

**ICANN**

**Moderator: Gisella Gruber-White**  
**April 7, 2015**  
**2:00 pm CT**

Coordinator: Thank you. The recording is started.

Thomas Rickert: Thank you so much. Hello everybody and welcome to our CCWG Call Number 21 on the 7th of April 2015.

This is Thomas Rickert, one of the co-chairs of the CCWG. And Leon Sanchez is not with us today. He sends his apologies. And I'm sure that some of you have wondered why it's not Leon's voice that's kicking off this call. So I will step in today.

And with us is also Mathieu Weill. And the two of us are going to split amongst us the chairing of this call.

As usual, I'd like to ask whether there are any updates to statements of interest?

Seeing no hands and seeing nothing in the chat, I assume that there are none. Regarding roll call we would use the usual practice of using the names that are in the Adobe.

I note that Tijani is only on the audio bridge. So if there are any further colleagues on the call that are only on the audio bridge, please make yourself heard so that we can add you to the list of attendees.

Okay. So we note Tijani. And we've noted earlier that Kavouss obviously has some at least delays in using the Adobe. So his attendance is also noted.

Are there any questions with respect to the agenda? There don't seem to be any which is why we can dive into the agenda straight - straightway.

And that leads us to the updates by the various workgroups. And with that I would like to give the floor to Jordan to give us a quick update on where Work Party Number 1 is at the moment. Jordan?

Jordan Carter: Thanks, Thomas. Can you all hear me?

Thomas Rickert: We can hear you all right, thank you.

Jordan Carter: Yes it's Jordan here for the record. Hi everyone. Since our last meeting, the main work of WT1 has been to put together a small team of drafters to get our work going on the comment report, the sections we're responsible for.

Thomas Rickert: We adopted a Web plan at the meeting on the 1st of April which would be us having three meetings in the next few days.

We've got one on the 8th of April, one on the 10th and one on the 13th. And we've got a draft as most of the powers parts of the comment report content which we're going to work through at our meeting on the 8th of April.

We'll have our second look at it on the 10th and then send it through on the 11th or so.

And for other parts of our comment report we're going to be doing a first look on the 10th of April, second look on the 13th and sending through on the 14th.

So all of our content will be reviewed by the 14. That gives a better time for the CCWG to have a two meeting approach.

It's relatively straight-forward to explain what the powers are. We need to we'll work compared with our drafts on filling out the exact standing and thresholds and so on.

So where we are going to need some time we're a little stuck is in the effect of the mechanism. You'll recall that at our meeting in Istanbul we had a table with five. I think it was five different mechanisms on it.

And since then our legal advisors have been flooding which we here in the CWG with a number of other mechanisms as well.

So we're going to have to pull those ideas together. There's the super board idea with an executive committee doing most of the work.

There's the contact which is designated by the - for the appointment to the Board members floating around.

And so that's going to be the trickiest thing that we need to focus some time on in the next week or so.

But barring any major accidents I think we'll be on track to have all of our draft content through each of the CCWG by the 14th of April.

Once again we've got (Chris) call since we adopted that work plan tomorrow. And then we're going to have another two before the next meeting of this group.

So I think we'll be okay in terms of getting all that content through. Some of it will be in time text. They have a meaningful discussion on our call next Tuesday and then after that (unintelligible) the details out of next CWG meeting.

So that is my brief update Thomas.

Thomas Rickert: That was in fact very brief. I suggest that we go into a little bit more detail if we could on a couple of substantive questions where we could potentially make progress.

I think the document that you've been working on is quite impressive. So that you to you and your team for working on that and actually making such good progress.

I'm not sure how you would prefer to go about with this Jordan. But, I think that it might be worthwhile to maybe highlight a couple of points and bring them in front of the group to discuss and potentially seek or try to determine the level of support for things such as removal of individual directors.

Jordan Carter: Okay. I just want to get the update part out of the way quickly on the process that we're following before doing that.

Thomas Rickert: Okay.

Jordan Carter: We've got a few questions that have arisen in the drafting that we could easily discuss. And I'll just try and find them in my email.

And the first one really that we in terms of removing directors from the ICANN board when we started doing some work on that in WT1 we said that we were looking at both removal of individual directors and removal of the whole board.

And then we focused on removal of the whole board after the kind of our discussions in the Singapore meeting led us to think that was the more important thing to focus on there would be difficulties with all of individual directors.

But regional members there that's where it's floating around. So regional members are suggest that actually moving individual directors is going to be something that will be reasonably consistent with the other changes we need to make to empower the community.

And so we've kind of had a discussion in WT1 about pulling that back into the Workstream 1 work, pulling it back into what we do before the IANA functions contract comes to an end.

It isn't a lot more work to do that. And it looks like it might be workable.

So I guess the first question is, is there any reason that you can think of to definitely not do this in Workstream 1? Because the merging view of Working Party 1 is that we should bring it back into that.

Thomas Rickert: Okay so let's open that one up. First comments on this coming in in the chat. I don't see any hands raised yet but please do make yourself heard.

Robin Gross suggests that removing individual directors should be in Workstream 1. Alan agrees with that.

So there's more agreement coming in the chat. As Jordan said this might be a low-hanging fruit for us to actually include in our work.

So it may be worthwhile considering to include it maybe with the caveat that should it turn out to be more complicated than anticipated that we then reopen the discussion to postponing it.

Sebastien has his hand raised. Sebastien Bachollet please?

Sebastien Bachollet: Thank you so much. Maybe I will play as usual the role of the one disagree.

But when you start to discuss that, that means that you want to discuss about one person and from a personal issue.

And the problem is that you know where this person is coming from. And that's been at let's take the example of the one selected by At-Large and the end user.

Of course all the other could decide to have him withdraw from the Board. But it could not be not for the good reason.

Then if we start to have the discussion you will have to have some balance and balance power. And I am not sure that it's so easy to find out how you

discuss that when you are talking about one personal - when one people and you need to have some way of discussing that. And I am really not sure that it will be.

Thank you.

Thomas Rickert: Thank you very much, Sebastien. I think Jordan it may be useful for you to briefly update the group or refresh the group's memory on how this could be done.

You know, there's some debate going on as to whether this is actually an easy thing to do or not.

And I think that we should try to get some clarity on that. But let's hear Alan and then Kavouss first. Alan, please.

Alan Greenberg: Thank you very much. I think Sebastien's comments are rather premature. He's presuming there'll be a mechanism that in the case he mentioned the other parts of the organization can remove a specific director where that approval of the one who appointed him. That's not a given.

So if indeed he's right and it becomes too difficult to do then it reverts back to Workstream 2. But I don't think we should have it revert back or make it disappear altogether just because it might become difficult.

I happen to think that it's going to be a relatively easy discussion. I could be wrong. Thank you.

Thomas Rickert: Thanks, Alan. Kavouss?

Kavouss Arasteh: Yes. My question is that the criteria for the recall of the whole Board member should be very, very (sanguine) because that would or might have been in a very exceptional and where (unintelligible) conditions.

I don't know where that very astringent criteria has already been drafted or written which is quite different from the removal of one single Board member.

By the way this to say, I don't have any difficulty with the removal. And I have not the same concerns as Sebastien. Thank you.

Thomas Rickert: Thank you, Kavouss. Before I turn to Mathieu and then to Jordan I think we need to be clear that the question that was asked at this very moment was whether we should deal with the removal of individual directors in Workstream 1 versus Workstream 2.

