now, beginning of 2017. And it looks to me like on the Work Stream 2 items, the last four look as if they address items that are pretty close to the remit of an ATRT. And that -- that could be good, right? It could be a logical

way of organizing things. And timing-wise it might even be fortunate, if they were able to get Work Stream 2 recommendations through the process so that they could be handed to the next ATRT or seeded into the process.

And then on regarding working methods, I realize there's been some discussion on list after Leon circulated an email, and in a -- in a normative way of what we should do to organize our work, I would ask us to step back for a minute and be descriptive and remember how we did organize our work 15 months ago. November of 2014. That's when we started. And we started with a bang before there was much staff support, if you recall. And instantly we had work area 1. Do you remember we used to call it work area 1, work area 2. We did an inventory of all the comments and quickly distilled where there was the most support for accountability measures that would improve the community. I mean, it's too full back in the archives for anyone to remember, but if you were to dig back to November of 2014 you'll see that we had already start surfacing the idea of IRP and reviewing bylaws and budget.

That work occurred without any significant discussion of working methods. And I love working methods, but we actually had a method of just doing the work.

The working method was get the work done. And there was about 25 folks who volunteered. Staff supported us on a few calls but we did an awful lot of our document prep through emails and that is by the middle of December of 2014, we had already compiled a seven or eight page inventory, organized by area of accountability, and I realize we've had to build on that substantially since then, building upon it in terms of consensus and details. But a lot of the working methods can be -- let's not debate too much about how it is we're going to get it done and spend a little bit more diving in and getting the work started. And those documents, I think, will suggest the working methods that could emerge.

THOMAS RICKERT: Thanks, Steve.

Kavouss.

KAVOUSS ARASTEH: Yes, thank you, Thomas. I have a few points to make if you allow me. Perhaps I missed the point, the timeline of doing this work, taking into account that at the beginning there was no favorable consideration by ICANN Board with respect to this work, it seemed to. But finally, they agree to some sort of compromise. So timelines.

Then estimation of the required resources. This is what I said before I want to put it in particular to what this work is seen to.

And then what no one has referred to is membership from the chartering organization. Perhaps you ask them if they retain the same membership or different membership, different block, ditch ideas, so on and so forth. So we have to also look at that one. And working methods. I think there are some comments about the working methods. We have to review this working method.

Another issue is that we have to avoid totally the applications. We have to use available information, available documents, available practices, so on and so forth. And we have to also see to what extent we want to go to the things so deeply or whatever is really required. So we have to minimize the number of the things that we have to do. So these are the things that have not been yet discussed and we would like to discuss. In particular, estimation of resources for doing this work.

Thank you.

THOMAS RICKERT: Thanks, Kavouss.

On timeline, there is none at the moment. We know that we need to deliver on Work Stream 1. We know that we had in our

planning that we would commence work on Work Stream 2 as soon as Work Stream 1 recommendations are ready, but we need to organize exactly that. So I guess that's the point that hopefully we get more clarity on during this week.

Erika.

ERIKA MANN: Thank you so much, Thomas. I have a few points on my list.

I think it will be relevant this time that we have maybe from the very early phase a clear understanding about the budget ceiling, because I think there are two things which will frame -- or three things which will frame, probably, Work Stream 2. So one would be the budget limitations. And we have to get an understanding together as early as possible about this.

The second is the timing. I think everything we do, we will have to count back from the end point when we want to deliver Work Stream 2 results.

And the third would be probably the process and how we organize it and legal limitations related to it.

So my hope is that we have -- together that, we can identify maybe a process which will make it as easy as possible for everybody engaged to organize their own workload and

whatever we have to do, which is already immense, in such a way that it's as easy as possible to follow and to influence the debate and discussion.

And my last point, coming back to the legal, what I would love us to have a little bit more systematic approach this time with regard to the topics so that in an ideal -- sorry. Again, I have to say, I'm German so I apologize for this for cease these obvious systematic ways of recommending to have a systematic approach. But that we each time clearly identify the current situation, the current legal situation, and that we then from there expand what we want to achieve. So this will frame, then, our debate, probably, in a more systematic way.

Thank you very much.

THOMAS RICKERT: Erika, it's good to see you trying to be systematic for once. Thanks for that.

[Laughter]

Next is Eberhard.

EBERHARD LISSE: Eberhard Lisse from .NA For the record.

I am, from a professional -- from my profession, a firm believer you cannot divide your attention when do you important things. It's also difficult to divide responsibilities but that's a separate measure. We have no time limit as far as Work Stream 2 is concerned.

We need to deliver Work Stream 1, and when that's -- and that means the implementation, and when that's done, I think then we should start with Work Stream 2.

Erika -- I do not agree with Erika that we should work backwards from a fixed date when we have to deliver because the charter, it's clear these items can wait. I agree with her on one thing, we can do systematic. We can do one at a time. Sort it out, get it done, get it approved and put it in place. Then we can work on the next up with. I agree with Steve DelBianco, we can -- the sort of the other way around. Maybe we need to feed in what the ATRT says. Maybe we could take what the ATRT team says and take this into our consideration so we don't have so much background.

The process that we have done so far suffered a lot from this events workload and from doing too many things at the same time. I have always advocated that we should do one at a time and do it right. Work Stream 2 has no limit on this. We can -- We can start with diversity, approve it, write the bylaws, and then

we can start with (indiscernible) frameworks, or in whatever order we want, because it can wait until the transition has happened.

So I would really urge strongly to get Work Stream 1 totally finished, and then start on Work Stream 1, and then do this, take one or two topics at a time, not more than this, so we can do them right, get them done, get them sealed and delivered and then we start until we have fixed this.

THOMAS RICKERT: Thanks, Eberhard. I guess that those are the questions that we as a group should try to find answers to. Are we working from a delivery date for one package of Work Stream 2 reports or are going to roll those out as individual projects? I guess those excellent points, and I hope you will discuss those during the coffee break so we can then try to reach agreement on those.

Next is Olga, then Jordan and then Sebastien.

Old hand? Thanks.

Jordan.

JORDAN CARTER: Thanks. Jordan here. I sort of agree and disagree with Eberhard, which is as usual.

EN

EBERHARD LISSE: Red would be a first.

JORDAN CARTER: It's more common than you might think.

As much as I love working with you all, I won't be that upset when this group is finished, so I don't think we should necessarily try and spin it out.

I also don't think -- Where there are other really clear community-driven processes that are happening, so like ATRT would seem possibly a natural home for transparency stuff, accountability, SO/AC accountability, I don't think that we should hesitate to take an approach that might be something almost like a submission or a set of thoughts about those topic areas being our work output as a transmission, a letter, a submission, if you like, to the ATRT, bringing the CCWG's thoughts on those topics.

I don't think we should assume, in other words, that the work output in all of these threads is going to be bylaws changes or something huge and dramatic.

And the only other thought I'd offer is I don't mind if we start this stuff a bit later to allow us to complete Work Stream 1. But I

don't want us to have an open-ended process. And I don't want us to be using our lawyers as inefficiently and ineffectively as we did at times in Work Stream 1 work.

THOMAS RICKERT: Thanks, Jordan.

Sebastien.

SEBASTIEN BACHOLLET: Thank you, Thomas. Agree with Jordan that not all the working group will deliver bylaw changes. It might deliver some new way of doing things, and that's not embedded in the law or in bylaws but in the way we are working.

I think that some of the items, from my point of view, are more important than Work Stream 1, but Work Stream 1 was a mandatory step to go there because it was for the transition to be done and that was a time frame. But some of the issue of Work Stream 2 are very important for the whole community and for ICANN in general.

I really that SO/AC accountability, now that we try to fix accountability of this organization, we talk about the Board and some other part but not really on each and every SO and AC, and that's a topic we need to take into account right now.

For the question of the ombudsman, also it's important because we put in the Work Stream 1 that the ombudsman will play certain role, and we need to define that, I guess, quite quickly. I'm not saying we need to rush, but at the same time we need to have some idea when we want to deliver.

As idea to have some of those work delivered for the next ATRT team could be a good -- a good idea to take into account. And as you know, last but not least, the first year, I really think diversity must be taken into account, and we need to find a way to have that done. It seems that we need to have some discussions. And if we can handle that quickly, because it's important for each part of the other work to embed diversity in what we deliver.

Thank you.

THOMAS RICKERT: Thanks very much, Sebastien.

Alan and Roelof.

ALAN GREENBERG: Thank you very much.

In the real world, it's sometimes useful to have competing groups working against each other to see who comes up with a

better plan or a better project or things like that. I'm not sure we can afford it or want it here.

So things like let's do human rights and have a human rights group working in parallel with us may be self-defeating. On the other hand, it's not clear that we have the right to delegate to some other group and force them to do something. Specifically with the ATRT, when it is convened, the ATRT and the CCWG may want to get together and decide to have an allocation, but we're certainly not in a position to mandate to some future ATRT that they must deliver some work products. So as we go forward, we don't want to replicate a lot, I think, but we want to be very careful in how we do any subdivision, if, indeed, we do it.

Thank you.

THOMAS RICKERT: Thanks very much, Alan.

ALAN GREENBERG: And I support doing it, but we have to do it carefully.

THOMAS RICKERT: Thank you.

                         Roelof.

ROELOF MEIJER: Thanks, Thomas. I think it's crucial that we finish the work on Work Stream 1 first before we start working on Work Stream 2. And then I -- I kind of agree with Eberhard that there is no real time pressure. And I think we all would agree that some of our work in the first phase suffered sometimes from time constraints.

So I would say that we should divide this work in subgroups but have no more than two or maximum three subgroups working at the same time and set a deadline just for internal purposes, because we also know that as soon as we move the deadline forward, we used all the time that we created for ourselves. And this will also happen if we don't set a deadline or set deadlines very far away from us.

So I think before a subgroup starts, we should agree on when it delivers its work, just to make sure we don't consume too much time. But on the other hand, I don't think it would be good if we have all the subgroups working on all the themes at the same time. That's just putting a lot of pressure on ourselves and it's not necessary and it will have a negative influence on the quality.

THOMAS RICKERT: Thanks very much, Roelof.

So the queue is clear.

Jan.

UNKNOWN SPEAKER: Sorry. I said he must stop agreeing with me.

JAN SCHOLTE: Jan Scholte. Sorry; I'm having trouble with the Adobe list. I'm reminding -- it's not necessarily to say this is right, but I'm just reminding that at earlier stages of these discussions people said there should be a 12-month limit on Work Stream 2 in order to make sure the issues were addressed and that they were given a seriousness and not strung out and let go on for ages and ages because they had an urgency to them that they need to be addressed with the same kind of priority as some of the Work Stream 1 issues. I'm not saying that we have to, that we can't change that position, but I think that was the agreement at an earlier time.

The other, this is not a special pleading in my own direction because I'm not necessarily signing up for this, but I think a number of these Work Stream 2 issues are ones where some advice from people with experience from other settings could be

helpful. So, for example, on the human rights framework, there's been a lot of work on incorporating human rights right now into other global governance frameworks and there's no need for this group to invent things that other people have spent years already developing in other settings. So I think on things like human rights, transparency, SO/AC accountability, there's a lot of expertise outside there that could be helpful here.

Thanks.

THOMAS RICKERT: Thanks very much, Jan. That's very helpful.

We're still ahead of time, and I think the ideas that some of you have shared with the group are great.

What we suggest doing is break for coffee now, do a 30-minute coffee break instead of 15 minutes, and ask all of you to discuss these questions so that we can come to an agreement in this group on some basic questions such as do we want a joint delivery date for all the work area two items? Are we going to work sequentially? Are we going to work in parallel on some of these items?

Eberhard, your hand is up.

EBERHARD LISSE: Can we have a two-hour coffee break and then report back to chair?

[Laughter]

MATHIEU WEILL: I second that proposition.

THOMAS RICKERT: So please also discuss whether you want to count backwards from a delivery date; whether we are going to start working on Work Stream 2 items now in parallel with implementation of Work Stream 2 or, as suggested by Roelof, pause, starting working on Work Stream 2 until we have finished Work Stream 1. These are fundamental things that we should try to get an agreement on as a group. And before we break for lunch, there's -- for coffee, there's breaking news. Some of you have read it in the chat already. ASO has sent its approval letter. So let's give them a round of applause.

[Applause]

And we will reconvene at 10:30 for the remote participants. Thank you for being with us, and talk to you soon again.

[Coffee break]

LEON SANCHEZ: So thanks, everyone, for taking your seats. And this thanks is limited to those who took their seats. Can we get the recording started again, please. So, actually, I'm Leon Sanchez, for the transcript now, which is good so I can say nasty things.

Okay. So we would like to reconvene our discussion on how to conduct our Work Stream 2 work.

We had started our discussion on this before the coffee break. And we got some very good questions and suggestions from you.

Ideally, we would like to take stock and get answers out of this group that we can record on how we're going to go about with Work Stream 2.

Nonetheless, we think that we should offer more information to this group on how we could use other working methods that have been deployed in the ICANN community previously on ATRT, on design teams by the CWG. So why reinvent the wheel if we have things that we can build on?

And, in order to give us some insight on what can be found in terms of working approaches in the ICANN world, we have invited three ladies to the table whom all of you know. It's Larisa, Margie, and Glen. No, Karen. And we would -- I think that, Larisa, you will go first, won't you? And Grace has also joined. So we're going to hear from them. And then after that

we're going to discuss and see how much of their insights we can incorporate into our thinking. So over to you.

LARISA GURNICK: Good morning, everybody.

I'm Larisa Gurnick, director of strategic initiatives or multistakeholder strategy and strategic initiatives department working with Theresa and Margie and others.

My involvement and the reason that I'm excited to be talking to all of you today had started with ATRT2. So I was one of the staff facilitators for that process. And since then I've done several other review-related activities, specifically, the GNSO review and kicking off the at-large review. So my frame of reference comes from both AoC reviews as well as organizational reviews.

So I thought that we would start by sharing some lessons learned, information that we've observed through the review process. ATRT2 and the various other reviews, areas that might be useful for all of you to consider as you're tackling these topics.

So, to start, the topics that are outlined in Work Stream 2 are really the essence of continuous improvement in accountability and transparency. And, from our view, that work does not have an end point. So it continuous improvement, because we're

always striving to get better. And that in itself is not a project. It's a mission, if you will.

Having said that, how we do that really contains discrete projects, such as implementation work from ATRT2 and various other projects, that tend to have a direct scope, a start, a middle, and a finish.

So that's an important consideration that, while improvements are ongoing, the way we get there is through discrete projects and tasks that end. And then it's important to evaluate to what extent that work has been effective.

So, additionally, as we learned from ATRT2 and other reviews, it would be very helpful to have a shared understanding between the Board, community, and staff of what exactly the desired outcome should be and how to measure whether that outcome is being accomplished.

A good example of how that's being implemented as a process improvement as we speak is in the work of the GNSO review working party who went through a very extensive process of analyzing recommendations, prioritizing them, considering feasibility, and has generously committed to volunteer their time to work with staff to define what a successful outcome would be or at least how we should think about what that

successful outcome will be before the implementation process gets kicked off.

I also think it's helpful to consider what constitutes a useful recommendation. And there's certain parameters that we look at as a measure of a recommendation that can proceed successfully through the process, clarity being at the top of the list. Is it clear from everyone's perspective what the intention of the recommendation or the initiative is?

Another attribute is prioritization. As I mentioned, the GNSO working party is applying that as we speak. And that's really useful to understand in order of priorities what is more important than other things given that resources are limited.

Actionable. Is the recommendation something that can be acted upon where project plans and timelines and action items deliverables can be decked against other recommendations?

As well as measurable; because another important lesson learned certainly is that, in order for improvements and implementation work to have the buy-in from everybody that pitches in to do the work, there has to be some direct and clear outcomes that can be quantified and communicated to the community. In order for that to take place, the recommendation itself has to be measurable. There has to be a way to measure whether it's being successful or not down the line.

And, of course, another attribute of a successful recommendation is one that considers resources. And by "resources" I certainly mean hard dollars required to implement as well as volunteer time as well as staff time. So all resources combined.

So that -- I would say that highlights the important lessons learned. As we look at the future of this work, a couple of questions came to mind that I'd like to share with you and see if, perhaps, these questions would be something that would be helpful for you to consider.

One is how should a shared understanding of what constitutes a successful outcome be reached? So thoughts and ideas on how to frame that would be very helpful.

And another one is what frameworks or tools would be useful for framing the desired outcomes? How should the various teams, including Work Stream 2, look at that and define what constitutes a successful outcome so that it can be measured and can be implemented?

So I know that you had discussion before the break about how all this relates to various other work and specifically ATRT3. So I think it may be helpful to bring up on the screen the next slide, please.

So this is a picture that you probably have seen and will see a great deal of throughout this meeting. It's a bit of a busy slide. But what you see kind of in the middle of it is ATRT3, which is scheduled to kick off in January of 2017. And, of course, everything else that you see on this slide, the blue is the AoC mandated reviews. And the orange is the organizational reviews that are mandated by the bylaws.

And this is the current schedule. So it's a busy schedule indeed on top of the GNSO, the second GNSO review still wrapping up, CCT being -- having just started, and at-large review about to get kicked off in April.

So, with this in mind, the process would be that ATRT3 would get kicked off in January 2017 and then would start with a call for volunteers. Similar process that transpired for CCT just recently.

So there would be an outreach, a broad outreach to get people interested in participating in the review, collect the applications, and go through the process of selecting the review team, which generally takes three to four months until the review team has been appointed. And then the review team spends time on planning out their work. And that generally takes a month or two. And then the work begins.

We've been using a framework of a 12-month review process as a starting point. So the review from the time that it gets kicked off -- from the time that the review team is assembled, actually, generally, would last for a period of 12 months. When the review is finished, final report and recommendations are issued.

And, according to the AoC mandate as it stands currently, the Board has up to six months to take action on the recommendations, which also means that, after the final recommendations are published, there's also a public comment period that goes out for the community to offer another opportunity, another opportunity to provide feedback on the final recommendations. And this is in addition to at least one or two other rounds of community feedback through public comments and various other interactions that the review team would normally have with the community throughout the review process.

Once the Board takes action on the recommendations, then the implementation work begins. And one of the process improvements that we've been discussing for the past year or so is to have some continuity from the review team, several members of the review team to participate with staff and board in the framing of the implementation work, the projects for implementation, to ensure clarity, to ensure that shared

understanding and to help get started with the implementation such that it takes care of the intent of the recommendations.

So I will pause at this point and let my colleagues add whatever I may have missed.

MARGIE MILAM: This is Margie Milam. I'm senior director in the department with Larisa. I'm responsible for the AoC reviews generally, and in particular I'm leading off the CCT review right now.

One of the things you might want to think about as we look at what's going on with the CCT review is that there was a lot of preparation work that went in before the CCT team actually kicked off. And, for the last two years or so as many of you have been involved, there was a concerted community effort in identifying what issues they wanted to be addressed in the review team so that there would be sufficient metrics and data that would support the review team effort.

So, even though we've just kicked off the process, we've convened the review team for the very first time, you know, they had their face-to-face meeting in February, they're starting their work with a tremendous amount of data and information and issues to address. And that's something that was -- you know, came from the community.

And, as you think about what you can do in terms of some of the issues that are crossed over between what you're looking at and what could be looked at in ATRT3, you might think about that as helping feed into the preparation process for ATRT3. I just thought that might be something for you to think about.

And also Karen on my right is going to be responsible for the SSR2 review team. So, Karen, I don't know if you want to share some of the preparation you're doing for that.

KAREN MULBERRY: Good morning. Karen Mulberry. I'm the director of strategic initiatives. And one of my key responsibilities right now is kind of doing the preparation for the SSR2 review, looking at what has happened in the first SSR review, the recommendations where we stand with implementation, and then using that as kind of a guide for how I want to frame what needs to happen in terms of preplanning for the, in essence, my timeline.

We're going to announce a call for volunteers in June. And what does that mean? And then from there, hopefully, all of you will consider volunteering and then tying in to some of the work that the CCWG has done on security and stability of the DNS into the work of that review team.

THOMAS RICKERT: Thank you so much. Any clarifying questions on the presentation? We have a queue forming. Erika, is that an old hand or a new hand? Old hand. No worries. Roelof, that was an old hand, too, right?

Sebastien.

SEBASTIEN BACHOLLET: That's a new hand, even if I am old.

It's a clarifying question or -- in the work of the CCWG we talked about those reviews. And we discussed about some new framework or new timeline for those reviews. Does it change something in this presentation if we take them into account for the future? Thank you.

THOMAS RICKERT: Larisa.

LARISA GURNICK: So the scheduling that you see, the slide is based on the current mandate. As you may recall in last year, there was a board action and a resolution in July that -- in response to community's concern about bandwidth and a very busy schedule, some of the reviews had been pushed out.

So what you see here is the schedule as it's currently mandated by the AoC as well as by the organizational reviews, certainly with the recognition that, as the work of CCWG continues, that may have an impact on the schedule. But, at the current moment based on the current mandates, this is the schedule that we're looking at. Does that address your question, Sebastien?

SEBASTIEN BACHOLLET: I guess it would be interesting to take into account the input of the CCWG and to see what change it will bring to the schedule. Because I guess we talked about not doing it each three years but each five years. And we talked about who will be selecting and when it will be done. And there is some ongoing work even if we are not yet with the new bylaws. We need to take that into account at least to show what will be the difference between the current situation with opening Work Stream 1 because it's dependent SO and AC join this meeting. But, if we take as it will be done, how it will be done. Thank you.

THOMAS RICKERT: Thanks very much, Sebastien. Kavouss?

KAVOUSS ARASTEH: Yes. Thank you very much for the presentations. I agree in many instances what you said. We can improve another. Some years ago one top world economic said I am developing country. You are developing? Yes, because every day I developed. So that's all. You cannot exclude me from developing country. It was one of the most developed countries. So improvement, enhance, and all of these things is continued things.

One thing that I said -- I once again repeat it here -- we should avoid any duplications. That is one of the important issues. And, second, we should look at the resources. We don't have unlimited resources. Resources are very limited.

Excuse me to say that ICANN was very generous, ICANN board, putting so much energy and so much money on the first work stream. It may not be available in the second one. So those are the limitations.

Third and most important is that the ongoing activities that they will go and they will improve the situation. We do not need to repeat that. However, if in the work stream 2 we find there are areas need more -- let us say improvement or something that is missing or some shortcoming, if we are able to identify and after listening to the reasoning given that, still it is a shortcoming we have to put the finger on that. Otherwise we should avoid anything as an ongoing activities. So on and so forth. We should

concentrate on those things. We are not in the ongoing activities. Thank you.

THOMAS RICKERT: Thanks very much, Kavouss. I'd like to highlight two points you made. Avoid duplication and be careful of resources. I think that's something we need to take to heart when discussing how we move on. Steve.

STEVE DelBIANCO: Thanks. Steve Del Bianco. Sebastien asked about the impact of the bylaws changes we would make per recommendation 9. Recommendation 9 provides the Affirmation of Commitment reviews. And I think Sebastien gets to a key distinction. If, in fact, those bylaws for AoC are nearly done -- I think the lawyers did them first -- we could have those bubble up through our process of CCWG review long before SSR begins in June, potentially. We did call for four major areas where the AoC reviews were changed. The first, as Sebastien indicated, is a five-year interval instead of a three, right? And that may -- I know the Board has already delayed by one year. But it may make it possible that, if those bylaws are taken into account or respected by that, there could be a delay of as much as a year on something like an SSR2. And if, in fact, that would benefit the community overload and volunteer burnout as well as staff

burnout, we'd be sensitive to that. We could consider that. So this is a parallel track. And let's be flexible about where we are in those bylaws. Because, if they're ready, they would give you the opportunity to delay one review or two reviews for as much as a year. Second is review teams are opened up to accommodate more from each AC and SO. So up to 21. Not a fixed number of 21 but up to 21. That's a small increase from where you ended up on the current review. It was 17.

Another is document access. We've written an entire paragraph of how each AoC team, particularly ATRT, would have access to internal ICANN documents that it can use in doing its ATRT work without publishing the actual documents outside of the review team.

And, finally, there's new parameters. ATRT we've added two or three small areas in which their scope is different from what the affirmation in 2009 was. So you're all aware of that, right? What the changes are. It's easy to the changes in recommendation 9. I can focus you to that. As you're doing your scheduling, it's key to understand where we are. Because, if we're close to having those bylaws ready to go and they could be adopted about the same time you're ready to start, it's great if you can start early. But you may have the opportunity to delay for up to a year.

THOMAS RICKERT: Thanks, Steve. Olivier.

OLIVIER CREPIN LA-BLOND: Olivier Crepin la-Blond speaking. In the previous cycle of reviews, SSR and WHOIS took place before ATRT2. And that enabled ATRT2 to review the implementation effectiveness of the previous two reviews. Now that they're working together or concurrently, does this mean that ATRT3 will not be reviewing the implementation of SSR2 and WHOIS 2?

STEVE DelBIANCO: Thomas, I could answer that. One of the changes in the AoC is that each team, Oliver, reviews the implementation of its prior team's recommendations. Instead of saddling one team, the ATRT, to do all of the four threads, we have made that change in recommendation nine. So if that's approved this week, as we hope it will be, then each team will look at the prior review as opposed to jamming it all on ATRT.

OLIVIER CREPIN-LEBLOND: Yeah, I'm not saying it's a bad thing, by the way, because ATRT was overstretched in what it had to do.

THOMAS RICKERT: Thanks, Olivia. I think we should -- you know, it's an interesting discussion, but we shouldn't go back too much in history to see what happened during the previous reviews. But I guess the question for us now is whether our group would like to link our work to the upcoming ATRT effort. As previously stated, there had been some concerns that referring work on some of the Work Stream 2 items would be putting -- would mean to put important items on the back burner, which certainly we don't want to do. Yet we need to ensure that we don't duplicate efforts and that we're sensitive to spending resources and volunteer time. So can we hear some views on what you think about, you know, linking our efforts to ATRT -- ATRT3 efforts? Is that something that this group would be open to, or are there concerns with it? I see Eberhard's hand is up. Kavouss, you wanted to speak, too. Olivier, I think that's an old hand, right? So let's hear some views and then try to take stock. Eberhard.

EBERHARD LISSE: My question is -- I don't have a concern, really -- do we wait for ATRT to finish or do we work -- do our work, give it to the ATRT or which way? My view is we should basically finish Work Stream 1 and then choose one or two items that we can do and get them -- see them to the end. So if we know the ATRT time is going to take some time, then we can say look, we can just agree on waiting for what they come up with and then discuss and it

make our own decision. If they -- it will take time for them, then we can give them our baseline as a base to work from. But in the end we have to make the decision for our group, not the ATRT team can make the decision.

THOMAS RICKERT: I guess that's an excellent point, Eberhard. And I guess that's exactly what we need to get clarity on. And I hope that we get this clarity as a group on how we want to go about with it. Do we want to feed and inform the work of the ATRT, which is only going to start in a couple of months' time, or are we going to let them do their thing, analyze the outcome, and see what needs to be added? So there are multi ways of potentially approaching this. Eberhard, do you have a follow-up?

EBERHARD LISSE: Or both.

THOMAS RICKERT: Or both. That's for us to decide. Kavouss, please.

KAVOUSS ARASTEH: Yes, in my view we don't need to feed ATRT. We should defer to the ATRT. It is a mechanism that has started to work. It's good mechanism. The third one will start. Should we identify any

shortcoming, we have to highlight that shortcoming. But we should not be a group feeding ATRT. We should not be a subgroup of ATRT or a boss of the ATRT. ATRT is the ATRT. The only thing to identify, whether there is any shortcoming, and we have to defer to that one. Thank you.

THOMAS RICKERT: Thanks, Kavouss. Maybe feeding sounds like spoon-feeding or a little too negative. What I meant, just by way of clarification, is that our group could establish requirements for improvements in the respective areas that should be taken into account in further work done by the ATRT. Alan is next.

ALAN GREENBERG: Thank you. ATRT2 -- 3 is going to start roughly 10 months from now or 22 months from now, depending on -- we're somewhere in between, depending on which schedule we adhere to. If that group was convened and we could be talking to them, I think it will be easy to decide whether something gets transferred to them or not. To transfer to a group that's not going to exist for a year that may have things on their schedule which are higher priority, I mean, the ATRTs face -- I won't say infinite but a large list of things that they can work on and have to pick and choose. They may or may not have the focus and desire to -- to work on the specific item that is on our list. So I don't think we can

simply say we will transfer to them whenever they get around to it.

If our timing is such that it is still on our table when they are coming closer to being formed, we can make a decision at that time. To make the decision today I think makes no sense whatsoever. Thank you.

THOMAS RICKERT: Thanks very much, Alan. Avri. So we see that folks are queuing that have some experience in ATRT. That's very good. Right? Avri, please.

AVRI DORIA: Thank you. Avri speaking. I have concern about trying to mix the work of ATRT3 with the work that is necessary for Work Stream 2. Largely because the ATRT is an evaluation group. It's looking at the report from ATRT2. It's looking at how the changes have been accepted, how they've been implemented. It's then doing a certain amount of review on the current state of accountability and transparency and making recommendations. That's an essentially different work basket than Work Stream 2's work basket of we need to do -- create these things. We need to create those. So while there may be some interaction between them, I actually see them as doing very different tasks. One is

reviewing whereas one is creating new structures, new requirements, new things to be reviewed in the future. So I'd be very careful about moving the work out of Work Stream 2 and putting it on the next ATRT. Thanks.

THOMAS RICKERT: Thanks very much, Avri. Sebastien, and I would like to close the queue on this very question after Kavouss.

SEBASTIEN BACHOLLET: Thank you, Thomas. Sebastien Bachollet. Yeah, my assertion was how we can have work done who can be useful for the ATRT3. Not too much that we will ask them to do something but they can, if they will, have the output of our working group ready to be taken into account. It's where I think it could take us to some agenda or schedule to take this work done prior or in priority or taking into account the fact that ATRT3 will be at the beginning of next year. Thank you.

THOMAS RICKERT: Thanks very much, Sebastien. Cheryl.

CHERYL LANGDON-ORR: Thank you. Cheryl Langdon-Orr for the transcript record. Perhaps it's a perspective of someone who served in ATRT1 and

only had a watching brief in ATRT2, but I think very much as Margie outlined the valuable and contributory groundwork that was being done over the last several years for the consumer trust and choice review team was at no point did we say thou shalt, review team, take this and do whatever with it. It was obvious, by any sort of reasonable project management, that it would be valuable to have this available well in advance of that review team starting. And I think that's exactly what we could look towards doing in this circumstance.

So whilst it is not being prescriptive or oversight or defining what the ATRT3 will do -- and I'll remind you ATRT1 did have very specific questions that it had to, from the get-go, look at and review, not go back and look at what previous reviews had done, so we do have two distinct ways of managing even those -- that specific project.

So I think there is opportunity for us to have some preparatory activity which will be of great value for ATRT3, and I don't think we should lose that opportunity.

THOMAS RICKERT: Thanks very much, Cheryl. Larisa.

LARISA GURNICK: Sorry. I couldn't hear you. As far as ATRT3, and for that matter any of the second cycle of the reviews, would have been different certainly for ATRT1 as Cheryl indicated, all of the other second cycles generally start with an assessment of prior review team's recommendations to see how those recommendations have been implemented and to what extent the outcome was effective and it's looking at -- at the current state at that time based on whatever else may have occurred of significance in the environment. So for ATRT3, as an example, it would be looking at ATRT2 recommendations and looking at the accountability and transparency landscape and how it has changed since ATRT2. Pretty clear how significant this effort is to that consideration. So that is a part of the standard process. And as a matter of fact, one of the suggestions from ATRT2, one of the recommendations, to make the future AoC reviews more effective was focused on how to get that analysis more timely, more measured, more indicative of progress and constraints and challenges encountered in the implementation to really help the effort of the next ATRT team with their starting point. So I just wanted to flag that as well. Thank you.

THOMAS RICKERT: Thanks very much, Larisa. Kavouss.

KAVOUSS ARASTEH: Yes.   Perhaps it is difficult to agree with those colleagues mentioning that ATRT3 is just dealing with the ATRT2. No. ATRT is for accountability and transparency. It's not only limited to checking the previous one. To look into the accountability and transparency. I don't think that CCWG is here to create a job for itself, (indiscernible) in what is going on already. So we have to indicate if there is any shortcoming, indicate that and leave it. That should be implemented in a way that we do not know. We should concentrate on something for which there is no mechanism available. Thank you.

THOMAS RICKERT: Thanks very much, Kavouss. And now it's the time for us to try to take stock on this very question, you know, what linkages could be with the ATRT effort that's coming up. And Mathieu has volunteered to take a first shot at that.

MATHIEU WEILL: So my understanding of the conversation and arguments is that -- and it's going to be a surprise. ATRT3 -- ATRT3 has not started and there will be a point in time where it will start. So far I think everyone is in line. And until then let's not make assumptions about this future exercise. Let's, however, be aware that it will take place and we can advance our work as we see fit. And I'm -- keep in mind that as soon as ATRT3 is convened there will be a

very importantly liaison to establish and coordination to establish to avoid any duplication of efforts and to optimize resource management, including volunteer time. And I'm stressing the volunteer time as what I think is a very scarce resource. And I have no doubt that whatever we can -- we will produce until then as a group will be useful and used by ATRT3 and the other way around, if -- if that comes to -- if that comes to mind. But certainly it would be premature to assume that ATRT3 is going to take a specific part of Work Stream 2 or anything else, but we need to be aware of this precise point in time where we'll have to liaise with ATRT3 to synchronize. That would be my take-away from this conversation, Thomas.

THOMAS RICKERT: Thank you very much, Mathieu. Let's see whether there are any objections to this proposed way forward. I see Jonathan Zuck's hand is up. So Jonathan.

JONATHAN ZUCK: And I don't have an objection to that way forward, per se. Just a general observation. Just as many now regret the notion of a round when it comes to new gTLDs, I believe this group will come to regret the incredible solidification of Work Stream 2. Because I think initially it was regarded as something that was going to be more abstract and take place almost indefinitely and

it's about identifying what the mechanisms for ongoing reform are going to be. And I think that ATRT is one of those mechanisms and that the more -- the degree to which it can begin to play that role as an ongoing reformer of the organization is a good one and it shouldn't be thought of as passing, you know, things over the transom for them to consider, et cetera. At some point they will have a distinct role in the ongoing reform of the organization, and that's in large measure what Work Stream 2 is really about. And so I think it is appropriate for them to have domains of decisional quality of recommendations that would be made that would otherwise be made by this group that was always meant to be temporary.

THOMAS RICKERT: Thanks very much, Jonathan. Kavouss, you've raised your hand.

KAVOUSS ARASTEH: Yes, I agree with Mathieu, provided that we put some qualifier to what he said. Should CCWG during the Work Stream 2 identify any area in which the ATRT activities must be emphasized on particular issues to improvement, they will take that and put in the conditional way but not the normal way that we always try to do or take any action in part of what they do. Should we find anything, we will take that and bring it to their attention. That is what I understand as coordination. But not doing the same job

and saying that this is what we do, please see whether it is okay or not. Thank you.

THOMAS RICKERT: Thanks, Kavouss. I guess that's common understanding on your remarks so that's -- that's a good clarification.   Any other concerns? That doesn't seem to be the case. So it looks like we have a way forward on how our group and the ATRT work is going to be interlinked or, you know, related. And at that point, you know, you're certainly welcome to stay here for the rest of the session. You can stay at this table if you want to, but let me just use the opportunity to thank you, and let's give them a round of applause.

[Applause]

Great. What we would like to do now is actually get back to the questions that we started discussing earlier and try to structure them a little bit and go through them one by one so that we can get some basic pillars of our work confirmed by this group.

Can I ask staff to bring up the questions that we've collected during the coffee break? Or would you rather --

UNKNOWN SPEAKER: (Off microphone).

THOMAS RICKERT: You know, it's of no consequence. We can -- you know, we've already answered one and that is the linkage to ATRT. The first question that I -- that I would like to ask is whether we should only start the work on Work Stream 2 after Work Stream 1 implementation has been finalized. That was a suggestion that's been brought up. So can we hear some views on that? It is my impression that some of you have favored starting with Work Stream 2 work more or less instantly so that -- that we get on the record making progress on these important items. We've always mentioned that we would not deprioritize Work Stream 2 items. So are there any views on that? Sebastien has raised his hand. Sebastien.

SEBASTIEN BACHOLLET: Yes, thank you, Thomas. I think the way you present the Work Stream 2/1 workload is decreasing the load for a lot of us; not for all of us, but for a lot of us. And maybe this time can be allocated to start Work Stream 2 now.

And I guess it's important to repeat what Jan say earlier in this meeting that we commit to do something in the one-year period. I guess it will be maybe extended.

But the second, the Work Stream 2 is part of the transition. Even if we don't need it for the decision of the U.S. government, we need it for ICANN. And, yes, I think that we need to start as soon as possible, but not rushing, but doing it quietly, ordinarily, but doing it now.

THOMAS RICKERT: Okay. We haven't yet asked the question on how we're going to structure the Work Stream 2 work. This was only a question on shall we wait until Work Stream 1 implementation is over.

I hear a signal from you that you would not like us to wait until Work Stream 1 implementation is over. Maybe we're -- we're going to hear a queue to argue to agree. So let me -- let me ask the question. Are there any objections to initiating the work on Work Stream 2 before Work Stream 1 implementation is finalized?

So Eberhard, that's an objection or you want to speak?

So then we have to go through the queue.

Kavouss is next.

KAVOUSS ARASTEH: Not objections but we should not start Work Stream 2 except areas that is extreme or major commitment in Work Stream 1,

for instance starting with the human rights. This is one of the very, very delicate issue we have hours and days and months of discussions, perhaps, but not the whole thing. We have to make a pause between many areas, but some of these I have no objection to start. It is better to wait a little bit up to mid-April but not immediately from this time, but if you want to start, we have to start on something which have an extreme commitment, and that was the human right number one and jurisdiction number two.

THOMAS RICKERT: Thanks, Kavouss. Just to be clear, this is a very binary question: Shall we wait until Work Stream 1 implementation is over and only then start Work Stream 2? We are not discussing what to prioritize, how to prioritize, whether we're going to work in parallel or sequentially. So this is quite a binary question, so let's try to get that.

I put you in the queue.

Andrew -- Steve is next. Andrew, Eberhard. Okay.

STEVE DELBIANCO: Thank you. Steve DelBianco, CSG -- Thomas, to answer your question I think it's a function of what the community members

most concerned with those topics feel is necessary to move the ball down the field on those issues.

I just want to remind everyone that Work Stream 1 and two in our charter were described as things that would happen prior to after the transition, and 14 months ago, we as the CCWG, adopted a rationale that said Work Stream 1 items are those for which we needed the leverage of the transition to get the corporation and Board to agree to rather dramatic improvements in accountability for the community, and anything else that didn't need that leverage could be deferred to Work Stream 2.

That rationale has served us well so far because we've discovered certain issues that the Board and legal team were uncomfortable with, and we've been able to work that out in Work Stream 1 while the leverage is still there. However, there are other items that got bumped to Work Stream 2 in the process of discussing. For instance we would talk about transparency, human rights and jurisdiction and suggested that those weren't items that needed the leverage of the transition to extract concessions from the corporation and its legal team. Instead, they were items that the community needs to work on as a whole.

So if the members of the community who reluctantly agreed to move certain transparency, human rights, and jurisdiction into Work Stream 2, if those people are in the room today, this is an opportunity for them to say, no, no, they are satisfied with waiting until Work Stream 1 is over or do they wish to have a parallel process to begin a discussion of, say, human rights, that is pressing for them and that they want to begin right away.

So, Thomas, honestly, it is up to the CCWG community members to indicate if they think they can wait on something that's pressing for them or not. But I think we've solved our dilemma over leverage between Work Stream 1 and Work Stream 2. The things that we needed to get into Work Stream 1 are already there.

THOMAS RICKERT: And obviously there is a huge interest to speak to that, I guess from those that are interested in the subject areas.

I wouldn't have expected that to be such a discussion, whether we start now or later. But let's hear the views. That's what we're hear for.

Next in line is Andrew.

ANDREW SULLIVAN: Thanks. Andrew Sullivan.

This is really a clarifying question, because the fact is I don't know how to answer your question because it seems to me that the Work Stream 1 stuff is on the critical path. Like, either that stuff gets done or the transition doesn't happen, and we've got this limited window.

So what I'm trying to understand is how you do this in parallel and keep enough energy to actually get Work Stream 1 done on time.

So I am most concerned, maybe most people have figured out by now that I am most concerned about getting the transition done on time, and that is really the question that I'd like answered. How do we ensure that that energy is kept there so that the things happen, so that we get things completed?

And if you have an idea about that, because I haven't figured it out from the conversation so far today, then that would help me sort of say, oh, yeah, then do this in parallel, or whatever. But I want to make sure that the necessary things happen.

Thanks.

THOMAS RICKERT: Sure. Andrew, let me try and answer. Getting Work Stream 1 implemented so that the transition can take place, according to our charter, is our highest priority. At the same time, we said that we need to sequence our work in order to accommodate Work Stream 1 and make the transition happen. But that doesn't mean that topics we've now put on the list for Work Stream 2 are of less importance. And, therefore, it's a question that we want to raise with the group, whether the group thinks it can find resources to work on those items in parallel.

So if there -- as Steve said, if those that are interested in Work Stream 2 items can be a different set of people, we need to do new calls for volunteers for these exercises. So if our CCWG, as the coordinating body, if you wish, thinks we can pull off taking on extra work before the implementation of Work Stream 1 is over, then we wouldn't want to stand in the way. But we think that our group needs to take this decision.

Do you have a follow-up?

ANDREW SULLIVAN: It's really -- Maybe I wasn't -- probably I wasn't clear enough because that's usually the case.

I guess what I'm trying to say is how do you make sure that if the energy moves to Work Stream 2 items, which are -- you know,

there's all kinds of sexy, fun things there, whereas, like, implementation is kind of dull; right? So what I'm worried about is that people get interested in hot things that allow them to, you know, have a lot of conversations about complicated problems like human rights whereas we don't just, you know, do the hard slogging thing of making sure the other stuff happens.

And I'm trying to understand how this group ensures that the energy doesn't all get sucked out from the implementation thing, which could be fatal for what I regard as the main goal.

That was really the force of what I was trying to ask.

THOMAS RICKERT: Certainly I can't speak to the effect that hot things coming by might have on people in this team, but certainly there is a strong co-chair commitment that Work Stream 1 and Work Stream 1 implementation is the highest priority. So we will do what we have to do in order to navigate the group's energy towards delivering on that task. That's priority number one.

So next in line is Eberhard.

EBERHARD LISSE: Eberhard Lisse, .NA.

So now I find myself in the strange position of supporting implementation.

[Laughter]

I think your question is not binary. It's not whether we must wait until implementation. It's we must wait until the work that we need to do for implementation is done. Whatever happens, how the -- and bylaws are then run through whatever administrative things with the Attorney General of the state where they must be filed or something, is not something that is (indiscernible).

I think we should concentrate on the important things that are important, get them done, get them done right and then move on to the next thing.

Since I'm the proposer of this initially, that's what I'm saying. We don't have to wait until it's implemented. I think we have to wait until the work is done, or the majority of the work is done, and we are happy, okay, the rest is -- we are just sorting out the casualties.

THOMAS RICKERT: Thanks, Eberhard.

The way I asked the question, the answer would be binary. You're coming up with a different suggestion, and that is make it

dependent on the work, and I am not opposing to that. But I wanted to get the question of, you know, are we by all means waiting until Work Stream 1 implementation is over, off the table.

I guess there's a preference in the group not to wait until Work Stream 1 implementation is entirely over. And then we need to talk about the variations. And one of that could be the suggestion that you just made.

Next in line is Roelof.

ROELOF MEIJER: Thank you, Thomas. Well, first of all, it's refreshing to hear somebody from the legal profession say that this is a binary question. I thought that only engineers like me thought that life was so simple. And, Eberhard, how ever can we continue to disagree with you if you say sensible things like we should focus on the important matters?

[Laughter]

EBERHARD LISSE: I will think about that.

ROELOF MEIJER: But that said, I am not in favor of doing two things at the same time here. I think we will have our hands full with the implementation. I think we will have our happened full also in our other ICANN-related jobs with the transition, and I think it's far better to wait until the transition is over before we start working on Work Stream 2.

Also because I think it's quite thinkable that in the transition, there will be some effect that will influence our work on Work Stream 2, maybe even reduce the work that we have to do on Work Stream 2.

THOMAS RICKERT: Thanks very much, Roelof. This is actually a quite interesting debate and to see how it evolves is fascinating.

Next in line is Jan.

JAN SCHOLTE: Thank you, yeah. Jan Scholte.