And we're already starting to dive into substance and difficulties or a lack of difficulties with such removal.

Mathieu let's hear from you and then I would really like to give the opportunity to Jordan to briefly summarize for the benefit of the whole group what the idea behind removal of individual directors would be so that maybe we can actually then focus on answering the question of whether this goes into the Workstream 1 bucket or into the Workstream 2 bucket.

And Mathieu...

Mathieu Weill: Yes?

Thomas Rickert: ...it's your turn.



Man: Thomas?

Mathieu Weill: Thank you (Tom).

Man: (Unintelligible) please put me in the queue please. Thomas please put me in the queue.

Thomas Rickert: Will do, thank you.

Man: Okay, thank you.

Mathieu Weill: This is Mathieu speaking. And really in the same line as you were hinting at Thomas my - I think what I'm hearing is potentially some misunderstanding about the power we would be discussing.

And I would really like to turn to Jordan to clarify whether are we discussing change the corporation into Workstream 1 of removal of individual directors by their own communities or groups or would that be a community - an overall community power where the community could remove any director individually without any difference whether it has been appointed elected by any single specific constituency or the other.

And I think there's a little bit of misunderstanding on this so, I'd like to hear Jordan's view on what he was intending to work on in terms of low-hanging fruit.

Thomas Rickert: Thanks Mathieu. That's very helpful. So let's turn to Jordan and then I have I think one hold hand from Kavouss, Sebastien, Tijani and then there seems to be a new hand from Kavouss. So we will follow that queue after we've heard Jordan. Jordan, please?

Jordan Carter: Thanks. Yes no just to confirm it's not its first option that's being pursued. In other words where an SO appoints a director that SO should remove from when they see appointments and later remove them.

An outstanding action that we haven't discussed yet is a proposal over what to do with the NomCom appointees board members.

And it would seem unlikely that you would want to make the NomCom into an un-NomCom. And so if there's a community mechanism built as part of our process that might be the home for that but we haven't discussed it.

So the central proposal in line with the legal advice and that we've seen that it would be the removal of an individual director by the groups that appointed them.

The other point to make is that it's not - oh sorry, now I've lost my train of thought. I was going to respond to something that Kavouss said but (unintelligible) the whole board.

So yes we're not talking about a random power for some combination of SOs and ACs to remove the director appointed by another group. No one has proposed following that one.

Thomas Rickert: Jordan you're breaking up on us. So the line seems to be bad but I think that...

((Crosstalk))

Thomas Rickert: Jordan, are you there?

Jordan Carter: I am here. And I stop talking because I finished what I had to say.

Thomas Rickert: Okay because there was some audio issue before that. But I guess the idea came through so we're actually talking about removal of individual directors by their respective SO and AC which I think from recollection is quite an easy thing to do and already possible at the moment or, you know, there wouldn't need to be major tweaks.

There would be one complication when it comes to Noncom appointees but actually we're not talking about a situation just to be very clear because I'm not sure whether everybody heard Jordan clearly.

We're not talking about the possibility for other SOs and ACs to remove a director that they have not placed on the Board.

Let's now move back to the queue. Sebastien's hand is up. Sebastien?

Sebastien Bachollet: Thank you. Thank you for the clarification. I don't see why we are trying to find cross community possibility to do things and why we want to leverage internal community activities but never mind.

We want to do more and more and more and more extreme one. I don't think that's the best way to go but go if you wish.

Thomas Rickert: Sebastien I guess it's a very good point that you're making that we should try to keep Workstream 1 as lean as possible particularly when it comes to the complications.

So I guess your point is well noted that we should be careful with the resources we put into work stream one. Kavouss's hand is up. Kavouss?

Kavouss Arasteh: Yes. My understanding is that there is no doubt a difficulty how to remove an individual board member by constituency except NomCom.

The problem is that whether or not Noncom has the power or ability to remove the Board member that is designated by (them), am I right or I am wrong?

Thomas Rickert: I guess you are you are right with that.

Kavouss Arasteh: Then in that case I don't think that we need to have a support of community for removal of individual from SO and AC.

However recalling the entire board members requires the decision, overall decision of the community because that is a very, very stringent situation.

So we think that we have to start to see what we do about Noncom. Would they be in a position to do or not?

Thomas Rickert: Yes. I guess that's exactly the point that we need to dwell on a little bit more I guess.

I'd like to go to Tijani now and that Alan and then I think we need to wrap this up. Alan?

Alan Greenberg: I thought it was Tijani first.

Thomas Rickert: Sorry excuse me, Tijani please.

Tijani you might be on mute. We can't hear you. Tijani there seems to be an audio issue Tijani which is why I suggest we moved to Alan now and then we tried to hear Tijani afterwards.

Alan Greenberg: Thank you very much. I also don't think that removing directors by this (SACSO) that appointed them is any really great difficulty.

And I would now want to reject the concept of removing NomCom directors at this point. I personally don't think it should be the NomCom that puts a level of obfuscation into something we're trying to make transparent.

I think the community will be should be able to remove them just like they can remove the entire board perhaps with a somewhat lower threshold because we're only talking about a single director.

But I see no reason not to put it on the table right now and see if we can come to closure quickly on it. Thank you.

Thomas Rickert: Thanks, Alan. Tijani?

Tijani Ben Jemaa: Can you hear me?

Thomas Rickert: Yes. We can hear you now. Please go ahead.

Tijani Ben Jemaa: Okay thank you. Thank you. So I remember when we started discussing this point. We had an agreement all together that removing a single or some directors from the Board is something that we can put in Workstream 2.

And it wasn't because of the difficulty or the nature of the complicated thing. It was because there are reasons.

People said - and it was not my argument. People said that we don't need it for the transition so we don't need it for Workstream 1.

And this - and they had the argument to say if one or more than one or some board directors were very bad really and you cannot continue like this to reach the transition anyway the Board has the ability to remove them.

Add if the Board don't do that we have the power to remove the Board. So this was the rationale that was given. And at the first I wasn't - I didn't agree but at this point I agree now.

So I think that as someone said we have to keep Workstream as simple and as light as possible. If we try to put more things inside which is not needed for the transition by the way I don't think that it is a good thing for our work.  
Thank you.

Thomas Rickert: Thanks Tijani. As I mentioned during my opening remarks for this discussion it was also my recollection that we would do deal with this in Workstream Number 2.

I have to say though that there were concerns raised by many members in this group that the removal of the whole board might be a very dangerous thing for ICANN to have because there is no continuity with the Board which is why it could make sense particularly if it's easy to do to have a measure of lesser intensity to deal with an issue with directors.

So I see that there are three hands raised, two from Kavouss which I think are old hands because I think they haven't been lowered and there is Robin.

I had indicated that I would want to close the queue after we heard Tijani so let's hear from Robin and then actually close this discussion. Robin?

Robin Gross: Thank you. Can you hear me?

Thomas Rickert: Yes. We can hear you all right.

Robin Gross: Great. Yes I just wanted to weigh in on this issue because I think this was - this is a really important issue to have in Workstream 1.

And we may recall Larry Strickling said a few months ago that removal of the Board is definitely something that they are looking to see in Workstream 1 for a proposal that would be acceptable to the US government.

Then there was what we had initially in Workstream 1 was removal of individual directors as well as removal of the entire board.

And then we got some legal advice back that said - oh excuse me, I skipped a step there. And then there was some talk that said well maybe we don't need to put individual removal in Workstream 1. Let's just put that one in Workstream 2 because we're going to get the whole board in Workstream 1.

But then we got some legal advice back that said putting removal - spilling the entire board is not going to be as easy and as feasible as we had thought so that's off the table for Workstream 1.

So we're back to not having any board removal on any table for Workstream 1 at this point. And I think it's really important that we get individual removal back into Workstream 1.

I never thought it should have been removed in the first place. And I also disagree with the assertion that only those things in Workstream 1 that are related to the transition that's not what is in our mandate.

We are - what is it Workstream 1 is those things that must occur before the transition can occur.

So it's an important distinction of what's first the horse or the cart? And what is first is the important accountability reforms that we need. And then when we get those we can have the transition.

So I think it's important to remember that the order or the predominance of what is that we're after here accountability reforms or - that can happen before the transition or accountability reforms that are related to the transition?

So it's actually the former. It's those accountability reforms that must happen before there can be a transition. And I think that's really important to take into account because sometimes it seems to get sort of redefined. Thank you.

Thomas Rickert: Robin if I may I'd like to ask a follow-up question which is pretty much in line with some of the comments that have been written in the chat.

To my knowledge the removal of the whole board has never been off the table. It was just the removal of individual directors.

So we would still have the tools that the US government has asked for as part of Workstream 1.



So maybe you can elaborate a little bit on why removal of the wallboard is off the table? You know, I - that might be somewhere in the legal advice and I guess it would be good for the group to understand this.

Robin Gross: Yes. I think this is something in legal advice. And so I think that it's something that we need to discuss in more detail with the independent lawyers who said it wouldn't be as easy to do as we had thought.

So I think that the initial surety that it could be in Workstream 1 has now been called into question. And I think we need to look at that more closely.

Thomas Rickert: Okay.

Kavouss Arasteh: Thomas allow me to say something.

Thomas Rickert: If you could please keep it brief. Please do.

Kavouss Arasteh: Thomas the mixing up the issues removal of individual board member by the constituency and the removal of the entire board is one question. Doing that and Workstream 1 or 2 is a different question. I don't think that we should mix them up. Let us separate them.

We were discussing the removal of the Board member individual by the constituencies and the removal of those by the NomCom.

And Alan made a good suggestion or good understanding that for the NomCom should be given that authority of the community.

As far as the entire board member is concerned it is should have a stringent criteria and perhaps by the community. Now whether or not we do it in Workstream 1 or Workstream 2 is different issue.

Let us not mix them up otherwise we get nowhere. Thank you.

Thomas Rickert: Thanks Kavouss. With that I think we have to close this discussion which I think was helpful because some of the some arguments have been brought forward that are important to take into account.

In order to help Jordan I would like to recap this discussion by, you know, making the following points.

One, many members of this group think that removal of individual directors as a measure of lesser intensity would be desirable to have.

So I guess Jordan you and your team should be looking at this for feasibility. If it turns out to be very difficult and derailing in terms of time we should bear in mind I think Tijani and Sebastien's points that we should be focusing on what is inevitably required during this initial phase.

But for the time being unless we hear from you about issues I think your group is good to go and proceed working on this topic.

Jordan I'm not sure whether you have been dialed out to whether we can - okay so I guess there were a few more questions that you wanted to bring forward so please go ahead.

Jordan Carter: There are but you tell me when you want to finish this agenda item and I'll choose my questions appropriately.

Thomas Rickert: Well I think we would be - I would feel comfortable with proceeding for like five to ten minutes so that we can take stock.

Jordan Carter: Okay. Okay there's another question then which relates to a different power. It's actually two questions which given the time I'll only ask one of them. We'll get the other one dealt with next week.

And it's about the if we're sending back strategical business plans and budgets to the Board we discussed in the assemble how to avoid this becoming a repetitive ping-pong where we keep sending a document back for the same reason.

And the way that we've drafted that in our what we will be sending through to you is to say that any of those documents strategic plan budget business plan can only be sent back once on the same issue.

So if you send it back once in the Board looks at it again and says no we want to stick with this then we can't send it back again and there would be different entities.

You know, that removal of the Board will mean that it's paying more attention to the community than it otherwise with particular directors. And, you know, if it is a problem they should be able to be removed and so on.

It's been suggested that you might want to actually say that only once per budget or business plan or strategic plan. But it isn't just only one issue can be raised once. It's only that one issue or set of issues for any particular plan or budget can be raised.

And then on the other end people have suggested that it should be as many times as it requires for the Board to take the communities feedback into account.

So as long as the threshold to send the paper back is met it doesn't matter how many times.

So it's not really a yes or no question here but do people have a view about that so (should) we have potential proposal only once per issue? And could it be sent back for reconsideration?

But the question is whether that should be easier so as many times as you like or even more restricted and only once per plan?

Thomas Rickert: Jordan before we open it up for a comments from the group can you maybe elaborate on the escalation path and in case the Board has not adequately picked up the concerns that have been raised by the community when asking the Board to redo?

Jordan Carter: Well the first point is that I think that the Board does have with all of these a kind of community engagement process.

So they will have that initial idea before they finalize their draft of what the community thinks.

The second point would be apparent to send it back this one that we're discussing so they would know if they've got it wrong and so the sizable view in the community that the document was broad enough to be sent back for a further review and that the escalation points after that that I've got in mind are about (unintelligible) actions on how boards simply past the point where

they're quite significant (unintelligible) of refusing and sending back a budget or a business plan has been taken and the can't - the Board still doesn't...

Woman: Hello?

Jordan Carter: ...respond to that. Then it's sort of broader our responses that start to come into play.

Thomas Rickert: Thanks Jordan. Any feedback from the group? Any guidance that we can to Jordan and his team?

So Jordan maybe the colleagues on the call need a little bit more time to think about it. But actually the - I guess the rationale behind this approach is that we can't afford to have a ping-pong on rejecting and redoing, rejecting redoing, you know, so that there needs to be a process that ensures with or that at least has a high probability of the Board actually taking into account concerns that have been raised and do it right the second time around.

Jordan Carter: Yes.

Thomas Rickert: So...

Jordan Carter: The there are a few hands so...

Thomas Rickert: Yes. Let's hear from Alan and then Steve.

Alan Greenberg: Thank you very much. Alan Greenberg speaking. We certainly don't want a ping-pong effect. But on the other hand we don't want to reject a budget and have the Board make a cosmetic change to it and say okay it's a done deal.

So somehow we need to make sure that we have some teeth in remanding it back to the Board. And I'm not quite sure what the magic words are but, you know, it's, you know, it's got to be something that's effective otherwise it's a meaningless power.

Thomas Rickert: So Jordan has responded to your point basically that this is the reason why he suggested the once per issue opportunity to reject. Is that something that you would like?

Alan Greenberg: All right. I don't understand how that fixes it. That says we cannot remand it back on the first second time on the same issue even if they haven't really fix what we're talking about.

So I - that sounds like the antithesis of what I was looking for. But maybe I'm misunderstanding.

Jordan Carter: Can I just speak respond to that Thomas?

Thomas Rickert: Please do.

Jordan Carter: It's more about the politics of it Alan. And I think that as long as we don't define the power in a way that says you have to table all your issues in the first call by the Board knowing that it's a budget to be sent back on a related or a different issue it increases the pressure on them to get it right in the first response because they'll know that the community mechanism can send it back on a different issue if they're not happy with the response from the first one.