I guess when one starts is open. The bigger question, I think, for many people on the Work Stream 2 side of things is that it is not something that goes on for a long time; that it's something that's treated as urgent and that it's done within 12 months. That's what a lot of people -- why Work Stream 2 came up,

because people were not happy with the earlier proposals, and then they agreed for these things to be deferred, but on the understanding that it was going to be addressed within a reasonably short time. And if that short time starts now and one interprets the transition being finished in terms of the CCWG Work Stream 1 work is done, the proposal is done, or whether one says the 12 months start in whenever, September or whenever the implementation might be done, that may not be so important to the people on the Work Stream 2 side. My sense is what's important to them is that it's a 12-month sort of window and that the issues are dealt with in that time and that it's not put into the long grass.

Could it start now? Well, it maybe could start now if two things are met. One, if, as was said before, it doesn't -- by Andrew, it doesn't distract from the implementation schedule. So -- But if it's two different sets of people and they're not actually -- then it's not actually an issue. The other thing is are the people who are on the implementation teams, are they unhappy to be excluded from the Work Stream 2 work if it is starting now?

Now, if that's the case, then that's also a reason to stop. But if there's no conflict between Work Stream 1 and Work Stream 2 work, and no one is unhappy in the implementation teams not to be involved in Work Stream 2, then one could start now.

I'm not saying that's my view, but it seems to me, then it's not a problem.

THOMAS RICKERT: Thanks for sharing not your view with us.

[Laughter]

Kavouss.

KAVOUSS ARASTEH: Thomas, we need to have all good reasons why we should start Work Stream 2. If we do not have that convincing reason, we should not start. The reason should be that. The whole issue of the transition, (indiscernible) from one government to the multistakeholder accompanied with the Work Stream 1 accountability, if that work was not accepted or will not be accepted, why we need to start Work Stream 2? On what ground?

And we don't know what will be the reaction. Whether, if the report is not accepted, whether they say (indiscernible) or saying that we don't accept at all and we continue to do the whole things by the U.S. government.

So we have to wait until that replies come. So why we would like to invest in Work Stream 2 without doing what will happen

in Work Stream 1? If you want to do that, you should have all good reasons to do that.

Thank you.

THOMAS RICKERT: Thanks very much, Kavouss.

Tijani.

TIJANI BEN JEMAA: Thank you, Thomas. You asked a binary question that needs a binary answer. My answer would be no, I don't want it to be parallel. And I will tell you why. On Work Stream 2, there is a very sensitive questions, very sensitive issues that everyone will be discussing. And I am afraid that people will be -- how to say -- more (indiscernible) to work on this issue and don't discuss issues about Work Stream 1. And when we come to decide on Work Stream 1 final decision, they will be -- they will oppose and the discussion will be opened again and you will be late.

So please try to finish this work. We have only six months.

Thank you.

THOMAS RICKERT: Thanks very much, Tijani. And maybe it didn't get noticed, but I had closed the queue after Avri. Since we haven't heard Athina today, I will now close the queue after Athina. But I would like to ask you to keep your statements brief.

Next in line is Avri, I think.

AVRI DORIA: Thank you.

I guess I'm going to say that in terms of starting the Work Stream 2, I think there needs to be a continuity between the two. I don't think that going for six months of discontinuity while we just focus on Work Stream 1 would be helpful to the Work Stream 2 work.

I do think, though, that we should slow start it, and that we should be doing the background work and the research and the what have you that needs to be done so that when the implementation has actually been approved and gone ahead that that work can start in earnest and not be, oh, we haven't done anything for a while; now let's start thinking about Work Stream 2. I think that discontinuity would be bad for it. While talking, I also do not think it should be strictly time bounded. It should be content bounded but not time bounded, because one of the problems we've had in work stream 1 is we have been

driven on a schedule that we have managed to slip innumerable times, and that's partially because multistakeholder agreements and large consensus are hard to drive to a specific schedule. Work Stream 1 needed to do that. Work Stream 2 does not need to do that.

We should bound the work, we should work on strict scope, but I don't think we should do the time bounding in quite the same way.

Thanks.

THOMAS RICKERT: Thanks very much, Avri.

Sebastien.

SEBASTIEN BACHOLLET: Yes. I think we can start setting up the work party for the Work Stream 2 quite -- quite now or after this meeting, in a few weeks. And as Avri said, we need to do some background work. We don't need to start by having two call each week or each item next week.

And when some people say that, yes, we need to start now, it's not to say that we need to start at full speed, but we need to really start the implementation of the work -- of how we will

work with the Work Stream 2, what are the teams, and so on and so forth. And it will take some time.

And I guess real work will start when we will have done with the Work Stream 1 implementation by this working group.

Thank you. .

THOMAS RICKERT: Thanks very much, Sebastien. And last in queue is Athina.

ATHINA FRAGKOULI: Yes, thanks very much, and, sorry. I didn't realize that the queue was closed.

So I'm very much in line with those that already suggested to finalize our work in Work Stream 1 first and then go on with Work Stream 2.

I'm just -- However, I would like to understand whether there is a particular reason to rush to Work Stream 2. And I heard Avri's point about the continuity. I just have the feeling that since Work Stream 2 hasn't started yet, I don't see the discontinuity. It will just start once Work Stream 1, our work in Work Stream 1 is finalized, and then we can start.

So if there is, like, another reason to -- If there is not a reason to rush for Work Stream 2, I would also suggest to first finalize our work in Work Stream 1 and then start Work Stream 2.

Thank you.

THOMAS RICKERT: Thanks very much, Athina. So I think we now have a good overview of the temperature in the room on what you would like to do. And so it's cold in here.

And Mathieu, as with the last question, would try to make an attempt at taking stock so that we can move forward.

MATHIEU WEILL: So we've heard different views, but I think a middle ground is sort of emerging if we say that, number one, Work Stream 1 discussions have the highest priority. There is no question about it. And in any agenda setting at the CCWG level or in terms of volunteer time, that needs to be our continued focus until the IANA stewardship transition can take place. And that must be renewed and renewed and renewed, and obviously we -- I think we got that message quite clearly at the co-chair level.

Secondly, I think there is no -- nothing that prevents us from slow starting Work Stream 2. And that is actually important to

many stakeholders who made clear that their support to Work Stream 1 recommendations was also linked to the understanding that Work Stream 2 was going to be taken very seriously and not delayed forever you or not underresourced. I think that's a very important point to remember that the Work Stream 2 recommendation is part of the Work Stream 1 recommendation. And we need to provide clearer demonstration that this is taken very seriously. And slow starting it is a good way, as Avri was saying, to start the background research, collect data, initiate some discussions, keep the -- base work on available volunteer time mostly.

And, of course, once we shift our focus to Work Stream 2, the groups might change. There might be some additional volunteer time, and the pace might change. But I think we need to -- we have this middle ground available for us. And that should balance the different views that we've heard so far. And I hope -- I think it would be great to check whether there's any objection to that approach.

THOMAS RICKERT: And for those who are participating remotely, you can make yourself heard with an objection by ticking red, by making a cross.

And, Siva, you were not in the A.C. room. So I apologize to you for not having put you in the queue. If you want to speak, certainly, you'll get the opportunity to do so. Please do.

SIVASUBRAMANIAN MUTHUSAMY: So this is on your question which required a binary answer. My answer is a little more complicated than binary, if you would permit me to.

First of all, I agree that Work Stream 2 should be a continuous process. But, at the same time, it's not started in a hurry. So that, if it's started in a hurry, then this is the same group of participants and members continuing the same thinking on the Work Stream 2. Work Stream 2 is supposed to have -- supposed to address much larger topics. So I feel that a rethinking should be done about the constitution of members and participants so that we bring in some fresh thinking.

And, secondly, as far as the implementation is concerned, I'm not sure if -- sure that the view that transition does not happen if Work Stream 1 implementation does not happen. So it's so dependent. Work Stream 2 is supposed to come up with larger recommendations which will give a much fuller picture. And, without having that fuller picture in view, if we are to implement some of the recommendations of Work Stream 1, it might not quite fit into the larger picture that is to emerge after some time.

So even work stream 1 implementation with that purpose could be a little more deliberated. Thank you.

THOMAS RICKERT: Thanks very much, Siva.

Kavouss, you've already spoken twice to this topic. Is that an old hand, old hand from you? Old hand?

KAVOUSS ARASTEH: No, I want to --

THOMAS RICKERT: Are you filing an objection?

KAVOUSS ARASTEH: Yeah.

THOMAS RICKERT: Okay. Thank you. Paul.

PAUL TWOMEY: Thank you. I'd like to reinforce Mathieu's comment, which I think in some respects was contrary to the whole previous conversation.

A number of issues that are on Work Stream 2 we agreed to put on Work Stream 2 because they were important, but we couldn't come to conclusions. One of those things in Work Stream 2 has proposed language in work stream 1 which says give us the answer within 12 months.

So, for those of us who pay for our own airfares who make the time available to go away from work to come to these meetings, to be then told when you arrive at the meeting, no, we're going to do that next, sorry, I find that very annoying. There are certain topics at least in Work Stream 2 I think should start now, not least because you've got wording in the bylaws you're representing that says it should be finished within 12 months.

So I'm happy to say you can call it preliminary work. You can give it any wording you want. I agree. Let's not get confused about getting Work Stream 1 completed. But let's not be insulting about some of the people who have made the effort to come here and talk about some of these topics. And we've got a limited time frame, so we can at least start discussions.

THOMAS RICKERT: Thanks very much, Paul. I guess that's well understood. Good.

The next question that we would like to discuss with you is the question which topics could potentially be combined? So are

there any views on maybe linking or merging even some of the Work Stream 2 items? Maybe we can bring back the slide that shows the Work Stream 2 items. That would be great. Eberhard, your hand is raised.

EBERHARD LISSE: Can't we first determine on which -- it appears none of us has read these 380 pages, other than Paul. Can we maybe determine which streams of Work Stream 2 have a deadline so that we know which -- so that's the one that we have to start with, no matter what we're discussing. So we should identify which one we need to do first according to our own Work Stream 1 proposals. And then we can decide what we do next.

THOMAS RICKERT: Thanks, Eberhard. We will talk about the prioritization of our work as we move on. For the moment, we would like to focus on which topics the group thinks can be maybe merged and worked on jointly. Because there are links between some of these topics. If there are none, that's fine. But the issue has been brought up. The question has been brought up earlier. So we would like to hear views on this question from you. And the first one to raise his hand is Alan, please.

ALAN GREENBERG: Yeah, thank you. Without trying to denigrate any of the items, I don't think there were any deadlines in the final version. There was a deadline at one point on human rights, but that was taken out. There are certainly targets, I believe. And we should try to honor them. But I don't believe there's anything we could refer to as a deadline.

THOMAS RICKERT: That is correct.   Nonetheless, if targets are being mentioned, those shouldn't be -- we should try to aspire to them.

Any views on whether we should interlink, combine, or however structure the work by merging or otherwise combining the Work Stream 2 items? Any views on that? This is the opportunity to streamline the process, if you see the opportunity to do that.

If not, we will deal with those individually, which is fine. But we just want to make sure that no one comes in six months' time and says, well, you should have been looking at those two points or three points together. So, if you think that any of these topics should be worked on maybe in one team rather than in two teams, please do speak up.

If you think that staff accountability and SO/AC accountability should be dealt with by the same people, let us know. I'm not suggesting you should. But, Chris, you're hand is raised. I'm

sorry, Chris.   There's a queue forming.   So we have Steve, Kavouss, Alan, and Chris.

STEVE DelBIANCO: Thanks, Thomas. It's Steve DelBianco. I mentioned this prior to the coffee break. But the final four items listed here under Work Stream 2 -- SO/AC accountability, staff accountability, increased transparency, and ombudsman -- those all fit into accountability and transparency, which is in the purview of ATRT.

As a few of us suggested before the break, those four -- whether it feeds into ATRT3 or ATRT3 initiates it, those four could be done together to the extent of gathering the views of the CCWG and teeing them up for ATRT3. So, to answer your question, I think the bottom four could be done together.

THOMAS RICKERT: Let's hear more views on that. Kavouss.

KAVOUSS ARASTEH: Yes. We need to look at the aim to prioritization of the issues. When we discussed in the GAC call, I explained to the distinguished GAC colleagues recommendation 6 is agreed. They agreed to that because there is a commitment to do these human rights in the Work Stream 2.

So, at least, in order to maintain that agreement, we need to have prioritizations. And we need to put these two, human rights and jurisdiction, at the top of the list. Thank you.

THOMAS RICKERT: Thanks. The question in front of us at the moment is not the question of prioritization, although it's an important one. This is about what we can package, if any. Alan.

ALAN GREENBERG: First the question, on the previous slide which had a diagram, there was an 8th item that said interim bylaw. I don't know what that is.

THOMAS RICKERT: That was just to visualize that the topics in Work Stream 2 are going to be covered by an interim bylaw that ensures that there's a commitment from the Board to honor Work Stream 2 recommendations as they would work stream --

ALAN GREENBERG: Okay. We're not writing another interim bylaw. Okay.

I look at the items quite differently. The first three are items which very much need a lot of homework and preparation, ala what Cheryl was mentioning before.

I think embarking on items 1-3 -- diversity, human rights and jurisdiction -- without some good staff work being done ahead of time, giving us statistics, giving us information about what the possible issues are, I think would be foolish. It would generate a lot of talk but not necessarily talk leading somewhere.

So I think those items need several months worth of work. And that may well cover the implementation period of Work Stream 1.

So I think that's really important to do properly. When we enter into it, we enter it with real knowledge, not just random gut feelings. I don't see any opportunity to combine any of those items. I think they're all quite different. But I think the first three are probably the ones that we need to start thinking about soon. But I'm not sure it's time to convene groups to talk about them. Thank you.

THOMAS RICKERT: Thanks, Alan. We're going to talk about a strawman project plan. And maybe something along the lines of an issues report is something that we should bake into that. So that's well-noted.

I think we now had Chris, Eberhard, Robin, Sebastien. And after that the queue is closed

CHRIS LA HATTE: Thank you. Chris LaHatte, for the record. I don't think it was Chris Disspain in the queue.

THOMAS RICKERT: Nobody wants to be confused with Chris Disspain. I understand that.

CHRIS LA HATTE: Yes, I'm the better looking.

CHRIS DISSPAIN: Including myself.

CHRIS LA HATTE: I just wanted to talk about a couple of things. Because the role as the ombudsman does spread across a number of these topics. In particular, diversity and human rights. But I don't want to complicate things unduly.

I just wanted to talk about a couple of things. Because the role as the ombudsman does spread across a number of these topics. In particular, diversity and human rights. But I don't want to complicate things unduly.

When I first started in this role, which is nearly five years ago, it was immediately obvious that the bylaw and framework needed change. Every time I started an initiative, something happened which made it necessary to listen to what people had to say and put off the work of making those changes.

ATRT2, for example, has made a number of recommendations about the role of the ombudsman. And the new gTLD program has, I think, raised numbers of issues about the way that I'm able to look at issues. And, gradually, as we've moved along, issues like privacy also have started to become more important.

So there's a whole ragtag bundle of items which need to be reviewed in terms of the ombudsman.

Frankly, I had become a little bit impatient because I've wanted to address these issues for some time. And so I seized the initiative. And there is a session on Wednesday afternoon at 3:30, which is called "The Role of the Ombudsman Post-transition."

I don't believe it's appropriate for me as the ombudsman to tell you what I think I should be doing. I absolutely want the community to come together with a consensus view as to the sorts of things that I should be doing and any tweaking to the bylaw and to the framework which would enable me to continue on.

For completeness I should say that the ombudsman was established in around about 2003. So the atmosphere, the framework, all of those things in 2002, 2003, are very, very different from what we're doing now. The number of staff has multiplied by 10 times. The community has expanded

enormously. We're taking on all sorts of things which no one anticipated.

So my idea for having the session on next Wednesday was brainstorming. This isn't where we're going to solve the problems. It's where we can start thinking about the issues. No more than that.

And so I invite anybody who's interested in the role of the ombudsman to that. I'll make a brief presentation to tell you about what I'm doing, the sorts of issues that I currently handle. And then I want to open it for people to start talking to me about that.

Now, I realize that this is running effectively in parallel to Work Stream 1. But it's not intended to be the process to change anything. It's intended to be a conversation. And I hope, carrying from what happens on Wednesday afternoon, people can then come at their leisure, depending on their commitments on other things, but having had that initial conversation so that we've got some direction on what people want from the ombudsman. Thank you.

THOMAS RICKERT: Thanks, Chris. I let you explain this because there were some questions surrounding your session earlier today before you

came to join us. Nonetheless, for the reminder of the queue, let me remember or remind everyone of what the question was. And that is whether you think that we can bundle items in Work Stream 2 to be worked on together. Next in queue is Eberhard.

EBERHARD LISSE: On the danger that Roelof accuses me again of saying something sensible or, even worse, agrees with me, I don't think we can lump too much together. I think we can lump together staff accountability and transparency. I don't think we can put SO/AC accountability with staff accountability, because it's entirely different issues.

I also think we should not forget that some things depend on each other. For example, I think the ombudsman should come last. Because the changes we make in the first six strings may affect what he's doing. And I must chastise the ombudsman for forgetting to mention that he's got a cocktail function on Tuesday.

THOMAS RICKERT: Thanks for this useful reminder.

Next in line is -- Alan, was that an old hand from you? Old hand? Robin.

ROBIN GROSS: Hi, this is Robin Gross, for the record. I just wanted to highlight the importance working on the issue of transparency in Work Stream 2, and I don't think it should be lumped in with other ones. And I think it should be moved towards the top of the list of Work Stream 2. I'll tell you why.

Many of the fixes that we have in Work Stream 1 are very much dependent upon transparency. We've switched from the -- we switched to the designator model depending upon Board recall in order to achieve many of our accountability fixes. So that means we need to know what the Board is doing. We need to -- we need to have more transparency in order to be able to effectively utilize the powers that we created in Work Stream 1.

And on the issue of transparency we've got a lot of subissues in there. We've got transparency of Board deliberations. We've got transparency with governments. We've got transparency around the DIDP reforms. So we've got a huge chunk of work on that issue that is extremely important and critical to everything else that we're trying to build. So I'd like to suggest that transparency be done not with -- not with the other group or not with the other issues and be moved to the top of the list. Thank you.

THOMAS RICKERT: Thanks, Robin.

Jan, you're between us and lunch. Your hand is still raised. That was an efficient threat, obviously.

Joking aside, thanks for the interesting discussion. What we learned from this is that, you know, a lot of you are keen on making certain items a priority. We learned something about prep work that needs to be done. We heard about some dependencies of the work in terms of sequencing them. We're going to talk about sequencing the work later today.

But I think the main topic is that the response to the binary question that I meant to ask, i.e., do you think we can bundle anything is no. So we're not going to bundle. We're going to treat them all differently. Being cognizant of the dependencies and making sure that, as we plan our work, that we would build certain items on the prep work that needs to be done in other areas.

With that, I think we can break for lunch. Quite conveniently, the sun has come through. I need to check with staff now. Is that our lunch outside here that's being prepared now?

UNKNOWN SPEAKER: This is the co-chair lunch.

THOMAS RICKERT: And you're going to go into the basement, right? Grace, can you help with this? That's our lunch. We're going to have a one-hour lunch break. Talk to you soon. And thanks to the remote participants.

[Lunch break]

ICANN 55 - Marrakech

CCWG Accountability Face-to-Face Meeting - AFTERNOON SESSION

4 March 2016

THOMAS RICKERT: Okay, everyone. We would like to start again. And thanks particularly to the remote participants for patiently waiting. Can we get the recording started again?

So just a little housekeeping note before we start. The registration desk is now open, so if you want to register for the

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

So we would like to continue our discussion on how to best possibly structure our work for Work Stream 1 by -- 2, I apologize, and I would like to invite Grace to shed a little bit of light how drafting -- design teams have been worked in the CWG and we should look whether we can cherry pick some of those ideas so we get closer to getting sort of a straw man project management approach for the various work items to be dealt with in Work Stream 2. And without further adieu, I would like to hand over to Grace, please.

GRACE ABUHAMAD: Thank you, Thomas. So as we prepare to structure the work for Work Stream 2, the chairs had asked me to go a quick introduction on how we got through our toughest part of the CWG stewardship. The way we did that -- and there are some differences so I'll explain the CWG process and then, of course, the CCWG may discuss adapting that a little bit differently. We picked up -- following the ICANN meeting in Singapore last year, we decided to change our work methods, and we started -- we adopted a method that we borrowed from the IETF using what

we call design teams. They were small groups of -- of volunteers with specific expertise on certain -- on specific subjects. So these groups were under ten people and they worked on different time frames and with -- they had different lengths in their life cycle.

So the way we started this out was after the Singapore meeting the chairs put together a proposal, or a sort of a template, and asked different members of the CWG to proposal design teams based on different topics that they wanted to work on. And as part of the proposal they had to put together a list of -- actually, you know, Brenda, if you can scroll down to the template, I can go through that quickly.

So we put together a version for the CCWG. It may not be how we want to work with it, but I base it off of how the CWG template was designed.   So they put together a little background, they put together some information. So in the CWG's case there was information that we pulled from the IANA contract which doesn't apply here. So I modified that for this group and suggested something maybe called, you know, existing work areas documentation. This could also be the issue report or the pre-work that Alan mentioned earlier today. And then the -- the third part of this template would be some kind of a work plan, a time frame, you know, request for resources that may be different for each group or each topic. And then the last

part would be some sort of a composition or expertise needed notice.

So in the CWG's case there were certain -- certain groups that required certain types of expertise, some that were more security-focused or budget-focused, et cetera. So either the individual proposing the design team already had a few people in mind or that person would put in the request for certain expertise in their proposal and then we would turn that proposal out to the CWG for them to volunteer, if they had that expertise.

So what we did is we had a proposal period for a few weeks. There were about 15 design teams proposed by the different members of the CWG, and the chairs then took -- we made sure the templates were filled out, had as much information as needed, and then the chairs went through those templates and proposed a sort of prioritization or what we -- sequencezation of work, if that's a word. Sequencing. There's a sequence to the work that was established based on the 15 design teams. So not all 15 design teams ran at the same time. We started with a few that we thought would run longer than others. There were a few that closed sooner than others. And we structured the work that way.

All the work from the design teams was fed back into the plenary group. The plenary group made decisions about whether that

work was acceptable or not, whether they had questions or not, whether the drafting met their requirements or not. And then all of those many design teams then fed into the larger report.

So that's how we structured the work with the CWG. Brenda, if you could scroll down a little bit more, I put together -- this template is just the information. But if you scroll down, I did a quick example of what that template could look like. Of course, there's not enough information probably in there based on the conversation we had today. If you maybe -- if you can zoom out and then can show the template. I'll circulate this to the list as well. But I did this example for the SO/AC accountability topic. The background I pulled from the report, Work Stream 1 annex 12, and then put some questions and some potential, you know, expertise needed, things like that. So this template may be adjusted. It may be different for the CCWG. Our process around the work may be different as well. But it's just an example of how we proceeded with the CWG.