So, you know, that's - it's just kind of a (unintelligible) at that point. And...

And I don't personally - I don't think the community would abuse that (unintelligible) number of possible responses.

But it's, you know, if there was really - if there really was a situation where we're doing a back and forth and not approval then that does indicate a bigger problem which probably should be solved in a bigger way.

Alan Greenberg: No I...

Thomas Rickert: Thanks, Jordan.

Alan Greenberg: May I come back? I tend to agree. And remember I suggested a line item rejection which we need to look at, at some point in the future, not Workstream 1 and maybe that addresses it in a cleaner way.

I really have a problem saying we could bounce it a second time on a different subject which we sort of makeup artificially just because we're not happy with the response. So I - in my mind that still needs some work. Thank you.

Thomas Rickert: Thanks Alan. Let's hear Steve and (James). And after that I'm going to close the queue. Steve please?

Steve DelBianco: Thank you. Steve DelBianco with the CSG. I believe that we should not be limited in continuing to reject a budget if the Board fails to take into account a previously expressed concerns.

I added to this draft document that we could avoid putting the company and the corporation at risk by saying if we had sustained disagreements ICANN could continue to operate under the previous year's approved budget.

So whatever expenditure levels were in place last year would continue to operate at that level under that financial authority so that we could continue to run ICANN while we work this out.

But I don't believe we can lose all our leverage by having only one bite of that apple.

And let me add that Jordan is really on to something though in that our first set of objections to the budget should preclude us from coming up with brand-new objections to old subject matter afterwards.

I would say that all of our objections have to be lodged when we reject the budget. And we could re-object to those same issues if the Board failed to come up with a compromise or failed to listen.

But I don't think we should introduce brand-new gripes two or three iterations down the road. Thank you.

Thomas Rickert: Thanks Steve. (James)?

Tijani Ben Jemaa: Thomas can you put me on the queue?

James Bladel: Hi, (James) speaking. Can you hear me?

Thomas Rickert: We can hear you. So we're going to hear you first and after that Tijani.

James Bladel: Okay thank you Thomas. And I just want to echo some of my agreement with Steve that in the event of the budget is rejected that we would use the previous budget as a contingency.



I do agree with Alan at limiting the number of projections would - could create some interesting gaming scenarios.

For example if the community rejected the budget on a given point that perhaps a second budget would be submitted with changes unrelated to the point that caused the objection.

So what I think would be more perhaps a better line or path to take this issue would be something like a what we see currently when the Board and the GAC are engaged in a consultation to work out any differences between GAC advice and a board decision.

I think something similar could be invoked here where the community group or some subset of that group would be compelled to engage with the Board to - or with staff to work out the - reconcile the outstanding issues in the budget while it continues to operate under that previous year's budget.

So I think there's opportunities here. I don't think that we should arbitrarily limit the number of objections. I don't think that this thing should be a ping-pong work going back and forth. That's certainly not a hallmark of a mature and stable organization.

So, you know, calling some sort of emergency consultation or a negotiation to work out those differences might be the best approach. Thank you.

Thomas Rickert: Thanks James. Tijani?

Tijani Ben Jemaa: Thank you Thomas. I have proposed in Istanbul that the contributing mechanisms which you want to empower the community to reject the budget

shouldn't be triggered after the Board approving the budget. I propose that we do it in similar steps.

Now we have an interaction mechanisms with the final department and the community is interacting with the final department so that the budget will be shaped in common understanding between the community and the staff.

And this is working well now. So if we trigger the mechanism not as the adoption by its adoption by the Board but before so that we can follow all the steps of the development of the budget we will minimize the risk of having a budget that is action by the community since the community will be participating in the development of the budget.

So I don't want to have the community reject the budget and then the Board accept or not accept the reasons of the community. And we may have several months without budget as Steve said and as I've said before. Thank you.

Thomas Rickert: Thanks Tijani. I think we should try to recap this very interesting discussion. The points that I take away from it -- and this is certainly not a decision made by this group but rather an attempt to recap some direction for Jordan and his team -- is that that the idea of having a mandatory liaison process between the community and the Board is suggested by many.

Also the notion of having continued - continuously - no, what's the English word? Continuous operations on the basis of the previous year's budget so that there's no gap, that shouldn't be limitation to invoke the process so that actually the community has sufficient power and that the power has teeth, that the community should voice all their concerns and not sequentially base their objections on different reasons each and every time.

And, you know, so that in - maybe I can add the process can be done numerous times but that maybe the community gets the opportunity to consider spilling the Board or removing the Board in parallel so they are not limited to using this process should there be the unlikely case that the Board is trying to gain the system.

I think I would like to leave it there for Jordan to further work on the subject. And since this is a I think a very fruitful discussion Jordan if we could very briefly take a third question and then move to work party number two.

Jordan Carter: Thanks. This has been very helpful. I'm just looking at - there's some questions I prepared. But none of them I think are going to be manageable in that timeframe.

We've covered the two topic areas that I was hoping to cover so actually my - if it's okay with you I'd be happy first to move on.

Thomas Rickert: Then maybe I can suggest that we trying to get the group's consent or objection to at least preliminary closing the list of things that should go into Workstream Number 1.

You know, I - maybe you can briefly mention the areas that you are working on so that we have clarity that there will be - that there will likely I should say no further task added to the document that you're working on.

Jordan Carter: Okay yes I can do that. So aside from the work about what the mechanism level that's happened that the power to recover to reject the budget with this plan strategy the - to reject changes to the ICANN bylaws to - and to be an approval body in any changes to the (unintelligible) fundamental bylaws or

entrenched to Golden bylaws and the power to recall individual ICANN directors, the power to recall the entire ICANN board.

Those are the ones that we are working on in Workstream 1 that are fed through from some of the early work that was done so none of them dropped off the list if you like.

Thomas Rickert: Thank you. That's very helpful. So should anyone in the group wish more topics to be included Workstream 1 for Jordan's team please make yourself heard. Otherwise I think we should call this list finite unless we need to reopen the discussion due to new findings.

Okay I don't see any further comments. I think Kavouss's hand is still an old hand which wasn't lowered in the meantime.

So with that I suggest we thank you Jordan and your team for an excellent piece of work. We're looking forward to receiving an updated version of the document.

And I'd like to turn to Becky now to give us an update on Work Party Number 2.

Becky Burr: We are working away. I have been out of town for the past couple of days so I have not yet incorporated all of the changes that we have from last week on the independent review and on the - sorry the mission and commitments and core values.

Ed Morris, I don't know if Ed is on the line or not but he spent - done some good work on the reconsideration and is drafting a series of questions regarding - or not reconsideration ombudsman and is drafting, you know,

questions regarding the ombudsman process and possible enhancements for the ombudsman process that would be ready to go.

And then, you know, when we - we should be able to turn around another draft on all of the templates so that we can be in time for the circulation later this month.

Thomas Rickert: Thanks Becky. Are there any topics that you would specifically bring in front of the group for discussion?

Becky Burr: Well one topic came up regarding sort of the - and this has been a question about the kind of community standing potentially affected standard.

The representative to the GAC from San Pedro asked the question on the list about sort of what he was calling potentially affected parties.

And what I interpreted to mean so parties who would be affected if a particular decision or action based but who might not be affected in advance of any action or decision on the part of the, you know, by the Board or wherever else it would be.

And this example was - the example was that, you know, basically someone might not be harmed until the action was taken. Would those people have standing?

And my sort of instinctive response to this but it's not something that I have discussed with the group yet and so I'd be interested in people's input on it was that, you know, to the extent that you might be harmed if an action was taken and you wanted to invoke independent review the standard would be similar to what we see in the - in current, you know, current cases now but

perhaps a little bit different in a typical in a court case you go to court and ask the decision-maker to stay a - an action from taking place if you were able to show that, you know, that you were likely to win if on the merits and there was no real remedy that would be adequately protect you once the decision had taken place.

In arbitration the current arbitration rules that ICANN operates under the standard is actually quite a bit lower.

So in one case putting - and I want to emphasize putting aside the merits of any particular independent review we have had recent cases where the panelists have been - have issued a stay basically preventing ICANN from taking a particular action.

And so the question is, you know, do we want to have a standard that is, you know, sort of a more amorphous standard about, you know, the interests of, you know, would be served by considering this issue in advance or do we want to have a sort of more standard judicial standard that says basically you need to show in order to prevent ICANN from acting you need to show that you're likely right. And that if ICANN moves forward you are going to be harmed in a way that can't be fixed.

Thomas Rickert: Thanks, Becky. Can we hear views from the group? And maybe people need to digest this?

Becky Burr: Yes. It's a kind of complication - it's a kind of complicated standard so I will be sending out the question.

But it is a real situation because an arbitration the standard for what I'll - what we lawyers call injunctive relief is actually quite a bit lower than it is in a normal court case.

Thomas Rickert: And what would your recommendation be or do you have any preference?

Becky Burr: I think it's a really hard question. I think it's a very difficult question. I mean I guess I'm inclined, you know, to think that if you have the higher standard, you know, the fact that, you know, the standard that says, you know, you can - you need to at least make a convincing case that you're right and there's no way to fix the problem if ICANN moves ahead is more comfortable in the sense that it sort of prevents or it discourages - you know, it can remove roadblocks placed by frivolous filings.

Thomas Rickert: Mm-hm. So I guess Becky it's good that you have mentioned this to the group. I think the group is now eagerly waiting for something to read on this, maybe digest it further and then comment on it. So can you give us an indication as to when you will likely share the document on this with the group?

Becky Burr: I will attempt to do something later today. This just came up this morning, and as I said, I've been out for almost a week now. So I will send that around to the group for comments as well.

I also am hoping - I know Robin's on - and I'm hoping that we can get some comments on the template that Robin sent around. And Robin I don't know if you have gotten input that I haven't seen on the reconsideration.

Robin Gross: Hi this is Robin. Can you hear me?

Thomas Rickert: Yes we can.

Robin Gross: Okay great. Yes, there was some more input that we've gotten in the last week since the template that was sent around just before last week's Work Stream 1 meeting. So I would be happy to incorporate that into a new revised template and send that around later today or tomorrow, if that works for folks. So if there are other comments that people want to add, now would be a good time.

Thomas Rickert: Great, thanks Robin. So will your piece, Robin, be included in the document that Becky's going to share?

Robin Gross: I would definitely be happy with that, but I guess it's Becky's document and so let her say what...

Becky Burr: No I thought it was your document Robin. I think...

Robin Gross: Oh, oh, oh, oh, okay. You're talking about the reconsideration template. Okay yes, that's the one I'm happy to share. I don't know if there's another one you were referring to.

Thomas Rickert: It's not decisive whether it's going to be in one file or not, but I guess the group would be interested in when they can expect something in their inboxes to go through.

Robin Gross: Okay well like I say I'm happy to make those revisions to the template for the reconsideration request and send that out in the next 24 hours. Does that work for others? Does that fit with the schedule?



Thomas Rickert: Yes I think that would be great. And, you know, I didn't attend last week's call but I guess you already gave the great update on what you did, and this looks actually quite promising. So thank you very much Robin.

Becky are there any other points that you would like to raise or get guidance from the group on?

Becky Burr: No I think that what we will be sending around is a fairly annotated statement and then a revised - the statement of mission and, you know, to Adam's point - Adam asked me earlier what we were attempting to demonstrate is the source for all of the original wording in the bylaws as they exist now and then to make very clear what we're changing, what we're not changing.

Thomas Rickert: Mm-hm, excellent. Mathieu's hand is raised. Mathieu.

Mathieu Weill: Sorry, I took some time to unmute. This is Mathieu speaking. Becky I think we have clarity on the reconsideration. And obviously Robin is going to send us a revised version.

And you mentioned the revised version of the mission and core values. Can you maybe tell us when we should expect the independent review panel revised version as well?

Robin Gross: That will be by the end of the week as well.

Mathieu Weill: Okay so we would have those three items basically ready for a discussion at our next call.

Robin Gross: Right, and I don't know if (Ed) is on the line, but hopefully we will also have questions on the ombudsman.

Thomas Rickert: Thanks Becky, that's - Mathieu please go ahead.

Mathieu Weill: Oh I was just wondering whether the ombudsman item would be Work Stream 1 and was on the same track of urgency.

Becky Burr: I mean I can't recall whether we put the ombudsman on Work Stream 1 or not. I have to go back and look at the list.

Thomas Rickert: This is Thomas. At least from my recollection I think that that's something that could be dealt with in Work Stream 2.

Becky Burr: It strikes me that way but I have to go back and look at the list.

Thomas Rickert: Maybe we can test the waters with the group whether there is any objection to dealing with the ombudsman question in Work Stream Number 2.

Becky Burr: Assuming that we have in place the tools to make the changes we need.

Thomas Rickert: Yes. Jordan's hand is up. Jordan please.

Jordan Carter: The only thing that I thought might be Work Stream 1 in respect to the ombudsman was giving them standing for the IRT or something like that. Is that memory right or am I imagining things?

Thomas Rickert: That's possible but that would be the question of standing only. But that would not mean that we have to deal with the revision of the ombudsman function. And then (Chris) also as well as Cheryl confirmed that from their memory that's something we can do in Work Stream Number 2.

So unless there are objections, we should continue on the basis of dealing with the ombudsman question in Work Stream Number 2.

Becky Burr: I think though that if we have questions about it, you know, we may want to consider, based on how, whether some (unintelligible) should be included in the initial consultations.

Thomas Rickert: Well certainly if we do have things ready to include in the report, by all means we should proceed doing that so that we get information from the community. But in terms of preparing recommendations for public comment I think we should try to confine ourselves to what's inevitably required.

And let's also bear in mind that the community will have a huge task in front of it by looking at ours as well as the CWG's proposal. So I guess the less information we put in there for them to digest, the more they might appreciate it. But...

Becky Burr: That makes sense.

Thomas Rickert: But if there are points that you have relating the ombudsman let's make sure that they're not lost. And if and where it makes sense we should include it in the report.

With that, I would like to close the discussion on Work Party Number 2.

Becky thanks so much for taking care of this, and we're looking forward to the documents that are going to be circulated.

And for the whole group please make sure that you keep your eyes open for something to come into your inboxes so that we can have an informed

discussion on this item during next week's call. And we will make sure that we have sufficient time reserved.

This time we've put more time into Work Stream Number 1, but I think we had a very good substantive discussion on the items brought up by Jordan. And we might do it the other way round during next week's call.

I would then briefly like to turn it to Cheryl. We're not going to need to spend much time on the stress test items, but Cheryl, there's one item that you wanted to raise. Go ahead.