THOMAS RICKERT: Thanks very much, Grace. Does anyone have a question for Grace? Steve, please.

STEVE DelBIANCO: Thanks. Steve DelBianco. Grace the design of the design team said no more than three at the same time, and I think so that was based on staff limit or was it participants? And then in fact, did you have more than three running at the same time at any point?

GRACE ABUHAMAD: Yes, so I think -- I pulled these guidelines from what the CWG originally proposed. We did have more than three running at different times. I'm not sure how many were running with our maximum. I think at one point we may have had five or six running. But the frequency was different. Some of them had meetings twice a week. Some had meetings once every month. So there's -- it depended on the work methods of the group. We encouraged the groups to work on their mailing list. We had set up mailing lists for each group and we encouraged them to work on their mailing list, but some worked better on the phone and using Adobe Connect.

STEVE DelBIANCO: And to clarify, if staff becomes the scare resource as opposed to volunteers, if the working method is email staff isn't involved unless they're getting questions. Staff gets involved though if scheduling and staffing are called, right?

GRACE ABUHAMAD: That's correct.

THOMAS RICKERT: Thanks very much. Kavouss.

KAVOUSS ARASTEH: Yes, I have no difficulty with the concept, but perhaps we should look whether we need to say design because they don't design anything. They're just doing working some process perhaps. That is not issue. The issue I want to raise, I hope that this design team or whatever you call them would not compromise the openness and inclusiveness of the activities in the ICANN. Should not prevent anybody because, first of all, it's difficult to somebody say that you are not expert because the first one who say you are not expert, he should be expert. So I don't know who is going to make that decision, that you are or are not expert. If it remains open and inclusive, I have no problem. Thank you.

THOMAS RICKERT: Thanks, Kavouss. Paul.

PAUL TWOMEY: Yes. I just want to ask a similar question to Kavouss. Why was this number -- magic number ten devised?

GRACE ABUHAMAD: Yes, these were just -- they were suggestions. The CWG came up -- we wanted a small manageable group. We thought 7 to 10 was manageable for a small group, and I think that was the idea behind ten. So it doesn't have to be ten, and there doesn't -- you know, we don't have to have just three running. These were numbers that were developed in the process.

I wanted to quickly touch on one point. I forgot to mention that in some cases we did have where there were -- there was expertise needed that extended beyond what we had available in the volunteer group. We did reach out to experts on staff and experts that were outside of the working group in some cases, and in particular for the budget group, Xavier, who's in the back of the room, helped a lot with framing the questions and providing information. And for the -- what we call now the RSERC, we had David Conrad come in with some expertise in the root zone system. So there we go.

THOMAS RICKERT: Andrew and then Alan.

ANDREW SULLIVAN: Thank you. It's Andrew Sullivan. So I just want to pick up on something that Grace said because I think part of the reason that this got suggested, there's some questions that people have been asking. And Grace mentioned that I think this got started because I believe it was Avri who suggested that the CWG could adopt this and it's a thing that worked from somewhere else.

So in the IETF we use design teams when we have got contentious stuff and we need to get a very small number of people to just come up with some proposal. And the whole point is to get a very small number of people to come up with some concrete proposal so you have one thing to work from. And that's the reason for the small number of people. I think -- I think maybe we can all concede that this group has demonstrated that drafting with 130 of your closest friends is not the most efficient way to produce a proposal, you know, for the first pass. So the idea of the design team is that they come up with a concrete thing and then you can start hammering on that text. And that's a really helpful -- I thought that worked really well in the CWG, from what I saw. So I like this idea. If people want to make progress on the Work Stream 2 stuff it seems it might be helpful.

GRACE ABUHAMAD: And Allen, just to -- I mean Andrew, just to piggyback on that, I think the other thing that worked really well for the CWG that may not apply or may be different for the CCWG was that the topics the CCWG was working on -- or were working on were very specific. And they were couched in, at least for the most part, clauses in the IANA contract. So we were trying -- the work was very specific. If you look at the list of topics we have for Work Stream 2, that work is much more broad. So there may be a question there as to how you frame the questions and whether you need multiple design teams for different -- within different topics.

THOMAS RICKERT: Alan.

ALAN GREENBERG: Thank you. A couple of things I guess I have to say. The -- what Grace described was the theory. And in practice the concept of experts did not always apply and it morphed into those with interest. So I think it's -- it's really important not to focus on the experts. It didn't quite apply there and it probably will apply less here. We may not be all experts on some of the issues in Work Stream 2 but some of us have some strong interests. So that's number one.

Number two, as Grace said, they were designed to do a bit of work and then disappear. One of them is still actively working. So it didn't quite all work that way. So let's be flexible if we use something that, you know, this is not a formula that has proven itself perfectly and has to be replicated exactly.

With regard to Andrew's comment that in the IETF it's used as a small group of people to formulate something which then the larger group tears apart, in general in the CWG the group did a good enough job that there was little tearing apart. There was discussion. There were changes because of it. Here we're perhaps more likely to find, because of the breadth of the issue, that that's less likely to happen. But again, just keep in mind, if we're going to try a methodology, it's not -- it's not -- I don't know if it's not rocket science or it is rocket science. It's -- we're going to try something and hope it works, and we may have to modify it as we go along. Let's just keep flexible. Thank you.

THOMAS RICKERT: Thanks very much.

KAVOUSS ARASTEH: Could we have a combination of both, either expert or interested. Thank you.

THOMAS RICKERT: Thanks, Kavouss.

Let me just check if there are any further wishes to speak from those that are in the Adobe. That does not seem to be the case.

I guess we should understand this exercise presented by Grace as inspiration for what we could use. It's not -- we don't have to use this on a verbatim basis.

So what I understand is we should not -- it looks like everyone likes the concept; right? So I haven't heard any -- any disagreement on that -- on using this approach, but we need to specify whether we need experts or not, depending on the subject matter. I guess that's up for the subteams to define, or for our group to define. We don't have to insist on making those groups work for a short period of time but they can work for a longer period of time. We might have multiple of those design teams inside some of these Work Stream 2 items, so it may well be that, let's say, the jurisdiction group sets up design teams to work on different aspects of jurisdiction, where different skill sets are required.

So we're not proscriptive on that, but you will remember that we didn't set the expectation for this week to come up with solutions for everything that needs to be done in Work Stream 2 but to agree on working methods and approaches.

So I think this feedback is welcome.

Grace, thanks again for this presentation. That's very valuable.

So let's put that into our box of tools that we have.

We actually have another document, which is hopefully available to be displayed in the AC room, and that's a little bullet point list or things that we might go through for each of the Work Stream 2 items. So let me pause for a second.

More hands raised.

Steve.

STEVE DELBIANCO: Thank you. I wanted to make an observation, is that the design team approach that was described, had we known about it 14 months ago, we would have said that's what we did. We didn't have a name for it. But work team 1 and work area 1, work area 2. Jordan, remember this when we first met in Singapore? We did exactly that. We did a mailing list based document prep and discussion.

But I want to add what focused us on the deliverable was the co-chairs saying to the rapporteurs, "A week from Tuesday, we need you guys to be able to present. You're second on the agenda.   We   need   you   to   present   your   inventory   of

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

And those opportunities of presenting to the full CCWG, not as something that's final but even a work in process, they ended up focusing the efforts towards a draft we could all say we're ready to present.

But it's very familiar what you've described, and it was mailing list driven with occasional calls, plus the -- I guess the closure and urgency of having to make a deadline for a presentation.

THOMAS RICKERT: Thanks, Steve.

Kavouss, I guess that was an old hand; right? New hand?

KAVOUSS ARASTEH: Yes. I think perhaps we should not go into too much detail of how these different working group manage their work, whether they should have design or not design, one or two. Leave it to them, according the circumstance, needs, they establish one, two, three. So we just go to the highest level and then the remaining will be left to them to decide.

THOMAS RICKERT: Correct. As I said, we don't want to be proscriptive, but we just want to agree on acceptable working approaches, working methods with this group.

So can we maybe have this small bullet point list up in the Adobe? That would be great.

GRACE ABUHAMAD: And the bullet point list would be in some ways a different way to phrase -- to work on a work plan or a template. So we may not need the template as proposed there or we may adjust the template based on the that list; right?

THOMAS RICKERT: Correct, correct.

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

So basically what we would suggest doing for all the Work Stream 2 items, if you agree, is follow this five-step approach that follows the themes that we heard earlier in these discussions.

So basically, we would establish a subteam or a working group first. That's a first step, that we set up a group to deal with Work Stream 2 item. Then this group itself would select a coordinator. So we need someone who is -- or multiple individuals that take responsibilities -- takes responsibility for work products being produced and delivered, and for them to be produced on time.

We would ask them to establish an inventory of material available on the topic inside the CCWG. We would ask them to check work under way, previously conducted outside the CCWG. That would, for example, cover other initiatives working on human rights or other initiatives working on the ombudsman, and so on and so forth, in order to ensure that there is no duplication of efforts and no -- no -- yeah, no spending of funds unnecessarily.

They would then propose the scope of work to the CCWG and establish a list of requirements. This is pretty much what we have done when we started the CCWG work. We did the inventory, and we established requirements. And there will surely be requirements for transparency. Robin has mentioned some areas of concern for transparency earlier this morning. But, you know, that would be the -- the second step.

Then the CCWG would review and adopt the scope and requirements. And this is to ensure that basically the

groundwork is done in the subteams or in the drafting teams, or whatever name we might give them, but full control over where this is going is maintained in the CCWG; i.e., the plenary CCWG.

And after that, they're going to prepare a draft report for the CCWG, and if the CCWG is okay with the report, then it's going to be put out for public comment.

And after the public comment period is conducted, there would be a review, and the adoption of a draft. We would then put out the final report for public comment, if necessary; analyze and consider the results of the public comment period; and define next steps for the working group, and that pretty much depends on the work in question.

So that's basically a straw man project plan that we could apply for all the work areas. And would I like to open it up for questions or comments from your side.

So basically the idea is irrespectively of when the different topics are started, they would all go through these stages so that we have a unique or a standard working approach for all the subteams. And that helps us if we allocate time to that, let's say T-0 is the starting point for the working group, we would allocate time slots; right? You have three -- let's say one month for phase one and then we would give time for the other phases. And if we do that for all the exercises, that helps us balance the workload,

that helps us synchronize the work with ICANN's meeting schedule so that people can make best use of face-to-face time, and so on and so forth.

There are hands raised. Steve and then Kavouss.

STEVE DELBIANCO: Thanks, Thomas. Steve DelBianco.

Earlier we discussed how staff would contribute to the scheduling of calls, but I'm looking at step two there and wondering if there are other ways ICANN staff can be of assistance.

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

THOMAS RICKERT: I think that's an excellent point.

The idea of the -- of this phase two is -- or step two is actually to collect all the information that is required in order to do a drafting exercise, so we can easily add -- and I suggest that we do so -- the idea that was brought up by Alan to have a desk research, sort of what the folks familiar with GNSO policy-making call the issue report. That is a report, research that is

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conducted by ICANN staff before, in the case of the GNSO, the GNSO Council takes a decision on whether or not a PDP should be initiated in order to inform that very decision.

Steve, you have a follow up?

STEVE DELBIANCO: Yes. I'm familiar with how we've done it in GNSO, and you're right, issues report would fit nicely in 2.

So let me ask about timing and staff availability. If, for instance, we did jurisdiction, legal jurisdiction, how long would it take for staff to prepare an issues report?   And sometimes that's a function of how much detail is in it; right? Because sometimes issue reports in GNSO can be two months in the making. So we can potentially time box to say, "Staff, give us the best issues report you can within six weeks. Give us the best issues report you can within three weeks." And that would at least give a head start to the process.

But we could adjust that depending on the expectation of timing.

THOMAS RICKERT: Thanks, Steve. And maybe we should mark as an action for staff to give us an indication of how much time they would need for issues reports on the subject areas for Work Stream 2.

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

KAVOUSS ARASTEH: Yes, I think it sounds good. It may change from topic to topic, but we leave it as it is. We don't change it.

My question is about 5.4. Why in 5.4 we say "define next step of working group." Do we open a Pandora box going back again to working group? So could you clarify step 5.4, please.

THOMAS RICKERT: Sure. You're entirely correct that 5.4 is a little bit loose, but the reason for that is that what's going to happen in 5.4 depends on the feedback from the public comments.

So it may well be that the CCWG finds out that we have forgotten about an important aspect, and then maybe the CCWG hands back the report to the working group to further refine it, or the work product is great, it's going to be finalized, and the group is just wound down. So that's possible.

It may also be that this is, you know, being handed over to follow-up work. We said some work is building on other work. So we want to maintain the flexibility intentionally on that point.

You have a follow-up question, Kavouss?

KAVOUSS ARASTEH: Follow-up question. Perhaps in 5.4 we can say "taking required action as appropriate."

Thank you.

THOMAS RICKERT: I'm perfectly fine with adding that.

Grace.

GRACE ABUHAMAD: I'll lower my hand. I'll defer to Sam as the staff liaison.

THOMAS RICKERT: Staff -- Sam, please.

SAMANTHA EISNER: Sure, thank you. So this is partially in response to the question Steve raised in terms of timing, and then you followed up on for staff to develop these types of issue reports or prework.

I think -- and some of it depends on the sequencing of when you'd need it. We'd also need to understand the full scope of the issues that would be expected to be within the issues report. So if those were the items -- So it would be one thing if we could rely on what was in the Work Stream 2 portion or if there were additional questions that are related to the topic that -- that would need to be answered, those all impact the scope of potential research that we might need to do that would go into a timing estimate.

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

THOMAS RICKERT: That's a great point, Sam. I think we might face a little bit of chicken and egg here, because usually, as you rightfully pointed out, the scoping should take place first so that those researching know what to research on. At the same time, the scope of the report might depend on the findings of the research. So maybe we should have two phases of scoping, one initial scoping to inform the scope of the issues report or the desk research that

you are conducting and then the group would do a second phase of scoping in order to inform its own work.

Jordan.

JORDAN CARTER: Thanks, Thomas. Just to add another dimension to this which I think is a workable way of doing things, we could add in our planning and understanding of what we want to discuss at which ICANN meeting. So I think we should use the face-to-face ICANN meetings as a chance to get community input and thought in response to stuff we do.

So we've got a meeting in June somewhere, probably in June, and we've got a meeting in October, and then next March. So there are three sort of within the next year, there are three opportunities to get the ICANN community to consider these issues face to face, and I think we just have to put that in the mix.

We shouldn't organize our work in a way that accidentally misses the opportunity of when everyone is together offering input and being able to understand where our thinking is at.

THOMAS RICKERT: Good point, Jordan.

I guess that we will need some brains to work on the initial scoping. Part of that can be drawn from the archives of our working group, because we've been discussing these things preliminarily earlier. But what I think we need to do now, and that's sort of the take-away from this session, first of all is let's try to take stock that this is a working approach that we like, and I haven't seen any objection, so if you think that this five-step approach that we're suggesting combined with the design team approach is not something that it we should take as our repertoire of tools to deploy while we're working, then please do speak up now.

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

SEBASTIEN BACHOLLET: Yeah, I see some discussion on the chat. There is already, I guess, one page or two page on each topic because the work under the leadership of Leon about the Work Stream 2, we write a page or two on each topic. It's why it's wound up to be topic for Work Stream 2. I remember that we spend some time on discussion about diversity, about accountability, and so on and so forth. And we have already some document we share within this working group, and it could be a good start for each of them.

Thank you.

THOMAS RICKERT: Good point. Let's add that.

So there doesn't seem to be any objection, so let's conclude that.

Also we will, as the leadership team, try to come up with a sketch of how things could be planned for, let's say, the next 12, 15 months so we come up with a rough idea of a project plan.

We need some people to work on these things, so we need to launch a call for volunteers. And I think that our prioritization will depend on whether we find sufficient volunteers for all of these exercise.

And I think that the group will also guide us with the level of response to the different topics as to what they think needs to be worked on first and what can be worked on later.

So we suggest that we launch is call for volunteers soon. We will prepare an invitation in writing that will be spread to the community through the chartering organizations, but also there should be a public announcement so that we can get interested people lined up.

Eberhard, your hand is raised?

EBERHARD LISSE: Yes. Eberhard Lisse, .NA.

Can I suggest that we set a limit for working groups a volunteer can participate in so not the same people sit on every group?

THOMAS RICKERT: I think that's an excellent suggestion. And actually, it's a point that we've discussed during our preparations for this meeting. And now that you mention it, we can disclose that, for example, we would not want an individual to chair or to be the coordinator for more than one group; right? Also, we want to have different people with different expectations, with different backgrounds working on the groups.

I think we can't prescribe too much at this stage, so let's try to get people's interest first, and if we see that the balance is just entirely inappropriate, then we might need to step in.

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

JAN SCHOLTE: Yeah. Jan Scholte. It was just asked what sort of specific measures you were thinking about in terms of the outreach to make sure that new blood and fresh faces and new ideas and beyond CCWG get involved in these Work Stream 2 debates.

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

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

GRACE ABUHAMAD: Yeah. To Eberhard's point and to Steve's point earlier, one of the reasons why on the CCWG side there were a limit to the amount of DTs that were active was because there were a few people, or more than a few, who wanted to participate in multiple design teams. And so the idea was to manage the volunteer workload by structuring and sequencing the design team so that every volunteer had the opportunity to participate but not necessarily in all of them at the same time.

THOMAS RICKERT: Thanks, Grace. Oh, there's a queue forming. That's interesting. Malcolm.

MALCOLM HUTTY: Thank you. I agree with Eberhard's point insofar as you responded to it. Namely, that the -- it would be best to avoid having the same people -- sorry. I beg pardon.

I agree with Eberhard's point, as far as you responded to it. Namely, that it's best to avoid having the same people chairing or having leadership roles in multiple working groups, to the extent possible.

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

THOMAS RICKERT: Understood. Thanks, Malcolm. Bruce?

BRUCE TONKIN: Thanks, Thomas. Just an observation, I guess. The Board has had a similar challenge each year when we look at board committees. We have quite a few committees. We have some committees that everyone wants to be on, some committees that nobody wants to be on. So we try to balance that.

So our general sort of rule of thumb that, as a member -- and we also distinguish members from, let's say, observers or

participants. But we set the membership of committees so that you're not a member of more than two committees and you're, essentially, a chair of only one committee, for example.

But the other thing that we look at when we form those committees is balance. You want to make sure you have a balance of views and perspectives on each of these working groups. So, if you have a working group that's looking at, say, transparency and it's all the people from the sort of non-commercial side that have expertise in that area but you don't have any business people on there, I don't think you have balance. I think you want to make sure that you've got some balance in your selection.

So my recommendation is that you might want to -- ah, and the third comment: The other problem we've had at the Board level when we set up committee structures is then trying to schedule a meeting. So at one stage several years ago we had half the Board that were pretty much members of everything, which meant you had to have three days of meetings because it was impossible to schedule anything in parallel. And likewise the teleconferences. There were only certain slots at sort of optimal times of the day or night when you've got to get the maximum participation. And, if you've got every group trying to use the same slot, you're not productive. So try to make sure that you

have the actual members that are spread across and you're not members of more than two.

And then, as Malcolm points out, just as we have on the Board, anyone can turn up and participate in a meeting and listen. But, in terms of the actual members, when you're trying to schedule a call, it's helpful if you're not members of more than two things at once where you absolutely must be able to attend the meeting.

THOMAS RICKERT: Thanks very much, Bruce. Jorge.

JORGE CANCIO: Hello. Jorge Cancio, for the record.

I was just wondering -- and perhaps it's more a comment or a question -- whether we -- there is any provision for structured involvement of the CCWG advisors into this work. Because, probably in the framing of the issues, they could not only provide us with their expertise, which is important, but also with a fresh view sometimes. So I was wondering whether there could be a way to structure this involvement a bit more than in Work Stream 1. Thank you.

THOMAS RICKERT: Thanks, Jorge. I think that's an excellent point. I'm seeking eye contact to two of the advisors that we have in the room. I see nodding from Jan. Jan is a little bit shy, but he's also nodding.

I suggest that we take note of the suggestion.   Nonetheless, I think it would be good for the subteams to then agree on a method of interaction with the advisors. But I think it's excellent to tap on their expertise in this phase as well.

Next in line is Siva.

SIVASUBRAMANIAN MUTHUSAMY: My suggestion is to pay attention both to the continuity aspects of those involved in Work Stream 2 in the work of Work Stream 1 and the work of stream 2. And, at the same time, pay attention to our significant diversity, new blood.

When new board members are seated, there is a ceremonial process of dissolving the previous board and recreating a new board. Is there such a process? And, if there is such a process, if there is such a ceremony in transition of work from stream 1 to stream 2, then I think both the continuity of those involved can be ensured as also some fresh thinking and external advice can be brought. Thank you.

THOMAS RICKERT: Thanks, Siva. Kavouss and then Jan.

KAVOUSS ARASTEH: Yes. On the participation of advisor, if it is made -- I think it is legal advisor -- it should be some sort of provision that participation of advisor are welcome. But it's costly. Takes time. Money. So should be some approval of that to either by the chair of the group. I don't know what -- what does it mean in respect of the costs? Thank you.

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

JAN SCHOLTE: I can absolutely guarantee you I have not become a penny richer out of this.   Just on the advisors, not only think about the advisors you've got at the moment. There are issues like the human rights where I think outside the current group of advisors, you could get better advice.

THOMAS RICKERT: That's a good point. And just Alan reminds me that I should clarify that the travel and accommodation has been picked up

for the public expert advisors, but they're not being paid for their consultancy.

JAN SCHOLTE: Some of us are covering that as well.

THOMAS RICKERT: Okay. Some of them are even covering that as well. Yeah, I do know. So it looks like Sebastien wants to speak.

SEBASTIEN BACHOLLET: Just to tell you -- it's Sebastien Bachollet speaking. Thomas, you need to say each time you talk that you are Thomas. Because in the report it's always Leon, Leon, Leon and sometimes Thomas. But, when you are speaking, if you do not say Thomas, you will not be recognized. And that's not a pity.

THOMAS RICKERT: I've asked the scribes to attribute all the bad sentences to Leon. That's why.

UNKNOWN SPEAKER: But you are saying a lot of bad sentence since the beginning of the meeting, Thomas.

THOMAS RICKERT: This is Thomas Rickert, for the record. And I think this has been a good conversation about how we can structure the work in order -- in terms of project management for those areas that need legal advice. We will in our preliminary proposal for project management for all these, include feedback loops with the lawyers. That will also enable us to do cost control, so there won't be infinite possibilities to interact with the lawyers. But we need to structure that in a way that they are being presented with specific questions. And then there's one or two feedback loops with the lawyers, and that is it. So we can predict what the costs will be. We will ask them for quotes more than we did during this initial phase. You will see all that. We will come back to the group with a proposal.

But now we would like to use the time that we have together on exchanging on what the substance of the Work Stream 2 discussions should be. And, in order to do that, I would like to hand over to Leon.

LEON SANCHEZ: Thank you very much, Thomas. This is Leon Sanchez. And I won't say bad sentences. And, if I do, please attribute them to Thomas.

So we're trying to carry out an exercise here about scoping of the different issues that we'll be covering on Work Stream 2.

So what we would like to hear is from all of you the different ideas that you have about which topics or how to further develop and flesh out the different topics that we have for Work Stream 2. We have heard, for example, from Steve that maybe the last four issues could be encompassed in other efforts that are being undertaken throughout the ICANN structure. So that's helpful.

And I think we could elaborate on this in this group. And we could share our thoughts as to which way we should be directing our work.

So, at this point, I would like to open the floor for all of those who have ideas or comments about the topic of diversity. And, of course, we would welcome any suggestions as to how to better drive the scope of this working group in diversity.

So I see that there are two hands already on. I see Bruce and Jorge. But I'm not sure if those are old hands. Okay. So Eberhard would be the first one. Eberhard.

EBERHARD LISSE: Eberhard Lisse, for the record. You mentioned you're starting with diversity. Should we not discuss in what order we should proceed first? I'm not sure -- I have no position on this -- whether diversity is the one to start with. But there have been

concerns. Perhaps we'd like to start with human rights framework or something. Maybe we should discuss in what order -- I think we should do the ombudsman last. Maybe we should actually first, before we discuss individual things, to decide what order we're going to go.

LEON SANCHEZ: Thank you very much, Eberhard. These are, of course, not meant to be in any priority at this point. So that's why we just put them into the slide without prioritizing. And I understand that some people might want to prioritize at this point. But I suggest that if we -- our vision is that, if we begin prioritizing at this stage, we might get lost into that discussion. And it wouldn't really take us to having a fruitful outcome at this point. So, I mean, if anyone is against just going on the suggested -- or the random order that we have on the slide, or if there is any opposition to that -- is there any opposition to going in the order that is in the slide on these topics? Kavouss.

KAVOUSS ARASTEH: Yes, Leon. I never oppose to the chair, but I think most important item is human rights. After that, jurisdiction and then ombudsman and then list the others. Human rights was the first. And then after that jurisdiction and then put ombudsman and then remaining on the list depending on the situation. Not

opposing to you, but just suggesting another order of priority. Thank you.

LEON SANCHEZ: Thank you. Thank you very much. Okay. So we're going to discuss all of them, in fact. So why don't we begin with something easy, human rights? Okay. So, joking aside, could we have some input on human rights? Let's begin with human rights. Could we have some input from you on human rights as to which way we should be scoping or which would be the scope for this subgroup on human rights? And now the floor is open. And I see Jorge is that an old hand? Jorge Cancio. I don't know if -- I don't see him, so I think it's an old hand. So the first hand is Paul Twomey. Paul.

PAUL TWOMEY: Thanks, Leon. There's been quite a discussion about human rights on the CCWG list for the last months. I think simply a search to that will give you some of the criteria. I think there's a general perspective that human rights are a good thing. But the difficulty has been around several ones.

First of all, to which functions of ICANN's operations and policy making do we wish this to apply? That's one of the key issues.

Second question has been: What set of rights?

And the third one has been are there models for implementation? And there's been a lot of discussion on the pros and cons of the Ruggie at the U.N. level. And there may well be -- if I'm to understand the suggestion about their experts being available, there might be other models that are out there in international organizations to look to. So that's my understanding of the scoping of the working group.

LEON SANCHEZ: Thank you very much, Paul. Next in the queue I have Niels ten Oever. Niels.

NIELS TEN OEVER: Thank you very much. This is Niels ten Oever, for the record. Also the chair of the cross-community working party 4. It is ICANN's corporate and social responsibility to respect human rights and participants in working party 4.

And I think that we actually have a pretty clear way forward. And I'd like to build on what Paul said before is that we have a very clear set of things that we need to work on in annex 12 with a clear set of questions.

And I again agree with Paul that it's first very important to understand what exactly we're talking about. Luckily, in the cross-community working party we've been also trying to deal

with this question. And, luckily, there's also a standard for that. And that's called a human rights impact assessment.

And we'll present during our session on Monday a potential model in which we could go forward with that. And I think that would be a constructive way forward to understand where ICANN impacts human rights positively or adversely. And then we understand the playing field much better. And then, subsequently -- that's further down the road -- then we could see what different kinds of models would fit to that. Whether that would be Ruggie, the U.N. Guiding Principles on Business and Human Rights, which are often also referred to as the Ruggie Principles after the leader of the working group, John Ruggie, or the U.N. global impact or many other standards out there in the industry.

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

LEON SANCHEZ: Thank you very much for that, Niels. Next on the queue I have Alan Greenberg.

ALAN GREENBERG: Thank you. Much of what I was going to say has already been references, so I have got to rescript myself on the fly. I'm not an expert on human rights, and I'm first to admit that.

It's really important that whatever we end up doing gets wide buy-in, including from those who are not experts on human rights. And the kind of scoping we just heard about of just what does human rights mean within ICANN's limited scope is a really important issue. And it's got to be put in words that those of us who are not experts understand. And I think it's -- that reiterates my earlier comments saying we need the prep work ahead of time. And maybe the CCWG that Niels referenced is doing some of that.

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

It's an area which is clearly important in the real world and clearly not well understood within ICANN just what it means from our perspective.

You know, where are the areas that not having such a statement in place means we have violated human rights? Are there such areas? How do we go about rectifying them, and what is the

impact of those? I think it's got to be understood widely, not just by the experts. Thank you.

LEON SANCHEZ: Thank you very much, Alan. This is absolutely useful because sometimes, when speaking about rights, we tend to use big words that not many people actually understand. So it's very important that we -- whatever the outcome we get from this group is producing a language and common language that people without great knowledge in human rights may be able to understand.

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

AVRI DORIA: Thanks. Avri speaking. I'm not going to repeat. I think the things that were said about what that group should be working on were good.

One of the things that I did want to address was the conversation that has gone on in the chat about, well, there are other groups working on human rights within ICANN. Maybe we shouldn't reinvent wheels. We should just let them do it.

First of all, I've never been against reinventing wheels. That's how we get better ones. But they have broader scope in some

sense than I think the specifically scoped as was written in the report WS2 questions.

And so -- and also there's a group in the GAC and there's the human rights working party that has some of the SO/AC in it, but by no means all.

And I think for the Work Stream 2 effort, it's really important that those groups continue to contribute, continue to feed information, arguments, what have you, into the Work Stream 2 effort. But I really do believe that we need to have an effort that specifically targets the questions and issues of that framework that was requested in -- you know, that got in during Work Stream 1. So I just wanted to speak to that particular issue.

LEON SANCHEZ: Thank you very much for that, Avri. That is also very useful.

Next in the queue I have Kavouss. Kavouss Arasteh.

KAVOUSS ARASTEH: Yes. I think first thing input to the human rights is in paragraph 172 our reports or proposal of the CCWG.

Second, I think we should think whether we need to have this multiple group -- GAC working on human rights, GNSO working on human rights, ccNSO human rights, and so on. Why not we

put them all together and have one area that all experts come in there and talk about human rights, unless we are talking about different human rights? Human rights for the gTLD and human rights for this and this and so on and so forth. Is this part of working? Is it required?

LEON SANCHEZ: Thank you very much, Kavouss. I have Avri and then Eberhard.

AVRI DORIA: Sorry, I defer --

LEON SANCHEZ: Or was Eberhard before?

EBERHARD LISSE: I wanted to have a go at this. As much as I'm not against talking to others and getting information, this is a Work Stream item that we decide we need to do which means we need to do this. I'm also not worried about a budget. We have all the money we need. We may be a little bit careful in spending it, but we cannot have, again or whatever, have decisions be subject to availability of funds. We will make the decisions as we see fit and we'll try to make it in as small a budget as possible. But I'm totally against of trying to fob off things that we decide -- that

we push from Work Stream 1 to Work Stream 2 with a little bit of heartbreak and with a specific condition and intention that we will attempt it that we now say no, we can fob this off on someone else. That really would irritate me.

LEON SANCHEZ: Thank you very much, Eberhard. Avri.

AVRI DORIA: Yes. To build on what was just said, I think that we're having all of these efforts in all these separate places because these groups have different concerns on human rights. And I don't think that we want to try the whole boil -- the whole ocean of human rights in this Work Stream 2 effort. We have a very specific build of framework.

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

LEON SANCHEZ: Thank you very much, Avri. Next in the queue I have Erika Mann.

ERIKA MANN: It's difficult between all the waters to find a mic here. So what I would love to do is to talk about the issue maybe and frame it in a little bit different way. I'm -- I was part of the last years and many years, 20 years actually when I worked on Internet legislations, and the most recent decisions the European Court of Justice talks about, many of them impacted Internet companies that are actually based on human rights relations. So it's a very sensitive and a very problematic issue. And it's not easy, actually, for ICANN to find a way to frame it in such a way that we are not impacted by it without knowing negatively. So I would say we should -- maybe when we frame the topic, we should have somebody who's really experienced, I'm not just talking about the European but this goes much beyond Europe, I'm just taking the ECG decision as one example. So I think we should invite somebody who is really knowledgeable in this field from a legal point of view to tell us what it means if we include reference to human rights and what it means if we don't do it. Because both -- both examples are interesting because we have to apply human right standards anyway independently, if we frame it and have it part of our -- part of the -- part of our ecosystems. But if we include it, it probably might have a different meaning. So I think we should have somebody -- invite

somebody who's really knowledgeable in this area and is an expert in our field. So I think it's not helpful to have an -- a lawyer looking into it who never worked in this field, but somebody who's knowledgeable and understands the domain name world and somebody who really can understand and investigate what this means, what we are doing.

And the second I think coming to what Avri said, I think I agree with her in many ways. I just would love to have first somebody looking into it and give us, you know, from a more objective and neutral perspective, and then I think it might be easier for us to frame the topic.

LEON SANCHEZ: Thank you very much, Erika. So what I'm listening on this discussion is that the orientation of the discussion should also be mindful of which operational aspects of ICANN does -- do we relate with the human rights discussion, that to take into account the different models of implementation that have been discussed, both on the mailing list and in the working party that took care of the discussion on human rights, whether it's Ruggie principles, the Universal Declaration on Human Rights, et cetera. So we need to define that framework. We also need to take into account what is the potential impact of ICANN's actions in human rights, and that will also be part of the -- of the

discussion and the output. And we also need to build upon the work that other groups have -- have done already. Because we don't want to duplicate efforts. We don't want to duplicate our work. Of course, we don't want to reinvent the wheel as Avri was putting it. So we should be mindful of what work we can take advantage of, what work can be reused for -- to feeding into this subgroups work. And we, of course, need to define human rights within ICANN's limited scope. What are we talking about? We need to not only name the beast but we have to describe the beast, too. So this is also another -- another task that we will be undertaking this -- in this working group. And the clearer -- the clearer the language for others that are not experts in human rights, the more welcome the outcome. So we'll be trying to conduct this -- this work in a very clear and understandable language. And we also need to avoid broadening the scope of -- of this working group. As Avri pointed out there is also another cross community working group already working on this but it has a broader scope on human rights, so our task or our focus should be to specifically target the questions that were raised on Work Stream 1 in regard to human rights.

So that would be my first impressions on human rights. And since we've already tackled an easy one let's jump to the other easy discussion, jurisdiction.

UNKNOWN SPEAKER: (Off microphone).

[Laughter]

LEON SANCHEZ: Okay.   So the floor is now open for thoughts and ideas on jurisdiction. And I see Kavouss.

KAVOUSS ARASTEH: No, I -- sorry, excuse me. Just one point. Too many emphasis was given to the external adviser. The group that you elect was open to everybody.   We had sufficient individual expert on human rights.   And the group was open. Anyone could come. We don't need to make it specific invitation to somebody coming from the sky and saying I am the adviser of the human rights. What I say, please follow. He is welcome, she is welcome, they can come and contribute like others, without any specific privilege that I am adviser, listen to me. So let us exclude that. Thank you.

LEON SANCHEZ: Thank you very much, Kavouss. That is important. As Thomas said earlier, we will be calling for volunteers at some point to form this group, so I think everyone will be actually welcome to join any of the groups.   So we'll keep this as open and as

inclusive and transparent as we have conducted the rest of the work in this working group.

So now the floor is open for thoughts on jurisdiction. And I see two hands up that I'm not sure if those are old hands or new hands. I see Erika and I see Alan. So could you just please --

ERIKA MANN: Yeah, it's a new hand.

LEON SANCHEZ: Okay, so Erika.

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

coming in because it is so -- you know, so new and so fresh, you know, how it is a topic is reviewed, that we will need this. So I'm -- in principle I agree with you, we have enough knowledge in our environment, but there will be occasions, and this would be my -- when we talk about jurisdiction as well, there will be my plea, that whenever it is needed we don't need to have a constant team of legal advisers talking to us all the time but sometimes there will be a particular topic which is so conflictual and this is in jurisdiction as well when you talk about international law and local laws and how they clash and in particular in our environment, maybe we need sometimes some kind of advice. And I would urge us not to -- not to overlook this, Kavouss. I hope it's understood.

LEON SANCHEZ: Thank you very much, Erika. I think it's very clear now. So next in the queue I have Alan Greenberg.

ALAN GREENBERG: Thank you. I'm going to make a comment and some people might consider light-hearted or not. I suggest we defer this topic for nine months until we find out who the incoming U.S. president is. It may change some people's perspective.

LEON SANCHEZ: Well, that is a factor to consider actually. Mathieu.

MATHIEU WEILL: Thank you, Alan. I don't know what you're referring to. That's --

[Laughter]

-- totally alien to me.

UNKNOWN SPEAKER   Stress test 38.

[Laughter]

MATHIEU WEILL: So what I -- what I want to remind all of us, and I think that's worth doing it on each of the topics, is the amount of discussion we've already had on jurisdiction as part of Work Stream 1. That work was pretty much focused in the first months of Work Stream 1. We haven't touched more -- a lot this part of our report since the first public comment actually, but we have actually already tried to outline the multi-faceted approach of jurisdiction and identified a -- sort of a preferred way forward or at least one facet we thought would be valuable in investigating. And I would encourage us not to reopen everything but stay focused on that facet, which was the contractual -- the jurisdiction of the contract mostly, if I'm not mistaken. And I

think that's something that we'll need to -- that would be useful for when we come to Work Stream 2 is not to reinvent our own wheel. We can reinvent other wheels, if we want to, but maybe not our own. And so that's the one point -- the first point.

Second point that's part of the call we've had with the -- our independent lawyers before we came into Marrakech a few days ago and the notes have been circulated to the full list now. The lawyers specifically pointed at this particular item as one where some legal input in terms of terminology and general concepts might be useful to avoid people talking past each other in the course of the work. And that's very much echoing what Erika was saying earlier. So I think that's -- those are the two points that I wanted to put on the record for that Work Stream 2 item. Thank you.

LEON SANCHEZ: Thank you very much, Mathieu. Next in the queue I have Samantha Eisner.

SAMANTHA EISNER: Hi, this is Samantha Eisner from ICANN staff. On jurisdiction, I think that there are others on the list that the -- that could also fall into this, but this is one where there's a clear experiential

base within ICANN and ICANN staff that deals with the operations of how this works. And I think that that's a really important input to be taken into account. We have a -- we have a group within ICANN that works on globalization efforts that have actually, in the past couple of years, have innovated some of our contracts to allow for different jurisdictions to be taken into account. And so these are the kinds of -- it's not just about going outside of ICANN and asking what you can do, but I think it's really important to get the inputs on how ICANN operations impact and what they've already done, what they've looked at, what they consider in terms of this and take that as another input and potentially work collaboratively with them so that we don't run into a place where we have recommendations that might not be legally feasible for the organization. I think there's a good path to collaboration here.

LEON SANCHEZ: Thank you very much, Sam. And I think that compliments what Mathieu was highlighting. There is -- there are more topics into jurisdiction than just where ICANN is based. So I think that the -- the work that this group within ICANN staff has done should be a very valuable asset for this working group, should be definitely taken into account. I think it could be a -- a very good starting point to flesh out more details about jurisdiction. So next in the queue I have Siva.

SIVASUBRAMANIAN MUTHUSAMY: Leon, your observations just now helps me explain my point more easily. I was going to propose that the topic of jurisdiction could even be renamed as justice or global justice or a judicial framework because ICANN could act in a fair and just manner even with all the change of jurisdiction. And then when we talk about jurisdiction, we tend to have an approach related to which lawyer we engage and which court of law we go to. Whereas if we rename the topic and look at the topic a little more broadly, a lot more aspects could be covered. And the topic could proceed less controversially. Thank you.

LEON SANCHEZ: Thank you very much, Siva. I wouldn't jump into renaming the issue at this point. I would rather defer it for the -- the group that will be taking care of the issue to actually decide whether we should rename it or not. For the moment I would like to remain consistent with what our report states. So I would keep away from renaming any of the issues at this point, but that's definitely also a constructive view, Siva. Thank you very much. Next in the queue I have Steve DelBianco.

STEVE DelBIANCO: Thanks, Leon. On this particular one, jurisdiction, it strikes me that it is more descriptive than normative. The task of this Work Stream is to understand the jurisdictional aspects of not just ICANN per se but contracted parties, registrars, registrants, end users, and so on, because that is the confusion that has caused us so many times to ask what does applicable law mean. And we deferred it to Work Stream 2 since it wasn't essential to resolve these questions in Work Stream 1, and I am as eager as anyone to understand the jurisdiction. In particular there was an RSEP for xyz.com that got into this whole notion of jurisdiction and I want to know more.   And the business constituency where I work we submitted comments on that that really just asked questions. So because this is more descriptive than normative, right? It takes some of the pressure off of trying to come up with recommendations to change things. So I don't really -- I mean, I enjoyed the humor about wondering who the next U.S. president is but like Avri, I don't think that's relevant to the question of descriptively.   Where -- where you're doing business, where you're incorporated, where you're registrar is based and where ICANN is based, how do those all factor in to the question of what is the applicable law that applies to the conduct and content on the web. Not a lot of which has much to do with ICANN frankly. But it would be useful for us to discover that.

LEON SANCHEZ: Thank you very much, Steve. Next in the queue I have Pedro. Pedro da Silva.

PEDRO da SILVA: Yes, thank you, Leon.   This is Pedro from the Brazilian government.   I think during the short period that we have discussed the issue of jurisdiction, as Mathieu reminded us, it was right at the beginning of our work, I think we have made quite some progress. We actually all agree that this is not a simple issue. It's quite complex. It entails many aspects. And we even came to -- to making a, let's say, a list of -- initial list of items that this concept would entail. But -- and if you allow me, Mathieu, to a little bit disagree with you, but I think we should -- since this list was made, let's say, as an informal brainstorming at the -- let's say long time ago, I think we should revisit that list and -- as an initial task of this working group is to redo that brainstorming and based on the -- let's say, the experience we have had throughout this last year and all the months we have worked and I think reassess all the items that we have indicated here, probably adding new ones. I think, for example, during the discussion on human rights also some issues related to jurisdiction also came -- came into the discussion. So I think as a first task of the working group we should definitely revisit the

concept and really list, again, what are all the aspects related to it. Thank you.

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

So I see already some linkage between the work from one group to the other. So that is something that we should also factor in when designing the groups and, of course, carrying out the work of each of the groups.

Next in the queue I have Sebastien Bachollet.

SEBASTIEN BACHOLLET: Yes. Thank you, Leon. Sebastien Bachollet speaking.

Just as you take note here about this topic, to repeat what I said earlier this morning, there was a President's Strategy Committee who work on that issue long, long time ago, but it may be useful to take those documents to this working group.

Thank you.

LEON SANCHEZ: Thank you very much, Sebastien.

SEBASTIEN BACHOLLET: Just to be clear, it was Paul Twomey President strategy committee on this question. He may also be helpful in that.

Thank you.

LEON SANCHEZ: Thank you very much, Sebastien.

Kavouss.

KAVOUSS ARASTEH: Yes. Jurisdiction is an extremely complex issue. First of all, I think it might be good that we do not talk about the elections in our group here; that this is something outside our mandate and we should not talk (indiscernible).   The discussions on the jurisdiction depends on the result of elections.   That means we're prejudging or we're entering in something which is not our duty at all.

So I suggest, if possible, we should not mention that. It was said. Very good. We heard, but I think that it doesn't mean it reflects the views of anybody here. So it's not good to talk about that. And I don't think that election of individual would have impact

on the legal issues in the world. Jurisdiction is legal issues. I don't think that X and Y will change that.

Outside expert is good provided that would not dominate and would not put anything as a status that what I'm saying is this. So we are prepared to listen to that, if the area is so difficult that we don't have. But I don't see any major output out of that. Applicable law, 125 mails has been exchanged, and there is no agreement what is applicable law. So extremely difficult, but please kindly be aware of that. It may not come to some sort of results that you expect.

Thank you.

LEON SANCHEZ: Thank you very much, Kavouss.

Anyone else wants to share their thoughts or ideas on this topic?

Okay. I see no one else raising their hand.

So just to recap a little bit on what we have heard. We should have outside expertise available and ready to provide any advice or any knowledge in a neutral and objective way outside ICANN. We also have to take advantage of the work that the ICANN staff has done already in the globalization working team. That

should also be taken into account because it could be a very valuable asset for this discussion.

We should be mindful that this is a more descriptive than a normative discussion, and we need to find out a way to define what applicable law means in the remit of ICANN's operations and in the remit of this subworking group.

We might be needing to revisit the concept of jurisdiction about what does jurisdiction mean, how we focus the discussion of the different impacts that jurisdiction might have on the different areas within ICANN. And of course we should have a look at the work that Sebastien was mentioning about this committee that worked on this issue years ago. We might have also valuable input there that someone else has already done, so it should be taken into account.

So to continue our discussion, we have tackled two of the issues, and I would like to continue with the next topic, SO and AC accountability. And I see Erika's and Siva's hands are up but I'm not sure if those are old hands or new hands.

Erika, is that a new hand or an old hand?

ERIKA MANN:

It's an old hand, but I have something else which I will send by email. There's something which was written here not really responding to what we said, but I do this by email.