Cheryl Langdon-Orr: Yes. Thank you very much Thomas. Cheryl Langdon-Orr for the record and I will of course hand to Steve to briefly take you through a minor update on some of the text in the current version which is Version 18 of our stress test documentation.

And of course you all know the Wiki space to go and find that, but I think staff will probably put that in the chat anyway. What we did want to do however is preempt two things - first of all to remind everybody that the stress test working party will be holding one of these teleconference calls in about 16 or so hours. I believe it's 1100 UTC. And of course everyone is welcome to join us on that.

That's the continuation of our work in general, and we'll also start looking at bringing across particular items that CWG may feel are not completely covered in the 25 that we've already got running within our CCWG work. That's work that Avri and I are particularly focused on but haven't had time to do just yet.

The other thing we wanted to do is pre-warn everybody that as Steve will describe to you recently some wording for relating to potential bylaw changes to do with Stress Test 18 went to Work Party 1 and 2.

And he'll very briefly mention the outcomes of at least the Work Party 1 discussion on that, all of which means that the co-chairs would like us to spend some time on next week's call, probably about 13 minutes in the agenda, to discuss as a committee of the whole that particular activity of this outcome of this Stress Test 18.

So with that preamble - and thanks Steve to popping in the links - I (unintelligible) Steve for a very brief bringing them all up to date. Thank you.

Steve DelBianco: Thank you Cheryl. Steve DelBianco here. Stress Test 18 is one that had been discussed starting in the Singapore meeting. And the stress test work team was entirely comfortable with the proceedings, although a number of you realize that this stress test deals with ICANN's obligations to enter consultations with the GAC if it chooses not to follow GAC advice.

So it's a very sensitive issue, and I realize we didn't get to it in Istanbul. But to keep this one alive -- because it is quite clearly an essential element of NTIA's acceptance of the transition - to keep it alive but to show the true spirit of compromise with concerns expressed by some GAC members we came up with a proposal.

To refresh your memory, Stress Test 18 says suppose the GAC changed its current procedure for adopting advice. Currently the GAC's operating procedures say that they use consensus, understood to mean the practice of adopting decisions by general agreement and the absence of any formal objections.

But the GAC and only the GAC controls its own operating procedures and it can change them. The stress test is what if the GAC were to change to something like simple majority for its advice? If they did so, should the ICANN bylaws continue to oblige ICANN to take all of that advice under consideration the same way as if it were consensus advice?

We've gone back and forth on that and the stress test work party along with Work Party Number 1 - we discussed it on April the 1st - feels pretty good about a proposal to modify the original stress test recommendation.

So if you scroll your document to the top of Page 2 you will see the bylaws text today. And then in bold underlined the proposed change. If you'll note in Section J on Page 2, the current bylaws have a key sentence in there that says the government advisory committee in the ICANN board will then try in good faith and in a timely and efficient manner to find a mutually acceptable solution.

What we are suggesting in response to Stress Test 18 is to add the phrase right in front of that sentence to say "with respect to government advisory committee advice that is supported by consensus" the GAC and the Board will try in good faith to find a mutually acceptable solution.

So it qualifies that the obligation to enter this consultation to finding a mutually acceptable solution is the only part of ICANN's obligation. It is conditioned on it being consensus.

And we're not suggesting that we have to adopt today's definition of consensus from the GAC, the absence of an objection. It may well be that the GAC - similar to ccNSO, ALAC and GNSO - the GAC may come up with its

own definition of what constitutes consensus. So there was an idea of letting the GAC work that out on their own if and when they ever decide to.

But in Work Stream 1, to accommodate the U.S. government's insistence that we not increase ICANN's accountability to government and intergovernmental bodies as a result of the transition, we believe this particular change to the bylaws, ICANN's bylaws, should be part of Work Stream 1 as indicated by Stress Test Number 18.

And this is part of why the stress tests are useful. They can identify something that we might have otherwise missed. In this case we have a pretty clear indication from the U.S. government that this is an essential part of meeting their conditions for the transition.

The rest of this document, it's some compilation of comments that came in from three GAC members, a comment from NTIA. And then the final page was my personal recommendation on how to find a path forward on this. So I'll stop there Thomas and take questions if you like.

Thomas Rickert: Thanks very much Steve and Cheryl as usual. This was intended to give a heads up to the whole group that we're going to have a full debate on this during next week's call. So I would suggest that although a conversation on this is starting in the chat, that given the late hour we postpone to the discussion till next week.

And with that I would like to turn it over to Mathieu to chair the next section of the agenda, which is going to be the legal group update.

Mathieu Weill: Thank you very much Thomas. And I think it was very significant that we spent a large part of our call on the updates from the working parties and just a

reminder that we are in the process of trying to converge to public comment. And of course legal advice is key here because it's important that it's informing our deliberations as much as possible.

This particular agenda item is just an update on where we are. I just want to acknowledge the amazing work that's being done by Leon and the legal group to synchronize with the (unintelligible) and thank these legal advisors for being here in the call. And it's I think very useful for them to hear our discussions on the different work parties right now.

The update I'd like to provide is quite short. It's a reminder of the decisions that were made about how to interact with the legal advisors during our last call and during the legal groups and some information that I think are valuable for the whole group.

First of all it's been agreed that Sidley Austin is the coordinating firm among the two advisors. The lawyers will only work on tasks assigned by memorandums, and that's the legal group's task to address them.

There will be coordination between the two groups, and we are encouraging the legal advisors to participate to as many calls as possible to get as close as possible to where discussions take place on substance. And that's the case for the Working Party 1 meeting tomorrow as well as the Works Party stress test meeting tomorrow and the Work Party 2 meetings when they're set up.

And the goal now is really to focus work on how we can - on whether our proposals are adequate or legally viable. And of course there are some other questions which might need immediate attention but also other questions that will be handled a little bit later.



So there's a lot of work for the legal group, and I know Leon has delegated his chairing position of the legal group to Greg for the time when he's taking a well-deserved vacation. Greg is there a quick update you want to share with the group?

Greg Shatan: Thank you. It's Greg Shatan for the record. There's not too much to report, although obviously there's been a lot of activity, and I think it's been fairly transparent to the group. As we see we've had comments coming in from counsel. We have, you know, refined our approach in working with our two counsel.

We are, you know, looking to have counsel as engaged as possible, especially as we head into the final push toward a draft report. And I think that we have, we are hitting our stride at this point. Certainly want to make sure that people, you know, communicate with the legal subteam as I indicated on the list earlier today.

I think this is already known, but I underline it. Please, you know, send any e-mails that should be directed to the legal subteam and possibly to counsel on the main e-mail list with a clearly marked in the subject matter, you know, "question for legal subteam" or "referral to legal subteam" or something of the like so that it can be picked out from the fire hose of e-mails that we all suffer under.

If there are no other questions - if there are no questions, I'll turn it back to you.

Mathieu Weill: Thanks Greg. And I think we can note and acknowledge that there are some questions being raised at the moment that they are being channeled through

the legal group towards the independent advisors. And I've seen several questions being raised today that you relate to the legal group.

Are there any questions on the way the legal group is proceeding? I think it's important that everyone is comfortable with that. I think that's apparently okay. So Pedro, would you like to ask for a clarification? Please go ahead. Yes Pedro? I think you may be on mute.

Pedro Ivo Silva: Yes. Can you hear me? Can you hear me?

Greg Shatan: Yes.