LEON SANCHEZ:

Thank you, Erika.

Siva is not here so I assume that is an old hand.

And I see Olga Cavalli's hand is up.

Olga.

OLGA CAVALLI:

Hello, this is Olga Cavalli, for the record. Thank you, Leon.

My comment was going to be -- addressed for diversity but I think it's relevant for SO and AC accountability.

I think that part of the things that should be revised in relation with the structure of the SOs and AC is related with accountability.

There is no accountability if it's not related with diversity. If -- As far as I have been participating in ICANN for more than ten years, I don't see part of the broad Internet community reflected in the ICANN structure today. I don't see small and medium enterprises of Latin America, which are essential part of our

economy, reflected in the business constituency. And although I see the GAC growing, we still need relevant participation.

So there is a lot to do within the SO and ACs to improve diversity and that will bring more accountability to these groups.

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

We have done some efforts. There are some documents that I was involved in my times of the GNSO, so I would like to work in this aspect and also in the diverse Citigroup.

Thank you.

LEON SANCHEZ: Thank you very much, Olga, for highlighting the importance of the linkage between accountability and diversity.

I have a queue that goes for people in the AC room and outside the AC room. So I have Alan, Jan, Thomas, Eberhard, and Avri.

So, Alan, could you please.

ALAN GREENBERG: Thank you very much. A very brief intervention.

I think this is another one that we need to have a common understanding or at least a common statement of what we mean by it so others can critique it.

The concept of accountability, if it's accountability to the people who are in the room, it's one thing. If it's accountability to the wider group, some of whom don't know ICANN exists, it's a completely different thing. And I think we need to understand what we're trying to fix by making sure the ACs and SOs are accountable before we try to fix them. It's -- We're talking about some very, very different constructs and different situations, and we really have to have a common idea of what we're trying to fix or we're going to go off in multiple directions with things that don't necessarily make sense.

Thank you.

LEON SANCHEZ: Thanks, Alan.

Mathieu.

MATHIEU WEILL: Yeah, just a reminder that I think we've discussed this question a few times already, every time we've discussed SO/AC

accountability, and our approach has been constantly that it's about SO and AC accountability to the broader set of stakeholders that each SO or AC is designed to represent. I think that's the wording we've used.

So it's definitely the broader approach from -- in your options, so that how does the -- how is the ccNSO accountable to all managers, for instance?

Just to make -- to use the easiest approach, but trust me, from a ccNSO perspective, it's not that easy, but it's -- that's the approach.

LEON SANCHEZ: Alan, do you want to follow-up on that.

ALAN GREENBERG: Yeah, just a very quick one.

You're right, we have said that, but every time we have the discussion, many of the people who intervene are talking about a different accountability. That's why I said we have to come to an agreement, not just say the words.

LEON SANCHEZ: Thank you, Alan.

Next on the queue I have Jan Scholte.

JAN SCHOLTE: Thanks. Jan Scholte.

Just that we have already done a lot of work in Frankfurt and afterwards and in the proposal on the framework of analysis for accountability, and I think we can take that and apply it to the question of SO/AC accountability. And I think then we basically have a conceptual framework. We have largely done the work. We don't need to redo it.

LEON SANCHEZ: Thank you, Jan. That's also true and very important. Next is Thomas.

THOMAS RICKERT: Thanks, Leon. What I would like to understand, and maybe you guys are all clear about this and it's just me, is the plan in this group to come up with general principles applicable to all SOs/ACs on how they should improve their accountability to their respective stakeholders, or are you actually reviewing SO/AC accountability one by one, coming up with specific recommendations on, let's say, Steve and his BC should not raise membership fees to $500,000, excluding everyone but the richest companies in the world to be able to participate?

Likewise, we've heard requests for more transparency in the GAC's operations; right?

So is the group's intention to come up with a list of recommendations for individual groups or are we discussing general principles of accountability for all SO/ACs? I think that's, for me at least, an unanswered question so far.

LEON SANCHEZ: Thank you, Thomas. And if I may comment on that, I think that the scope of our work in that subgroup should be focused on designing general principles for the different SOs and ACs rather than digging into each of the SOs and ACs. We have a system for SOs and ACs to establish their own governance rules, et cetera, so we don't want to go into each of the SOs and ACs particularly, but, rather, design general principles that all SOs and ACs should abide to in their -- in their respective ambience or environments to be held accountable and transparent to the different constituencies and SOs and ACs.

So I think the short answer is general principles.

Next in the queue, I have Eberhard.

EBERHARD LISSE: Eberhard Lisse, .NA.

I'm very grateful for the remarks of the GAC representative for Argentina to include the GAC in increasing its accountability.

LEON SANCHEZ: Thank you very much, Eberhard.

Next in the queue I have Avri.

AVRI DORIA: Thank you. Avri speaking.

I think it's interesting, the last couple comments made sort of anticipated where I was going to go in my comment. I think that we have a real issue here in terms of even understanding what we're talking about when we're talking about this, because it's easy, as Alan said, for example, are we talking about the general or are we talking about the specific accountability of a particular SO or AC? And we're able to say, sure, we're talking about accountability in the world, but we're only looking at it through the microcosm of ccTLDs when it's ccNSO or gTLDs. So we don't have one group that represents all people, and so it is global, but it always has to be specific to the kind of orientation.

I think the larger question goes up, if there is some group that we are not including in one of our SOs or ACs, then how are we dealing with that?

So that particular question is complex in that you have to deal with both the foreground and the background. Is it global or is it specific?

I think -- and this comes out partly from what Eberhard has said, we've had various conversations about is group X accountable enough or group Y doesn't have, you know, sufficient accountability measures, and we had within, certainly, NCSG a certain concern about GAC accountability.

But when looking at that -- and this is why I don't think we should get into specifics too much, but we also have to realize that each of the groups is essentially so very different, so that the notion of accountability within that group but still situated within the global is confusing and is complicated.

So I think that even before we get to a framework, we really have to get to an understanding of what we mean by SO/AC or AC/SO accountability and how we parse those differences and the foreground/background discussions.

LEON SANCHEZ: Thank you very much, Avri.

Next on the queue, I have Kavouss.

KAVOUSS ARASTEH: Yeah, I was typing here that if, as Mathieu said, we establish a principle to make a given SO and AC accountable to larger group, if it is not implementable, it is useless.

Thank you.

LEON SANCHEZ: Thank you, Kavouss.

Next on the queue, I have Sebastien. Sebastien Bachollet.

SEBASTIEN BACHOLLET: Thank you. Sebastien Bachollet.

Yes, just to add one point, I think that each group need to be accountable to the population or member participant, whatever, and we need also to find a way to have accountability between SO and ACs, and that's maybe one part of the work of this working group.

Thank you.

LEON SANCHEZ: Thank you very much, Sebastien. And that -- I think that has been discussed and reflected in the mutual accountability roundtable that at some point we discussed within the working party. So I guess that's an idea that will need to be further

developed and fleshed out throughout the work of this subgroup.

Next on the queue, I have Alan Greenberg.

ALAN GREENBERG: Thank you very much. Sebastien just mentioned members, and Thomas made reference to the fees someone may charge to join. I think we have to keep in mind that this may not apply across the board. There's a very different issue about who you are accountable to or who you should be accountable to, if they had a mechanism to make you accountable, versus your members.

At Large, for instance, claims we are representing the interest of end users. All end users, 4 billion or whatever the number is today.

The number of people who are members of At Large or the groups are those with an interest in ICANN. I have news for you, most end users don't have an interest in ICANN, and if we do our job right, that will stay that way.

So who you are representing, who you should be accountable to for doing your job right, not necessarily the members who have to pay your fees or join.

Thank you.

LEON SANCHEZ: Thanks, Alan.

Next on the queue I have Brett Schaefer.

BRETT SCHAEFER: Thank you. I'm a bit confused. I thought we were talking about diversity, but we seem to have merged the two topics?

LEON SANCHEZ: SO/AC Brett Schaefer were I'll wait on my comment, then.

I'll close the queue with Chris Disspain. I have Steve DelBianco and Chris Disspain. So the queue is now closed.

Steve.

STEVE DELBIANCO: Thank you.

I want to remind all of you, and I put this in the chat in our Work Stream 1 recommendations, the ones we published, Annex 10 is on SO/AC accountability. We already have a recommendation for Work Stream 1 in the bylaws drafting to say that in the review of SO/AC accountability mechanisms in the independent periodic structural reviews, because as you know, ICANN does periodic structural reviews of the SOs and ACs themselves, other

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

Mathieu, you made this point earlier in clarifying to whom is this accountable. We approved that. So we're expecting our lawyers to come back with a small bylaws change to the section on the bylaws on reviews of ACs and SOs. So that is a phase one item.

One of the reasons it's phase one is our stress tests. In fact, they were suggested by NTIA after our first draft in May. And NTIA asked about accountability. And we are relying on this improvement in the structural reviews to be sure that there are mechanisms in place that would allow something like BC membership to challenge this idea of raising dues to an exorbitant level and excluding people who couldn't afford it.

So some of this is in Work Stream 1. I realize Work Stream 2 is described in annex 10, but Work Stream 1 takes a bite out of this issue for us.

LEON SANCHEZ: Thank you very much, Steve. And Chris has lowered his hand. So, just to do a very quick recap, some of the points that we

heard here and that are captured, of course, in the notes are the link between accountability and diversity, which Olga raised; the need for a common statement or a common understanding on what do we mean about -- or in regard to SO and AC accountability? We already have a lot of work done as part of our Work Stream 1 efforts. And that should definitely feed the work of this subgroup and should definitely be taken into account, as John pointed.

And we would be looking for defining general principles as opposed to reviewing particular issues of each SO and AC. We need to refine the focus on whether this work or this accountability should be something global or specific. And the idea of the mutual accountability roundtable is still on the table. So we should definitely -- we should definitely revisit that idea and see how accountability from different SOs and ACs to each other relates and flesh it out.

So, with that, I would close this item. And I would turn to my co-chair, Mathieu, for the next issue.

MATHIEU WEILL: Thank you very much, Leon. And, indeed, you served well on some very interesting issues already. So the next on the list is diversity. Diversity is a word we've been using a lot in our

discussions and discussing a lot in the course of our Work Stream 1 efforts.

Just as a reminder, we had formal contribution by our external advisors that there was a strong linkage between the diversity of stakeholders involved in the ICANN processes and the ability for ICANN to make decisions that are consistent with the global public interests. It was better worded than that in the report. But that's -- I think that's really the core fact that made it one of the key issues for Work Stream 2.

And so I think we also need to recognize that there are multiple dimensions to diversity, multiple views, and also that diversity discussions are very, very widely documented in corporate governance, political science, everything, sociology, everywhere. There's certainly a lot to take from existing experience into increasing diversity into a specific organization or culture.

But, having said that, which was really what we had in Work Stream 1, let's start the exchange of ideas. And I would like to turn to Brett because you said you were deferring your comment until we come to diversity. So maybe you want to take the floor first, and then I'll go to the queue.

EN

BRETT SCHAEFER: Thank you. My comment is not about the subject matter but what actually underlies it, which is a question. Do we have statistics on the diversity of ICANN in the SO and ACs and in the general discussions currently? And then do we have statistics going backwards so we can see trends over time?

I think that kind of information would inform the discussion and find out exactly what the areas lacking might be, whether there's been improvements over time and so whether this needs a nudge in the right direction or whether this is something more serious than that. And I think metrics on this issue would be helpful in trying to inform the discussion. And that's, basically, my comment.

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

So Sebastien is next.

SEBASTIEN BACHOLLET: Yes, thank you. Sebastien Bachollet.

I totally agree with Brett. And I would like to extend that to not just SO and AC but to all the ICANN bodies. We need to have

those metrics. There are plenty of others, not just SO and ACs or not just at the level of SO and ACs. We need to do that. I think it's very important. And I just want, as you say it, Mathieu, but we have a document on the 24th of July, year 2015, about diversity would could be a very good document to start with. Because we had a subgroup working on that, and it could be the document to start the work on this working group. Thank you.

MATHIEU WEILL: How could I ever forget the work party 3 document on diversity chaired by my co-chair Leon with your help, Sebastien. Next is Paul.

PAUL TWOMEY: Thank you Mathieu. I raised diversity as an issue at one of our public meetings last year. And I've thought about it very carefully. I wonder if I could make a couple of quite pointed comments. And they're pointed in this sense: That I just wanted to focus on one aspect of diversity and to take a quite hard-nosed rare politic view of ICANN's future, which I think is important.

It's always been my personal analysis of ICANN since 1999 that the only two groups within its broad range of constituencies who have the power to destroy ICANN or who, at a minimum,

had the power to change the global nature of its functions or limit the global nature of its functions are the technical and network operating groups, the actual geeks, or it's the governments.

And coming -- I think the chances of what we're doing here in the ICG work, et cetera, and the involvement of the various constituencies limits and keeps engaged the technical and geek part of the world.

But I think we should be clear that since 1999 the environment around governments has changed significantly. If you think about the formation of ICANN, it was formed at the peak of western influence in the 1990s. And not only the peak of western influence, but the peak of Wilsonian thinking in American influence. So American policy has, over time, varied between rare politic through to Wilsonian ideals. So the global ideals of the technology community and the global ideas, Wilsonian reflection of universalist values in the Americans all came together in 1990s when ICANN was formed.

And so, if you look at the way in which we think about who attends, the values we put forward, it's a globalized, meritocratic, bottom-up architecture that we talk about. But we are now in a different world. We should be quite clear about that.

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

But, you know, we are definitely in a time when the U.S -- there's a debate about overreach. We're at a time when China, which has generally adhered to Wilsonian state principles during its rise, is now clearly indicating in broad senses that it's willing to rewrite the rule books on various things. Europe has got a hybrid. Russia, which sees itself as the essential state and culture in Eurasia, is also showing strength. The Middle East is changing. The point I'm trying to make is we're not in the same world order.

Which brings me to the statistics people asked about. Because it strikes me we do have to look at the issues not only about our own culture and bottom up; but from the outside perspective, do we continue to maintain legitimacy? So, to give you some specific numbers people have asked about, I've done the numbers on broad participation in ICANN. I've still got those statistics.

And, if you look at the Board representation in ICANN until last year, 32% of the years of Board years are held by Americans. 27% is held by Europe, less than 1% by China. The rest of Asia Pacific is 17% of which Australia takes up a fair amount. India

it's 4%. Russia it's zero. Africa and Latin America together is 19%.

But, if you then turn around and say who the majority uses the Internet today, it is China. Then we've got -- I think I've made my point.

So this, for us, is going to be a very difficult issue. Because I think it says that our method of bottom-up election processes, which I think are incredibly important, we do have to think about what we have to do or where are we failing to not at least have some better reflection of the world as it is today as opposed to the world it was in the 1990s.

MATHIEU WEILL: Thanks, Paul. I think that's an excellent point. I'm going to close the queue after Kavouss on this item because I'm conscious of time. And I want us to still have time for the last remaining two items, although it might be a little shorter.

Next in the queue is Tijani.

TIJANI BEN JEMAA: Thank you, Mathieu. Paul just spoke about one aspect of diversity, which is regional diversity. And you are right to include the multiple dimension of the diversity. We need to have

all other diversities that are well-documented in the document that Sebastien spoke about.

But, even for the regional diversity, I think that things have to change. Because, if you give people the choice between the country where they are living and their original country, you may end up having people from the same spirit and with the same interests.

Because for sure I may be born in Tunisia but living all my life in France. So I will not have the interest of Tunisian people in mind.

So I think things have to change in this regard, and we have to be clear about what is the regional diversity. If you have roots anywhere, you are coming from this region.

MATHIEU WEILL: Thank you, Tijani.

Next is Malcolm. I think what's really valuable here, if we highlight new items that need to be considered in the reflections. And let's not reinstate the points that have been made already. Please, Malcolm.

MALCOLM HUTTY: This is not a point that is already made, Mathieu. Thank you for the floor.

ICANN, to a large extent, and like the rest of the ISTAR organizations, has always sought to be operated according, to a very large extent, taken pride in being and succeeded from being a largely meritocratic organization. And by meritocratic I mean where people bring their ideas and propositions and demands to it. And they're evaluated by those that do the evaluation on the basis of the content of what they say and not on the basis of who is saying it. I think it is extremely important that this is preserved.

It has only worked and only successful and only can create real legitimacy if the people that are there and that are willing to come raise those issues really reflect all the people that are impacted by the decisions that are brought forward or -- the issues that are brought forward and the decisions that are made. If it is a small and closed group and if those who have legitimate interests in the matters under discussions either are unable to or feel that they are unable to come and take part fully, then that significantly undermines the legitimacy and effectiveness of what is being decided.

So it is very important that outreach mechanisms and things like travel support plans and things are looked at and extended so as

to ensure that the community can really affect those that are impacted by the decisions that the community takes collectively.

However, Mathieu, you spoke about a range of political and sociological views on this. And I think we are all aware that there is a big strand in diversity science -- no, "science" is the wrong word. Diversity theory -- that seeks to construct privileged sociological groups that determines whether or not ideas are given weight according to who is speaking and not -- and their characteristics and not according to the content of the idea itself. Instead, it divides us into tribes. I would -- in my view, these things can verge -- and it is extreme -- on out and out racism. There should be no place in ICANN for this.

So we need to be very wary, as we look at the diversity issue, of ensuring that we improve and build upon and reinforce the ability of this community to give full voice to all those that are affected by and wish to participate in and encourage the supports of those that are impacted by this community's work and do not revert into, essentially, warring tribes where we count the value of what is said according to some status in a hierarchy of sociological groupings. Thank you.

MATHIEU WEILL: Thank you very much, Malcolm. Because you're framing exactly the kind of difference of views that exist about how to approach diversity in corporate governance, political elections, whatever you want. And that's exactly the kind of discussion we need to have in this diversity group. I'm not going to step into that right now. But I think, from the looks I'm seeing in the room, it's obvious we'll have some discussions on that. And that's very, very welcome.

Next is Olga. I think I had closed after Kavouss. But -- Olga.

OLGA CAVALLI: Thank you, Mathieu. This is Olga Cavalli, for the record. I would like to support what Paul Twomey said. And I welcome the statistics. I would encourage also to add one other dimension, which is the gender diversity. It is clear that all the ISTAR organizations need more gender diversity, especially in their leadership positions. So I would encourage to add that dimension to it. And I also would like to support what Tijani said about define where people come from and where they live. Thank you very much.

MATHIEU WEILL: Thank you, Olga. Kavouss.

KAVOUSS ARASTEH: Yes, Mathieu. Once again, a variety of issues. Expertise, knowledge, qualification, diversity, cultural diversity, linguistic diversity, sexual diversity, ability versus disability diversity, age diversity, social diversity, and so on and so forth. You can write a book. You can write five pages. Unless you have criteria to implement that, it remains words in the book.

Not implementable. Thank you.

MATHIEU WEILL: Thank you very much, Kavouss. That's good. Excellent reminder. And last, but not least, Siva. And then we'll break for coffee.

SIVASUBRAMANIAN MUTHUSAMY: Thank you. Diversity is very important. But, at the same time, the topic has to be approached in such a manner that it's not politicized. Otherwise, we'll end up with 210 board members and have a subcommittee for developing south and board and so on. I suggest that we approach it very carefully.

I recall that Olivier Crepin La Blond of At-Large would say that At-Large works in the best interests of Internet users. He would not say it represents the interest of Internet users. So extending that, if we have a structure whereby we can say that ICANN acts in the best interests of the global Internet user and global

Internet community, that should be good enough rather than have gender diversity, geographic diversity, and every country having a seat in ICANN and so on. So thank you.

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

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

[Coffee break]

MATHIEU WEILL: Okay. Let us resume our meeting. We took a little more time on the previous agenda item, so we still have three Work Stream 2 items to shortly discuss. And I'm very aware of the timing of the meeting. I don't want to delay you too much, and certainly not to the point where the sun would be setting and you would not be able to enjoy it anymore.

So the next item is the staff accountability item. We had a few discussions in work party 3 about the potential Code of Conduct approach that could be developed around this, and I think it was pretty well framed. You will note in the document a comment by Sam, Sam Eisner, and as staff liaison, obviously her input is very valuable to this particular item, that we need to be careful about not interfering with the employer/employee relationship in this kind of matter.

And I'd just like to keep it at this. We would need to add the point about Code of Conduct which was one of the approaches that was discussed earlier to the list of item here on the document, and I'd like to now turn to other short, concise contributions that need to be taken into account when discussing this item, if there are any. There doesn't seem to be any, which proves that this is right to the point and that our framing has been excellent. So I will -- I think we shouldn't dwell on this too much at this point. It doesn't really create an issue.

The next item is transparency. And transparency has several dimensions that are already outlined in our recommendation number 12. There is DIDP document information disclosure, there's transparency of board deliberations, there is transparency of interactions with governments. I'm missing I think at least one of them, but somebody in the room will remind me. I think we've already had a number of significant discussions on this, but if anyone wants to add clarifications or things that would be out of the scope for this group that's also very useful because it helps us focus. But to -- to me, we've had already extensive discussions about transparency and how this is a key aspect of accountability in many ways. Robin. Robin.

ROBIN GROSS: Sorry. I was trying to raise my hand online but it wasn't seeming to register. I just wanted to add that we had talked about creating a culture of transparency throughout all of ICANN's operations and the way it does business. So that was something else to put on the list. Thanks.

MATHIEU WEILL: Thank you, Robin. Eberhard.

UNKNOWN SPEAKER: Just maybe an issue of effective transparency. It's one thing to disclose documents. It's another thing to make them readable.

MATHIEU WEILL: Thanks. Okay. So once again, I think we've framed that discussion quite well in our past work. So it shouldn't be too much of an issue, but Malcolm.

MALCOLM HUTTY: I mean, this may come under cultural transparency but something I think the principle transparency meaning that things should be open, unless there's a good reason not to be, as opposed to the other way around.

MATHIEU WEILL: Thank you. That's indeed been something we've discussed a number of times. And finally -- the AC room is not working anymore? But Ed?

EDWARD MORRIS: Thanks, guys. Ed Morris, for the record. I don't know how to phrase this. One of the things that interests me and that we should probably take a look at are board -- I love my board members. They would never do anything unethical. I know that. But there are board members in the year 2025 I'm not too sure

about. And external speaking fees, speaking before trade associations, the income received from that, is there some way we could talk about and take a look at how other corporations deal with this but seeing whether should be something they should have to disclose under the guise of transparency.

MATHIEU WEILL: Thanks, Ed. Jonathan and then Alan. And then Avri. And then we'll probably wrap this up. Jonathan.

JONATHAN ZUCK: Mathieu, I know you want to wrap this up and at the risk of sounding redundant, on this notion of effective transparency, I think the only way that you can define that is by outlining the goals for transparency. And I think sometimes we make the mistake of treating transparency as an end goal when it's not. It's a means to an end, which is sometimes accountability or something else. And operational accountability is partly what will help define whether or not you have effective transparency. So transparency without context is a useless term, and I think defining the objectives for it and measuring the success of those objectives is how we'll determine whether we have the good transparency.

MATHIEU WEILL: Thanks.   Very useful indeed to have to map different mechanisms with their respective goals. Alan.

ALAN GREENBERG: Thank you. The question was asked earlier do we want to merge any of these items, and I and others said no. But I will point out this one and the previous one are closely linked. A lot of issues of lack of accountability of staff are because they can do it invisibly. And the two are heavily linked. Thank you.

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

AVRI DORIA: Thanks. Avri speaking. One of the things I wanted to mention, and it's a point related to many of these, is that in the previous two ATRT outcomes documents there were lots of recommendations made. So I think one of the things especially this group more than many of the others is to make sure to go back and hit those and compare them and such. Thanks.

MATHIEU WEILL: Yeah. Some background work really needed on this because there's a lot of documentation already. Excellent point, Avri. I have Kavouss and then Brett. Kavouss.

KAVOUSS ARASTEH: Sorry, Mathieu, when you deal with the staff accountability I miss one point. I don't -- unless this relationship coming from the report, I don't think we should talk about relationship. We should talk about hierarchy but not relationship. We don't enter into the business of relationship between the staff employee/employer. We talk about hierarchy. Any accountability should not impact the hierarchy between the employee and employer. So we should not want to destroy that order, that employee should be treated under the hierarchy in response to the responsibility they have. We don't want to undermine the -- the duties of the hierarchies people with respect to their staff. So perhaps instead of relationship in the first bullet it should be hierarchy but not relationship. Thank you.

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

BRETT SCHAEFER: Thank you. This has a bit to do with both staff accountability and transparency. But I would like to make sure that the issue of

ICANN's conflict of interest policy is examined or reexamined in one of these two areas. I was talking with someone earlier and apparently there's a question about how that conduct of -- or conflict of interest policy is actually interpreted. And there is apparently some ambiguity there. And I don't think that it's good to have ambiguity on that matter. So if there is indeed ambiguity over conflict of interest policy, who is covered, under what circumstances you have to report a conflict of interest if you're a covered person, I think that that needs to be resolved and clarified. Thank you.

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

The last item on our list is the ombudsman. We have identified a number of potential improvements, discussed this already a little bit earlier today. I mean, just like for other items, if there are any substantial inputs about how to frame this discussion, I'm seeing Siva's hand up to initiate the discussion. Siva.

SIVASUBRAMANIAN MUTHUSAMY: My suggestion is that not only the independence of the ombudsman should be enhanced but his stature also needs to be enhanced. Ombudsman must be plenipotentiary -- no pun intended in using this term -- that he does not have to depend on the pleasure or displeasure of anybody in ICANN and he has to decide whether to accept a case or not accept a case and not accept only those cases that are pre-screened. There are several barriers that are associated with the office of the ombudsman. Everything must go and the stature of the ombudsman must be enhanced to a sufficient level so that he's fully empowered. And if there is any -- if there is a need to make any provision to remove the ombudsman, the removal process of the ombudsman should exceed the thresholds that are specified for removal of a board member. Thank you.

MATHIEU WEILL: Thank you, Siva. Important points. Avri.

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

ombudsman is a decider. Now, some of the discussions we had across the year had the possibility of using an ombudsman's decision as a gating mechanism for some further process. And that would be a deviation from that. Probably a good deviation. I'm not judging it. But really there's in that role are they purely -- is it purely an -- a suggestive mechanism, mediative mechanism, or are there any points at which an ombudsman actually has some decision-making capability. And not trying to prejudice that discussion, just I think it's one we need to have.

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

EDWARD MORRIS: Okay. Thanks, guys. I think some of the earlier comments can be dealt with by saying we need to look at the hiring, firing, and retention of ombudsman.   Who does it?   Right now it's the board, and he's responsible to the board. That can't go on in our new statement. The question is, who should do it.

Number two, the access of employees to the ombudsman. Currently at ICANN employees cannot take problems to the

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ombudsman. I think that should change or something we should look at.

The criteria the ombudsman can use to render decisions, we've had the discussion on list about this, but fairness tends to be number one criteria. Should that be expanded? Should he be able to evaluate on other criteria. And then if so, do we in this community want an ombudsman or are we looking at something more like an Inspector General or some other unique classification? Because some of the things that folks have proposed for the ombudsman to do generally are not within the remit of a classical ombudsman. So I think we should take a look at whether an ombudsman suits what we want best or whether some other classification could work better. Thanks.

MATHIEU WEILL: Thanks, Ed. And Chris is next.

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

One of the purposes of that session is to do the sort of information gathering rather than necessarily the recommendations out of it. I want to get ideas about what people want, but I think the real purpose for me speaking now is to adopt what Eberhard said, that the discussion about the ombudsman role should come at the end of this process. The ombudsman has a role in virtually all of the previous topics. So once you decide on the sort of issues for accountability in those previous topics, things like diversity, things like human rights, you'll have to think well, should this be something we send to the ombudsman? Is this an area where the ombudsman should have a specific mention as the mechanism for exploring problems which have arisen. I already have specific jurisdiction on diversity, for example, and to some extent human rights as well to the limited extent that they have been raised in my office. Things like transparency, the document disclosure policy. I've been very surprised that people haven't utilized my office to try and get access to documents because if you look at my bylaw, it says, I've got access to everything. Now, how often when you're trying to dig through the DIDP policy have people thought well, let's ask the ombudsman to have a look at that? That might be my fault, for not explaining that sufficiently well to people, but there are powers which are there.

And so therefore, my session will hopefully consider some of these issues, and just start thinking on what I can actually do. But I can tell you now that decision-making is unlikely to be something that would make my office an ombudsman office. If you want to get somebody to make decisions, then it's not going to be called an ombudsman. Thank you.

MATHIEU WEILL: Thank you very much, Chris. That's extremely useful. And, I mean, what I'm taking from this discussion is we need to be clear on the requirements first, before thinking about the tool, whether it's an ombudsman or Inspector General or any other tool. That one thing we need to be clear about -- and that's going to be true for every Work Stream 2 item -- is what are our requirements? What are we trying to achieve and why? We have -- Avri, is that an old hand or new hand?

AVRI DORIA: Old hand.

MATHIEU WEILL: Old hand. And so Kavouss, Siva, and then we'll move to our next agenda item. Kavouss.

KAVOUSS ARASTEH: Yes, I am checking something. First of all, bullet two is not clear. Removal process thresholds for ombudsman should exceed thresholds for removal of the board members. Are we talking about the recall of the entire board or what?   What means exceeds? Should not exceeds.

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

KAVOUSS ARASTEH: Maybe put it in that way because you are just putting explicit --

MATHIEU WEILL: We haven't agreed on that.

KAVOUSS ARASTEH: And then the fourth one I have difficulty. What is the fourth one? Is this from the proposal of the CCWG that no longer ombudsman report to the board and no more longer appointed by you or is this something we want to study? Approved by the board?

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

KAVOUSS ARASTEH: But I have problems.

MATHIEU WEILL: I agree, and we'll rephrase this. Next is Siva.

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

And on Kavouss, I was just suggesting the idea of the stature of the ombudsman, that it should be very high. Stature has to be elevated. And the details that I suggested were in a manner of

speaking. I was not conclusively saying that -- this and that. Thank you.

MATHIEU WEILL: Thank you, Siva. And Chris, maybe you -- you should be allowed an opportunity to answer the question from Siva.

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

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

MATHIEU WEILL: Not bad. Not bad. Okay. So I think it's really fleshing out this discussion and it's very useful. Overall, taking all these items into account, I repeat what I've said earlier and what is actually -- what was actually coming out of our process discussion. We

really -- we really need to be quite strict into starting to discuss the requirements, agreeing on requirements before getting into developing any solution or tools to address this. Otherwise we -- we're not going to be efficient with our own time, we're not going to be cost efficient, and we will definitely lose sight of priorities. So that's going to be a challenge. We managed to do that in Work Stream 1 by prioritizing, and at the requirement level I think it's going to be essential that we do -- do the same approach with Work Stream 2. And there's a lot of excellent substance in our quite short discussions item by item, but I'd highlight how much diverse and important work we have to do still is ahead of us. So I think it's -- it's quite a good feeling to finally get into these topics. Let's not underestimate the workload that's ahead of us, and remind ourselves that our top priority is to finish Work Stream 1, but we can slow start and do the background search and all this volunteer work to make sure that we are up and running as soon as Work Stream 1 is finished to get these items underway.

Items under way.

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

Stewardship, the Board Finance Committee, the chartering organizations about the management of the cost of the IANA stewardship transition as a whole. And there has been a lot of progress made in terms of reporting on these costs, and one of the examples that's currently on your screen is a focus on the accountability track costs that is on -- published by ICANN on a regular basis now, thanks to Xavier's team. I'm trying to capture where Xavier is in the room, if he is. Okay. You're here.

So that's giving us some -- a view on the regular basis about where we stand and clearly -- and purely on a factual basis, if you compare the estimate at the beginning of fiscal year '16, which starts on July 1st, 2015 and ends on July -- June the 30th, 2016, there's a big gap between the estimate and what the real figures are going to be.

So the key issue here is how to address the fact that there is a gap. It was not predicted, and we want this under control in the future because that's also part of the accountability to be accountable to the way we are spending ICANN's money. And that's a collective responsibility for members, participants, staff, everyone has a voice in this.

So there's been a number of discussions. We did discuss this already during previous calls. Our goal today was to first take stock of a proposal that has been pushed forward by the ICANN

Board Finance Committee and look at how we will be learning from the past experience to improve the way we are managing resources in the future for the CCWG Accountability.

So if we go to the next slide.

We have received and shared on the list a proposal by the ICANN Board to set up a pilot proposal -- a pilot that would first work on developing reliable estimates for the rest of the fiscal year '16. So we still have three months to go, basically, if I'm not mistaken. And I'd like to maybe offer Cherine the opportunity to speak to that proposal, that pilot proposal, so that we can consider it together, ask questions if need be, and see how we move forward on this. And I don't think it should be too controversial but I think it's good for you, Cherine, to introduce the proposal, if you will.

Thank you.

CHERINE CHALABY: Because this is on the public record, I just want to put some historical perspective, if you allow me for a minute.

The historical perspective is it's not been part of our DNA and our multistakeholder model to have any one person or any group of people responsible or having the authority to make decisions, including on costs. And also, historically I think the

SOs and ACs have not been able to obtain a lot of detailed information about cost of their work, meeting, staff, et cetera.

But the sums involved over the last couple of years and -- in FY15, FY16, almost to the tune of $25 million, and the future expenditure potentially between 6 to 9 million in FY17 makes us think together, collectively -- and this is not just the Board or the Finance Committee; I think the SO and AC leaders and yourself are on this -- is that it would be good practice to produce some reliable estimates and to consider how we can manage costs going forward.

This would then represent a real change in culture for the community. But to introduce that change, we better have a step-by-step approach so that we don't jump in in one go but do one step at a time, listen to each other, learn, and then formulate the next step.

And the first step is what we called producing reliable estimate. Why do we need that? And then I'll say what is the suggested idea collectively by the SOs and ACs leaders and yourself will talk to.

To get a project of any magnitude going requires a real transparent dialogue between all of the parties concerned, from those that request the resources -- for example, could be the SO and AC chairs, and they request resources, let's say, for Work

Stream 2, the SO and AC chairs that then has to evaluate this request, and then the Board that has to then fulfill its fiduciary responsibility by saying are these estimates reasonable and how are they included in the annual budget.

For this conversation to be -- and this dialogue to be really transparent and meaningful and effective, we need some reliable estimates; okay? And to get those reliable estimates, it's hard to do it on a part-time basis. It's hard to do it on a sort of ad hoc basis.

And the idea here is that why don't we pilot the idea of putting a small team together consisting of project management experience, some legal management experience, financial planning and administration, and that group is not a decision-making body. That group is not a management body. That group is only a support body. And for a short period of time.

And we would ask for this team to do two things. One is to look back on historical expenditure and learn from there how and where we spent our money, where we could be more efficient, what assumptions drove the expenditure, and then take those and be in a position to project future expenditure and produce reliable estimates for us.

So that's the whole idea about producing those estimates in that way. And then we any that could take four to six weeks, maybe a

little bit longer. I don't think it should take much longer than that. And then once we have information and data, we're going to group together again and decide what do we do with it and how do we go forward with it and continue this open dialogue and transparent dialogue.

Thank you.

MATHIEU WEILL: Thank you very much, Cherine. And I want, through you, to thank the Board Finance Committee for their -- and Xavier for their continued engagement on this topic. I think it's extremely useful to insert this into the way we manage the group as we move forward.

I'd like to ask whether there are any clarification -- questions for clarifications or reactions to this proposal, which, once again, to me does not seem particularly controversial.

I am seeing Siva's hand up. Siva. No? Old hand.

So Roelof.

ROELOF MEIJER: It's not a question for Cherine but more a remark or reaction.

I think it's good to have those estimates, first of all, but I think in the future, we also need another kind of estimates, and I think

many of us in our normal day jobs will always require those if we ask external consultants to pursue a certain subject or deliver an answer a question on a particular question. We will ask this consultant how much is this going to cost you to figure it out.

And this is something we have never done in Work Stream 1, as far as I know. We just -- we were just asking the legal advisors questions without knowing how much it would cost to get the answer. So I think that's another estimate we will need in Work Stream 2. If we have a particular question and we want an external consultant or a group to chase an answer, to deliver an answer to us, we ask them an estimate first.

MATHIEU WEILL: That's a very good point, Roelof, and we have started doing this for Work Stream 1 implementation in the bylaw draftings. We did receive estimates that we've used to provide the Board Finance Committee with insights, I think back in Dublin. We started this in Dublin.

And so we had received estimates, and we also requested an update on estimates to the lawyers in the call we had recently on the Work Stream 1 implementation and the bylaw drafting. But that's certainly a practice we need to develop more and more as our project moves from everything is urgent and we

need the answer now to a phase where we have more time, so we can proceed with more caution on that aspect.

You want to follow up?

ROELOF MEIJER: And I think in addition to that, it would be good if we budget beforehand because although the money should not restrict the quality of our work, I think it will help us to stay focused if we know that there is limits to the amount that we can spend figuring out things.

MATHIEU WEILL: So stay tuned for the next slide.

Quick.

THOMAS RICKERT: Roelof, this is tied closely to the conversation that we had earlier. This draft project plan with the different stages also helps us to get the groups get focused on what they're trying to achieve and discipline their interaction with both the CCWG and then, through the CCWG, with external advisors.

So we want to get more structure on that in order to avoid crunch times over weekends and things like that which make

things extremely costly. And so we can help spread the workload and do proper cost management, cost control.

ROELOF MEIJER: Yes, I think many of us do this in our day jobs. If you want a group to deliver an answer of a certain quality within a certain time, you give them a deadline and a fixed budget. It helps keeping them focused.

MATHIEU WEILL: Robin.

ROBIN GROSS: Thank you. This is Robin Gross, for the record.

I just had a question about this proposal. I'm wondering who the project manager, the lead legal manager, the financial manager, the project administrator, who would they report to and take their direction from? Is it the CEO? Is it ICANN staff? Or would it be the co-chairs that would be directly overseeing and to whom these people would report and ultimately be accountable?

MATHIEU WEILL: So Cherine would like to answer that.

CHERINE CHALABY: Very good question, Robin. I think at this stage it doesn't really matter. The job is to do some analysis for all of us. They have to work with the co-chairs and be support to them. They have to work with the Finance Department to get information from them. So their job is to produce estimate at this stage.

Once we have estimates, the next stage will be, okay, what do we do with it, because let's say we get estimates and the project gets approved and then we go into execution. After this, there has to be some form of reporting against these estimates.

We can make that decision later. At this stage, this is just a short four- to six-week project just to produce some historical estimate -- analysis of historical expenditure and produce estimate for the future.

Where it reports I personally think is not relevant at this point in time.

MATHIEU WEILL: Thank you. And a follow-up by Robin.

ROBIN GROSS: Thank you. I just wanted to suggest that I think it's important that these people would report to the co-chairs and -- who

report to the community. And so in keeping with the bottom-up spirit that we operate under, I think it's important to whom they ultimately report.

Thanks.

MATHIEU WEILL: Thank you. Thank you very much, Robin.

Next is Jordan, and I will close the queue after Kavouss.

JORDAN CARTER: Yeah, lucky co-chairs managing some more people.   Good on you.

Look, I think insofar as it goes, this proposal is fine. It's always good to get some support in doing some estimates and then quizzing the lawyers and so on. The thing I don't know, because it's presented as a first start, is where the Board's mind is as to what follows up on it. And I think certainly we have to avoid a situation where control of resources is used -- you know, we have to set a reasonable cap on the cost of this project and then stick to it. But what we can't do is have the work flow decided outside this group.

So there's no point in a mix of board members and SO/AC chairs deciding a budget quantum for this group that doesn't allow it to do the job that it needs to do.

So as long as that isn't the kind of end game, I strongly support getting better info.

I think that it's been our own working method with our external counsel that's been the biggest, most (indiscernible) driver of cost here, and then as long as we do work and ask them to comment on it, rather than asking them random questions, some of which are highly irrelevant, and doing so again and again and again, we'll be much better off in the next phase.

MATHIEU WEILL: Thank you, Jordan.

Kavouss.

KAVOUSS ARASTEH: Thank you, Mathieu.

I think we have a 2016 budget, and we should work within that limit, number one, unless there is a procedure that asks additional budget. I don't know how they do it.

And second, we don't need to create a post project manager, and so on and so forth. Everything will be under the control or

supervision of the co-chairs. This time the co-chairs should be a little bit more cautious. Not every question raised by the people going direct to the legal counsel. They should think it over whether sometime the question can be replied internally.

And, if it really goes to the area beyond the qualification or capability of the group, then it will go to the counsel. So this time we should be quite efficient, effective, economical, and take care of that thing.

We have today this morning, that we don't have any problem with budget. I don't think so. Always budget must be spent efficiently and economically and appropriately. Thank you.

MATHIEU WEILL: Thank you, Kavouss. Cherine will respond to that and excellent segue into the next slide. Cherine.

CHERINE CHALABY: I think the word -- it's probably my fault. The word project manager, legal manager is not correct. What we need here is skills in estimate -- in producing project plans, skills in legal planning and, you know, how to get costings from a legal -- that's what we need. We don't need managers to do this. We just need people with the experience that have skills to produce this estimate. So it is my fault. The word "manager" is the

wrong "manager" here. It's more like project planner, legal manner, financial planner. That's what I meant.

MATHIEU WEILL: Okay. We can, certainly, first welcome the proposal by the Board Finance Committee, gladly accept it as a pilot. And, obviously, then we'll report and share experience once the pilot is achieved. We'll have estimates and see how we can make this more efficient moving forward.

And Kavouss was already touching on the next slide, which is what adjustments we would have with regards to the legal expenses.

And, if we can go to the next slide, I think most of the ideas have been circulated already. It hasn't been our practice to take legal requests straight to the lawyers from everyone. But certainly, in the stretch to the compromise, it's been sometimes very challenging for the lawyers to answer the questions in very short turnaround times and also very difficult to have a constructive discussion with the whole group before handing over a specific request which was, basically, especially designed to reassure a particular stakeholder about the consequences of a particular compromise or things like this. So, hopefully, we can move away from that. Okay. So I was going a little too fast.

So we have three different type of expenses -- face-to-face meetings such as this one, staff support, legal advice. That's, basically, what we have.

We have discussed in a previous meeting sometime in February that going forward we will still need staff support. I think we can confirm that.

We will still need face-to-face meetings before the ICANN meetings such as this one. And I think the breadth of discussions on Work Stream 2 will tend to confirm that we will still need this kind of setting to get together, agree on requirements, probably agree on recommendations later on. We will also probably -- we might have a need for that for Work Stream 1 implementation, which is our top priority in June.

So I think that's still our -- part of our request. And legal advice might be needed, although it should be less intensive than it has been so far.

And that's where I go to the next slide.

So this -- we've identified ways to optimize those costs or those expenses. One is that, first of all, we should be less intense. And it's been clear from the lawyers that part of the cost was due to the fact that we were asking for very short turnaround time.

They were having to keep their teams ready, basically, at all times and 24/7 almost.

We may also decide on some requests that are not controversial that other types of available legal expertise could do the trick.

ICANN legal has a lot of expertise that, in many cases, we could also agree that this is perfectly fine to get their input because maybe it has already been provided to the Board. It's already existing or things like this. We can use other legal resources.

What's important for us is that we have the ability to go to the independent lawyers when we feel the need for that.

So I think it's also a pathway to optimize cost.

Since we'll be working in drafting teams, design teams, teams, the question that will be raised is whether these teams have direct access to legal advice or need to go through a gating process.

Certainly, our proposed approach is a gating process as it is now with the -- it's the co-chairs acting and some transparency requirements about the requests that are being prepared and the responses that are provided. And so we are suggesting that we keep this process moving forward with more leeway for the lawyers to define the turnaround time so that we don't get the peak costs associated to urgent requests. And we believe that

this should help lower the intensity of these costs moving forward.

And I think this is already captured -- this proposal already sort of captures what you were saying, Kavouss, and what others were suggesting. But I'd like to check if there are any specific proposals on this for the management of legal advice moving forward.

I have three people in the queue and then Ed.

But first, Kavouss, or is that an old hand? It's an old hand.

KAVOUSS ARASTEH: Yes, Mathieu. I wanted to make it clear in my previous comment I did in no way criticize nor put in question what you, co-chair, have done, nor anybody at all. I'm talking about future. So please make it quite clear that this is not my habit to talk about the past nor to criticize anybody. Thank you.

MATHIEU WEILL: The record is set straight.

Next is Sebastien.

SEBASTIEN BACHOLLET: Yes.   Thank you very much, Mathieu.   My question is about turnaround time left to lawyers.   I understand that we don't want to have something on the very short time, and we need to impose some short deadline.   But I think we need to have some deadlines.   Because, if not, depending on where and when, it could take too much time.

MATHIEU WEILL: Yeah, let me -- I think that the phrasing is not correct here.

SEBASTIEN BACHOLLET: Thank you.

MATHIEU WEILL: The point here was to say, when asking for an estimate and considering the request, we could ask the lawyers how long do they think it's going to take.   And, of course, after that there's a deadline.   It's not just you will deliver whenever you want, which is certainly not good practice whether with lawyers or any other profession.