Mathieu Weill: Now we can hear you.

Pedro Ivo Silva: Okay. It was on mute, okay. Thank you. Just a quick question. I sent some questions this morning and I - well Greg kindly forwarded them to the legal subteam list. And the immediate reaction from all of the lawyers was that they will work on those questions until only if they are formally let's say assigned to them.

So I just wanted to get some clarity on this process of clearly assigning or formally assigning questions to the legal advisors because I thought when Greg forwarded them to the list, that was already let's say a formal assignment of the question. Thank you.

Greg Shatan: Thank you Pedro. I'm happy to clarify that the way we're working is that things will not be - or assignments will not be formally given to the outside counsel unless they're done in a specific memorandum from the legal subteam or a member of the legal subteam with authority to the counsel.

So the idea of circulating it to the legal e-mail list was just to make the rest of the legal subteam aware of your e-mail and a few other e-mails that came in and to essentially put it on the agenda for tomorrow's legal subteam meeting, which is occurring at 1500 UTC, at which point we'd consider how to proceed with regard to formally assigning that matter to counsel.

Pedro Ivo Silva: Okay, that's clear now.

Mathieu Weill: Thank you Greg.

Pedro Ivo Silva: Thanks Greg.

Mathieu Weill: I think it's good that based on this example we get clarity on this process, which is important. And so I guess Pedro will be informed of the outcome of the discussion tomorrow...

Greg Shatan: Yes.

Mathieu Weill: ...after the call.

Greg Shatan: Yes everyone will be informed hopefully.

Mathieu Weill: Yeah sure. Okay so with that I suggest we move to the next agenda item, which is this timeline. And before going into the overall CCWG timeline, I just want to focus a moment on our timeline up to the target date of April 21, which is our target date to finalize our Work Stream 1 proposals for public comment.

And if you have been carefully listening to this call from the start, you've noticed that next week we have - we're supposed to be discussing the

community mechanism from Work Party, mission and values from Work Party 2, reconsideration, IRP, all of (unintelligible) and probably the AoC reviews document from Work Party 1, all in one call.

And you are all aware that we don't make decisions on the first call so we need - we will need two calls on each of these subjects.

And 21st (unintelligible) is just two weeks ago, so our current plan has only four hours of CCWG calls available for that. So it's becoming increasingly clear that we need extra time to discuss those proposals. Of course we need to produce them first but we will also need extra calls to discuss them.

And so we ask (unintelligible) discussing with the (unintelligible) and the co-chairs and staff what it would be, how we could arrange this. And we would suggest to add extra calls, extra CCWG calls, to assess the various proposals on this Thursday April 16 and Friday 17th, if possible.

One probably on - I think it's not in yellow - but on the Monday, April 20 as well as Tuesday the 21st where we would have two calls, two main calls to hopefully close the latest, last round of discussions.

This is very tentative at this point but we'd like to get feedback on this principle in order to help us make the final discussions and decisions about what goes into public comment. And so would like to know if there's any objection at this point that we can start planning these extra calls.

Obviously if we are faster than expected we would relieve some of these calls. If we don't have a good enough agenda for one it will be dismissed but I think this is a provisional and prudent approach to add extra hours of calls to enable us to formalize the proposals.

Are there any objections to this? I don't think we are in conflict with the intensive work they planned for the CWG which are 13th and 14th of April. So we are - and to answer Cheryl, of course the idea is to have them as a placeholder in the calendar as soon as possible.

Jordan is raising a question regarding translation time, which is a good question and needs to be factored in. It's good that you remind us Jordan. We need to factor it in into our timeline. And I don't know if Adam or (staff) has any extra information on that.

And it's not meant to have us finish earlier. I don't think it's any way possible. But to see how fast we can (view this conversation) or start some things earlier. Something - what I suggest on translation is we come back to the group with more details after this call and as an action item for co-chairs with the help of staff to inform about how we are planning to translate the proposals.

If there's no other questions Sebastien 20th of April will be a full CCWG call, not a Work Party 1 call.

Sebastien Bachollet: And must be in yellow, no?

Mathieu Weill: Yes it should be in yellow. That's what I mentioned. It was an oversight not to put it in yellow, but it will be corrected soon, Sebastien. Robin your hand is raised.

Robin Gross: Thank you. Can you hear me?

Mathieu Weill: Yes.

Robin Gross: Great. Yeah I just have a quick comment. I wanted to request again that we get a comment - a link to the new timeline somewhere on the Web. I asked for that last week. I know my stakeholder group's pretty eager to see that, and we don't have an actual document that we can put in our hands and share with our members yet. And we really need to get that out ASAP. Thank you.

Mathieu Weill: Thank you Robin. That's my next point on the agenda, so - unless Sebastien is that an old hand? Yes it was, okay.

So let's move on to this timeline, the overall timeline this time. And we discussed last week around this timeline to, you know, and convene that the co-chairs would prepare a correspondence to (ASO AC) chairs to inform about the latest developments.

And while we were preparing this we have received some post-meeting feedbacks about concerns that given the fact that there would be two public comments that might leave some stakeholders to overlook Public Comment 1, waiting for Public Comment 2 and that the implementation timeline might also give a signal that it was very much still time to wait before commencing on our proposals.

So we have reviewed the timeline as you are now seeing on your screens. Some of the main items - and I let - I turned to Adam and Berry after that - the face-to-face meeting before Buenos Aires, in order for us to be in very in a position to have very informed discussions with each (ASO AC) and with the community at large, based on the input we will receive in Public Comment Number 1.

Second public comment after Buenos Aires, with a mention that it would mostly focus on outstanding issues. So we are somehow hinting that if ICANNs seem to be agreed on after Public Comment 1 and discussions in Buenos Aires by just about everyone, there would - I mean Public Comment 2 would not necessarily reopen the question.

And we were also encouraged especially by the CWG chairs to check how we could get some interim commitments or on some of the recommendations by Buenos Aires, especially the ones that would reinforce the CWG proposals. So that's something we're trying to capture into this new timeline.

And of course there is a need to engage with the (ASO AC) chairs to sort out how we can achieve approval of the post-second public comment proposals - between session if need be - in order to expedite the process a little bit. And that seems to me something that is going to be quite important.

So those are the main items. Adam and Berry would you have anything to add to this before we open for question and feedback from the group?

Adam Peake: Hi. Thank you, Mathieu. It's Adam for the record - Adam Peake. I think some of the things that are important here are that to emphasize that the first public comment period, it is the main public comment period and the supporting organizations and (ATs) should be aware that we really do need comments at this time.

The fact that there is an opportunity for second public comment should not be seen as, you know, an opportunity to delay. The second public comment is really there to take and address issues that are outstanding from the first period of public comment.

And so it is very important that all of the supporting organizations and advisory groups, advisory councils, do submit and treat the first public comment as the most important comment that we have in this process.

We're looking at mechanisms to provide commitments for interim recommendations. And we believe that this will probably be possible. The mechanism for doing it would be - have to be decided.

So out of the first public comment, if we have some agreement on certain directions than we should be able to find mechanisms to sort of endorse those and commit to those on an ongoing basis so that they will be in place and we don't have to revisit them.

And I think that's probably the most important part there, and yes the second public comment is for those outstanding issues. So I think that's it, and Berry if you have anything to add I think we could probably move along to taking comments from the group.

Mathieu Weill: Berry any question, any additional comment? No. So I see Jordan's hand is up.