Next is Xavier over here.

XAVIER CALVEZ: Thank you, Mathieu.   Xavier Calvez speaking.   Just -- you may have mentioned it, but I may have missed it.   Just an additional

suggestion is that they're requesting an estimate with a question that is being asked. And to define the scope from the legal firm seems to have been an efficient process used by the CWG and then maybe considered worthwhile by this group as well to try to optimize the value and the understanding of the costs up front. And then the group can maybe decide and the co-chairs can decide better how to either proceed or proceed differently with the -- their request to the lawyers.

And we will assist with negotiating with the lawyers as to whether they do charge or not fees for their estimates, because I don't think that's going to be accepted as such.

MATHIEU WEILL: Thank you, Xavier. You're right to point this out. Because that's something that was not in the existing terms of the contractual framework with the lawyers, so that would need to be clarified with them. I just want to underline that estimates are valuable when the type of request is not -- has a significant size and not if it's only a 2-hour request. That's just waste of time for everyone, including the volunteers that would be doing this discussion with the lawyers.

So we need to find the right balance.

I think, Ed, that's where you were in this queue, please.

ED MORRIS: Thank you, Mathieu. Excuse me. Back when I was young when we started this whole thing, I was a member of something called the legal subteam, which actually hired the lawyers. And, actually, to those in the room -- I see a few members here -- this was actually the finest group of people I've ever worked with here in ICANN. Leon chaired the group. And it was intensive. And, quite frankly, I think we hired some pretty good lawyers.

As we move forward, though, in Work Stream 2, I question whether we actually need two law firms. If we are trying to reduce costs, memory serves me correct, one of the law firms is substantially cheaper than the other. I remember, in terms of lead counsel, it's almost a differential of 200% of what we paid one lead counsel to what we paid another. Again, I'm not sure what's privileged, so I'm not going to quote figures. But there was a difference.

My question going forward in Work Stream 2 is: Do we need the expertise of both firms? From my perspective, I think Adler Colvin could handle all of this. And that would be a reduced cost to the community and maybe allow us to get a little bit more legal help for -- a bigger bang for the buck, basically. I don't know if you guys have considered going with one firm in Work Stream 2. If not, perhaps you should.

MATHIEU WEILL: Leon, would you like to answer that?

LEON SANCHEZ: Yes, thank you.   Leon Sanchez.   You are right.   This isn't something that we have yet considered, because I don't think that is our role to define whether we go with one law firm or two. We'd rather have the group decide it.

It is fair enough that you set the record straight. And we are aware in the difference of fees between one law firm and the other. They are substantially higher with one against another. And maybe I am not sure if the right way to go is just to rule out one of the two firms. Depending on the kind of work that we will be carrying out on Work Stream 2, we might even be looking at a new firm. I mean, we're not married to either firm. So we -- as much as we love them, we're not married to them. So I don't know.   Maybe at some point it's worth revisiting the convenience, first, of having two law firms. And then second maybe we can either stick to one of either law firms or we could hire another -- a new one. I don't know. I think that that's something that will come out from the dynamics of the group.

MATHIEU WEILL: Thanks very much. Okay. So I think that's a point of consideration whether we should review our current independent legal system as a whole and assess various scenarios, including the cost factor, but not only the cost factor but a skill factor as well, depending on the items we need to deal with in Work Stream 2. I also want to make clear, if we go this way, it's only for Work Stream 2. Because for Work Stream 1 implementation, that's -- we're not changing anything.

I'm seeing a long queue until Bruce. And I close it after Bruce, but Malcolm is next.

MALCOLM HUTTY: Thank you, Mathieu. These suggestions strike me as mostly reasonable and pragmatic.

The -- sorry, on these -- Malcolm Hutty, for the record. These suggestions strike me as mostly reasonable and pragmatic on the turnaround time left for lawyers. Perhaps I may try to rephrase that slightly. But the instructions to the lawyers would be to propose a time frame to the chairs on the basis of cost minimization and that we would just leave it to the chairs to ensure that that -- that the time frame was managed in a way that did not become excessive.

On that basis, I see you nodding, Chair. If that were the case, then I would feel quite comfortable with this. The only one that gives me pause is the statement that some requests may be handled by ICANN legal where no independent view is needed.

Now, I may be misrecollecting this. But my recollection is that ICANN legal has always been of the view that it, together with its preferred -- with its corporate external counsel, Jones Day, have always been capable of providing sufficiently independent advice to support this group and never particularly saw the need for us to appoint our own independent counsel.

Now, if that's, indeed, a possible viewpoint that they might have, I wondered how we would go about separating when you thought that ICANN legal's advice was sufficient.

MATHIEU WEILL: I think that would be for the various groups and tracking group to decide. But, obviously, there may be a trust factor here at some point to be built and enabled. But I think it will depend on the kind of request.

MALCOLM HUTTY: Are you suggesting the considerations as to that trust have changed between Work Stream 1 and Work Stream 2?

MATHIEU WEILL: I'm an optimist.

MALCOLM HUTTY: Okay. I'll just leave this at saying this still gives me pause.

MATHIEU WEILL: I understand. That's well-noted, Malcolm. That's well-noted.

Jordan. And, Eberhard, I noted your hand raised for the end of the queue.

JORDAN CARTER: Thanks, Mathieu. I think we need the two frames. Because, if there are any bylaws changes coming out of the Work Stream 2, it would not make sense to have a new lawyer dealing with those. And the balance goes between the two firms is probably still useful. But, if we did a review and found one of them wasn't used, it wouldn't be -- as long as it wasn't Sidley, given the bylaws drafting, it would make sense to drop them.

And I think there's a bit of a cultural issue about the use of the legal support. I think we should have a general presumption of don't ask and don't say yes. I think we should be looking, generally, for advice from counsel once we've got relatively well-formed ideas that can then be tested in whole rather than

nagging with details, questions about issues that probably the marginal benefit to the project or the work from finding out the answer is much lower than the marginal cost of providing the answer.

So, certainly, I'm ruled out from running any of these workgroups, which is great as far as I'm concerned. So I think people should definitely not be looking for legal advice until there's something to get a considered view, kind of one-stop, yes, this will work and there are some tweaks answer.

MATHIEU WEILL: Very good point. Jordan, thank you. Kavouss.

KAVOUSS ARASTEH: Yes, Mathieu. I think the three bullets you have written need a little bit of improvement. One way of reading of that that each group requests for a legal things and sharing on the list among the people within the team.

The other is that they submit such a thing in the cultures and that is the cultures who share it on the list with everybody. And, once received, the comment but not approved, the culture decides to certify or not.

So that is -- we would like to make it quite clear that this is a culture who decides for certifications to submit that to GAC, but not the CCWG group. Because you don't want to waste time to go to the consensus and so on and so forth. This is your ability and you're competent to decide, yes, you need that sort of thing. So could you make it kindly clarify the issue?

MATHIEU WEILL: We'll attempt to do so while protecting the requirements that requests are also transparent to the whole group so that the whole group is aware of the request that is being prepared, which was our intent when we said CCWG here.

So we'll try to find a better wording for that, Kavouss. I fully agree that there's room for improvement.

Bruce, you are next.

BRUCE TONKIN: Yes. Thank you, Mathieu. I just want to pick up on a couple things. One is in managing legal costs, what most commercial organizations and probably nonprofits as well, will generally use in-house counsel for sort of routine legal work. And then they use external counsel for very specialized areas and often from different law firms. In other words, you're not generally locked in to any particular external law firm.

So your internal counsel is actually able to help formulate the questions properly and use the external law firms cost effectively and for their particular expertise.

So I think that it's come to the time -- if we look at the amount of money that we're spending on legal, it seems to me that we need to have an in-house legal function that's supporting the CCWG.

Then there's the issue of separation of duties. When I -- before I joined the Board, I was chair of the GNSO. And before that I was chair of the DNSO, for those who know all the acronyms. And back then we went through a number of different phases. So, initially, the DNSO employed its own staff entirely independently of ICANN.

Then we actually ended up having ICANN employ our support person at that stage, which was Glen De Saint Gery. Then the policy support was still basically out of the general counsel's office, which was Louis Touton at the time.

And I pushed, when I was chair at that time, that we needed a separation of duty. We needed a separate policy support staff. And that staff that was built in Brussels, completely separate to the Los Angeles office.

And I think those -- people on the GNSO now probably most of you don't remember those days. But my sense is that GNSO counsel trusts the policy support that it gets, because there's a clear separation of duties. Those policy people in the Brussels office and at different offices have nothing to do with the normal sort of corporate function. They're not part of Akram's team. They're not part of John Jeffrey's team. They're reporting to David Olive, and it's a completely separation of duties.

I think that there's a way forward here in having your own in-house legal counsel that is not reporting into John Jeffrey's team but actually reports in to David Olive and is just part of the support that we provide our policy teams.

So I do urge you to seriously consider that. Because I think that will both give you confidence that you're dealing with a legal counsel that's working on your behalf and also allow that legal counsel to manage the external firms and choose the external firms with specialist skills. If we look at the Work Stream 2 topics, they're really quite diverse. The sort of law firm that will give you advice on how to manage sort of documents disclosure policies. There's a sort of law firm that can provide human rights, specialist advice. Generally, not the same law firm.

So I would suggest you want more diversity in the external law firms that you use. But you need an in-house counsel to,

basically, sort of manage the day-to-day questions that the group may have. But separate -- make a separation of duties that that in-house counsel is operating as part of the policy support function of ICANN and is independent of the normal corporate operational services in the general counsel's office or in the domain name or IANA offices.

MATHIEU WEILL: Thank you, Bruce. Short response, Thomas.

THOMAS RICKERT: Yes. Very briefly, Bruce. Thanks so much for bringing that up. And I guess it's not the appropriate time for our group to discuss this. But we will put out the question on the list for you to share your views on having a separate legal advisor for us that's not reporting to J.J. You know, whether we accept your suggestion, I think that's really worthwhile discussing. We would need some time before that person gets operational. You know, we would need to put out job ads and what have you.

So I think we should try to get a group's view and an agreement on that as soon as possible. But we'll do that on the list. So watch out for that thread.

MATHIEU WEILL: Thank you, Thomas. And that was the thread and not the threat, right? Thank you.

THOMAS RICKERT: Both.

MATHIEU WEILL: Eberhard, you were next. And then Asha.

EBERHARD LISSE: I just wanted to comment on two things. I don't agree really with what Malcolm Hutty says. Jones Day may be entitled to their opinion. And I know they are sometimes wrong, but they are never in doubt about their opinion.

But I also want to comment on what Bruce said. We have two lawyers on the co-chairs. And he's, basically, saying the two lawyers as co-chairs cannot sort this out for themselves. A lawyer is responsible to the person who pays him. As long -- we had this discussion in the beginning. And we decided that we wanted external counsel because we were not really confident about the direction or the advice. And I think that's a decision that the group must make.

And I hear what Thomas has just said. I don't really think we need an in-house counsel. That will not improve the situation, as far as I'm concerned.

MATHIEU WEILL: Thank you, Eberhard. Asha.

ASHA HEMRAJANI: Thank you, Mathieu. Asha Hemrajani, for the record. I've read all the chats in the window, and I heard what people have been saying today. But I want to go back to how we started this discussion.

So what the Board is proposing is that we set up a support team. And this support team is going to help us come up with estimates of the cost of the work and the costs -- related costs for the work for the rest of Work Stream 1 and for Work Stream 2.

We're not talking about hiring additional lawyers. We're talking about people to help us with the planning or people to help the co-chairs with the estimates. It's very important we have estimates. Because we cannot go into this blindly. We have to know how much work is going to be involved and how much we're going to spend. It's important that we know how much we're going to spend. That is the purpose of this proposal. I just wanted to remind everyone of that. Thank you.

MATHIEU WEILL: Thank you, Asha. And I think we've agreed on the proposal which we are already looking one step further here on the way forward as well.

ASHA HEMRAJANI: Yes, but I wanted to clarify the point about there was some discussion going on about hiring an in-house lawyer and all that. In the proposal we're talking about a planner.

MATHIEU WEILL: Yeah, that's very clear. Thank you. Thank you for clarifying. So I had closed the queue on this, but Jordan and Robin, was that an immediate response that cannot wait for the list discussion? No? Okay. Old hand. And Robin, old hand as well? New hand. So Robin.

ROBIN GROSS: Thanks. Yeah, I just wanted to make a suggestion on this about the way that the lawyers are currently managed. I think it would be useful if we went back to using the CCWG legal list to manage the lawyers because that is publicly archived so we can be more transparent that way and the co-chairs can still manage the lawyers but it will show the community, it will show the Board,

that we're doing all that we can to manage the costs and that we're being transparent and open in our managing of these very sensitive issues. Thank you.

MATHIEU WEILL: Thank you very much, Robin. And that's actually also a good segue into our next and I think it's the last slide. I wish. Some people wish. About how we can address the planning of costs a little bit more efficiently and clarify the roles and responsibilities of each of the parties in this process, managing the costs of the project going forward. And the idea here is to introduce some form of iterative approach which could run -- each iteration could be from one ICANN meeting to another so that it -- it actually involves some face-to-face discussions. And I think the principles that are behind this are -- and that's on the top -- that it's incumbent upon us as the CCWG to define what we want to achieve in the upcoming periods? What are the goals we are setting for ourself? For instance, in the next period we want to provide the bylaw drafts for Work Stream 1, and this is the support we estimate reliably that we need to get that done. So that's on the top. If you go -- slide to your right. I think it would be great and very useful, because it is, after all, for them, we are accountable to the chartering organizations, to chime in and say oh, we think this goal is -- the value of these goals is actually -- there's value for money doing this so we're in favor or we think

that given the other projects going on, if you could do that, maybe with a little more -- being a little more aware of the cost or maybe reducing a little bit your ambitions because we have other things and we need to be aware of the global impact for the cost of ICANN, that would be -- and that's why I think ICANN meetings are useful because many chartering organizations can only make these kind of discussions in the face-to-face meetings. Then it's clearly ICANN Board's responsibility to allocate the funds, update the budget, and I would note that once Work Stream 1 is in place, if we're unhappy about their decisions, we have ways to hold them accountable. So that's -- that's -- I mean, it's not just the Board can do whatever it wants. It's really a discussion that we need to have.

We need some improvements in the tracking of expenses, and that's the point behind the additional skills in support for the project cost tracking. And obviously this doesn't work out if there's no reporting about what we've achieved and how much we've spent in the process. And I think if we could clarify these roles and responsibilities and set up this kind of loop efficiently, then we would be in a much better position to assess at any point in time what's the value of keeping the project open, what would we miss if we -- if we didn't have any more resources on the project. And obviously you find all the balance in between, which is the -- what's valuable about the project.

So I think we've already started working on the top aspect here which is the estimate, based on the proposal by the Board Finance Committee, and putting that into this kind of perspective would certainly help moving forward, ensuring that everyone is clear about each other's roles and responsibilities but also has visibility at any point in time about where we're going and why we're spending money and how we are actually making this.

It's not written on the slide, but we -- it was mentioned earlier about the idea of a budget cap. I think whether we want it or not there are budget caps in ICANN's existing processes. If you go over the amount that is in the budget, obviously the Board has to give -- make a new decision. So there is a budget cap right now, and I think this process can accommodate this quite well by the discussion within the CCWG, the chartering organizations, and the ICANN Board.

So I think that's the wider view about how to move things forward. And this is probably, if the group agrees, something that we could try and also explain in the various discussions that I have no doubt will take place during this ICANN meeting in Marrakech about the expenses of the IANA stewardship transition project and how we see it moving forward. I think this is a good -- a good starting point for these discussions. And that's the introduction for that purpose. And I don't know if

there are any reactions in the room or if you are too tired to react at this point, which was our goal, having this as the last slide.

[Laughter]

I see Cherine's reaction. Cherine is not that tired yet.

CHERINE CHALABY: No. I just want to say I really like this and support it wholeheartedly. And the reason for that is just it goes back to what I said earlier, this is about dialogue between all of us. And it's an iterative process. You keep going and if one party doesn't like something, they need to discuss with the others, go back, discuss, do trade-offs, and we move on collectively as a group. So I fully support that. Thank you.

MATHIEU WEILL: Thank you, Cherine. Kavouss.

KAVOUSS ARASTEH: Yes, Mathieu. We are not tired. At least I never be tired of anything at all. I think there is always a benefit that we consult colleagues. So whatever decision you want to take, and you, if you think you could consult CCWG, please do that. Whatever decision you want to make and if you think appropriate that you

consult the Board, please do that. So do not exclude that. It is not harmful to get views of the people, whether you think that views to be implemented or not, but at least it is better. It gives you more support. It brings richness and so on and so forth. So do not deal with only the three. Consult CCWG and when appropriate and necessary consult the Board. Thank you.

MATHIEU WEILL: Thank you, Kavouss. Eberhard.

EBERHARD LISSE: I have an improvement proposal. I think we should remove four of these buttons and change one leftover with cut legal fees. The costs that we're having are not -- are not -- the meeting fees are not the staff support. They are left in what -- 8% or something. Admin costs are 1% or something. The lobby fees shouldn't be -- the lobbyist fees shouldn't be lumped into this project because we have no control over this. Of the fees where we have some form of control, the only contributing factor that is actually starting to mess with Xavier's sleep is the legal fees. So we must find whatever way, we must find a way of lowering those costs and then it will all come together.

I'm not -- as I said, a budget cap, as far as I'm concerned, is helpful because it gives us something to look at. But it's not going to shape the -- the substance of our discussion in the end.

MATHIEU WEILL: Thanks, Eberhard.   And that was precisely the previous discussion, and I think this kind of system also creates a consistent incentive of cutting the legal fees if that's the -- the input from the chartering organization, from our group, and the ICANN Board. Yes, please, go follow-up.

EBERHARD LISSE: What I mean is we shouldn't spend too much time on this iterative administrative approach when the actual cost factor that we -- the only cost factor that we really need to be concerned about is the legal fees. If we get -- if we get them down to a -- to a manageable level, all this can -- we can dispense with. If we had gotten them down to a manageable level we didn't -- we wouldn't have to put in another project to contain these costs. I'm not arguing about the -- the actual value of the proposal of this project management team, but the goal behind it is very clearly that they are very expensive and the financial manager is getting concerned about where he's getting the money from because it will interfere with a long-term planning that they're having.

MATHIEU WEILL: Thank you, Eberhard. Good point. I understand your point. Kavouss, was that a new hand? No? So Avri.

AVRI DORIA: Thank you. Avri speaking. I guess looking at it, I mean, it looks like, you know, very healthy bureaucratic overhead. But I worry about trying to go through this entire cycle every three months. I think we're just creating more work, we're asking for more staff time and such. So I think having the idea of a cycle of five things periodically makes sense. But I really do worry about this being a constant cycle that's going on in the background of the work we're doing. Thanks.

MATHIEU WEILL: So could certainly -- the cycle could run over two meetings, for instance, to make it smoother. Okay. Thanks for -- Cherine, a last word on this before we go to the closing remarks?

CHERINE CHALABY: Yes. I think -- I think people may read this chart in a different way. There isn't a constant looping over three months' period to do this. What this says is that CCWG defines a request, the SO and ACs approve the value of it, and the Board allocates the

resources. That's done. The left side of the chart is during the duration of a project, no matter how long it takes, a year or more, there should be some reporting and some feedback on the achievements. That's all there is to it. So Avri, this is not a big overhead nor --

UNKNOWN SPEAKER: (Off microphone).

CHERINE CHALABY: Yeah, I think -- well, I think Mathieu would agree with that, this is -- so you may want --

MATHIEU WEILL: I think let's do it once and we'll see whether that's a heavy burden or not, and then we'll see -- we'll adjust this. As Eberhard was saying, maybe by the time we do it once there won't be any budget issue anymore because we'll be done. But I -- I wish it's the case. Okay. So thank you very much for the discussion. It was -- I know it was a hard discussion to have after a long day after you had long trips in the previous days. And certainly the energy in the room sort of started dipping. Yeah, must be my energy, yes. And -- but I think it's important that we have these elements in mind, all of us, and especially the members who do -- will discuss with their respective

organizations. And I'm certain there will be a number of questions on budget. So it's important that we have aligned our views on this and can demonstrate that we have a plan moving forward to manage costs effectively and that this is something we're taking very seriously as a group.

And with that, I'd like to turn to Thomas for some closing remarks. From what I hear, they should be short.

THOMAS RICKERT: And that is certainly true. Just to briefly recap, you know, this has been a long day, but I think it has been a very fruitful day. Best news today is that two chartering organizations have approved, that there are no dark clouds approaching from other areas.

[Applause]

At least not that we're aware of. So hopefully we'll be able to really celebrate next Thursday. We got more clarity on Work Stream 1 implementation by sorting out the question of what's going to happen with implementation oversight. We've clarified the role of the IRP team. We've made a demarcation to Work Stream 2. We've discussed the substantive issues. The most important take-away for me during the substantive discussion on what's going to fall into these topics is that we've clarified

what we're not going to do. So I think we're -- we've set expectations as to what the scope of work is going to be for the Work Stream 2 discussions.

We are now in a position, after we've discussed with you the process and approach, working with other methodologies as well as costs and budget approach, we're now in a position to come up with a proposal on how to approach Work Stream 2. So I think we can signal to the outside world something that's very important, Work Stream 1 is coming. It's not being put on the back burner. We've got it rolling basically today. We're going to issue a call for volunteers, hoping to get some fresh blood to the scene to get the work started on these important areas.

So with that, I'd like to close the day. Although I can't. Kavouss has raised his hand.

[Laughter]

KAVOUSS ARASTEH: Yes, yes, yes, yes. Thank you very much, co-chairs, for your contributions, for your preparation of documents and so on and so forth. Thanks to ICANN staff for the material that they prepared for us. Thanks to the Board members who are here and contributed, and one plea to the people, let us take the

SSAC example in approving the proposal of CCWG. Short, concise, precise. We agree with that. Thank you.

THOMAS RICKERT: Thanks very much, Kavouss. So you stole my thunder in thanking certain -- certain people, but I would like to add to that. You know you mentioned members, participants, staff, our advisers. Let me add the interpreters. Let me add the scribes. Let me add the remote participants. I mean, it's so hard to follow conversations for so many hours. So let's give them a round of applause.

[Applause]

Don't forget, we have the engagement session on Monday, and we have another working session on Thursday. See you there. Thank you very much.

MATHIEU WEILL: And registration is open. There are -- is the registration still open, Grace? So if you haven't collected your badge, you can go now. It's at registration.

[END OF TRANSCRIPTION]