Jordan Carter: This is Jordan. Really briefly Mathieu I think. The only new stuff I think that would be in the second public comment would be responses to the first - tell us that we need to add some (power) and sort of tweak the mechanism or something. And the rest might be some detailed design considerations where there was a variety of feedback.

So I think if we can get the pattern across before that - the big direction of this accountability package has been settled after the first public comment and



actually need to make those public. That's probably the most important message to get before - not that they won't have a say later in the details.

Mathieu Weill: Agreed. It's a good point Jordan. Any other comments? While questions are - you are being thinking about your questions, I think also one of the areas that we will probably need to investigate is how we can have implementation work - some of the implementation work - start as soon as possible so that the lead time of the implementation of our proposals is as short as possible.

And that is also an area where we will need to engage with probably the Board but also staff to ensure that we don't get into a situation where we put our proposals on the table on day one, and then it's approved on day - I mean, two months later. And then it takes another month or two months to start implementation work because that's four months of lead time.

And that's going to be one of the critical points of success for our group overall. So that's a very useful tool that we have with this timeline. And if - unless there's any objection then I think Robin's comment is a comment rather than an objection.

Then we will as co-chair try and draft correspondence on the - to the (ASO) and ACs and to the respective communities to explain this and try and see how we can work together as a community to make things happen as quickly as possible to accommodate the very short window of opportunity that we have.

And Jordan the question you're raising about implementation (manager) is indeed one of the questions I think we will need to address by Buenos Aires - how we can start addressing this.

Mathieu Weill: Is it me?

Cheryl Langdon-Orr: No you're still there. You are indeed.

Mathieu Weill: Someone isn't.

Cheryl Langdon-Orr: That is pretty obvious.

Man: Are we still connected?

Thomas Rickert: I hope we are. Let me just check. Is Mathieu still there? So obviously we've lost Mathieu now.

Mathieu Weill: I can hear you.

Thomas Rickert: Okay, so please go ahead, Mathieu. Sorry.

Mathieu Weill: Okay. So - no I'm confused and I'm not sure if you - everyone please signal in the chat if you're listening, if you can hear me. So the last question on timeline is our June 19 meeting for information we have informed the ICG, which is holding a two-meeting on 18h and 19th of June that we were planning to always meeting on the 19th.

So in conflict with the second date of their meeting and might - there will probably be some coordination with the chairs or vice chairs of ICGs so that we can both accommodate each other's planning and constraints. But I think it will be extremely important so that we can be very effective in Buenos Aires. And we need to be as effective as possible in Buenos Aires.

And I want to acknowledge and thank ICANN for the support that they will be providing for this meeting. It was recapped in an email from Adam to the list - was that yesterday or today, I don't remember - about the support that ICANN is going to provide for members and use in one of our groups so that we - as many of us as possible - are present on Friday, the 19th.

I think I have covered Item Number 5 as well. So conscious of time, I would like to move to Item Number 6, which is the CWG interrelation and the input. Some of you will have noticed on our mailing list a document that was drafted by Sidley which is advising the CWG as well as the CCWG. And it was pointed out by Jordan as of relevance to us.

And bearing in mind it has not yet been discussed by the CWG as a whole and it's still at the status of initial discussion paper from Sidley, I think it's very useful for us to flag where our group and the CWG actually interact and where the CWG is expecting us to act.

And I just would like to quote some part of the overview section. And maybe if we can scroll down a little bit on the document you will see this section which references what the CWG would be expecting according to Sidley at this point - and I stress that - from it.

And it would be expecting that the accountability mechanisms provided the merchant stakeholder community with enhancements to number one influence ICANN Board composition, including through potential removal of individual directors and recall of the entire board. So that's an item I think we discussed today.

Number two, they make the ability of the ICANN board to make unilateral changes to key fundamental bylaws. So that's an item which is currently under Work Party 2.

Approve certain ICANN Board decisions - for example, that relate to budget or key policies or strategies. That's an area where we're more into veto or rejection approach than approvals, and maybe the scope needs to be worked out. But I think it's very consistent with what we were working on in Work Party 1.

And number four, provide for strengthened independent review and redress. And I think that's very much at the core of the IRP and reconsideration work currently being taken on by Work Party 2.

So just looking at this document right now, I think we can - I see this as a positive sign that we are working in the right direction and that the connection with the CWG should work out, which is good. And it's also a heads up that in the next few days once the CWG discusses this we should be ready to receive maybe some more details, input from them, asking for confirmation that we're working on some or all of these item sets.

And I think this - I mean the document itself is very useful. There's the number of interesting perspectives in this, but I want you to - I think it's important for us to see that the connection with the CWG is working out right now.

I know Greg has been involved with this, and is there anything else that could be added from the CWG's perspective about what they would expect from us and how it could anticipate or engage collectively? Finance is good. I'm not asking for (unintelligible).

Woman: Greg had to - Greg had to leave at half past the hour because he had another...

Mathieu Weill: All right. Okay, so Greg left. I'm sorry, I missed that. So stay tuned on that. And if there's no other comment I don't think we should delay any more and move to any other business. Thomas you had an item for any other business I think.

Thomas Rickert: Yes that is correct, and that is just to update the group briefly on a call that we had with the GAO earlier today - we meaning Mathieu and myself. And there was a list of questions that we went through, and this list of questions has been shared with this group earlier.

I would like to note that we have prefaced our discussion mentioning that we cannot speak on behalf of the CCWG but that we're making comments in personal capacity as co-chairs trying to reflect accurately the current status of our deliberations but that what we're doing is an iterative process and that therefore the group's recommendations as we currently frame them or captured them might be subject to change.

So in terms of substance we more or less stick to what we have put or what is publicly available in documents that have been produced. For example the co-chair statement which captured the interim result of our work and the progress made so far.

I would also like to highlight that we've asked what the exact procedure would be in using results of or the answers that we provided. And we were informed that this set of questions has been asked to a variety of stakeholders and/or community members and that the GAO will put together a report that will be shared with us so that we have the opportunity to review whether what

we have been quoted with is an accurate reflection of what we actually said or intended to say.

So if we receive this draft and if there's something in there which is not exactly covered by publicly available materials, then we will share that with the whole CCWG. And that is to say that without our permission or without us having the opportunity to review the report, no report will be published.

But once this approval is given, there will be a report that will be shared publicly and that everybody can look into.

So we've offered to provide more information as we move on. We've also said that we're working an iterative session so that our findings might change as we move on. But it was interesting to see that the GAO was very much aware of where we are so they did know the documents that we are discussing and even made reference to current document versions that we're working on.

So I think that they are pretty aware of where we are and what we're doing and that they accurately reflect that in their report. I think I should leave it there. We owed you a response to this because there was been some discussion on this request for a telephone call earlier. And this is just to briefly let you know what the discussion was about. And back over to you Mathieu.

Mathieu Weill: Any - would be very short - if there's any other business that some of the colleagues want to raise now. And if not I will only conclude by reminding everyone that we are sprinting and so all contributions are welcome to enable us to finalize our proposals by the target date of April 21.

There will be many calls. There will be many discussions. And I'm sure we'll keep this very productive by staying in this open mind studies characteristic to

have (come out with) now. And I'm looking forward to these discussions and grateful to the (rapitors) and their teams who are doing a tremendous amount of work right now to produce this in a timely manner.

So with that I think we can close this call. And I thank you all for your participation and talk to you very soon.

Woman: Thank you.

END