

ICANN Transcription

CCWG Accountability Discussion

Saturday 5 March 2016 at 1245 UTC

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(James): This - the next session is one of the carve outs that we created. It was originally set up to be a two hour carve out to discuss the CCWG accountability report and I'm waiting for staff to give us the green light we're ready to go. And we are ready to go, thank you.

So the session is a set aside that we had created in our schedule here in Marrakesh where we're all in the same room to discuss the CCWG accountability work. We have another session tomorrow. We have our informal session on Tuesday but, you know, and I think we noted is that we have a - this on the agenda for vote on Wednesday in our public council meeting where that is basically a - the end of the line for this issue. So that is going to be the time that we vote.

So anything that we need to get resolved or discussed in advance of that session on Wednesday whether that's update from the SGs and Cs on their progress, material concerns that groups or individuals might have with the accountability recommendations and report or again with the process of how we're going to conduct the vote on Wednesday all of those items I think are

fair game for this session today and the session tomorrow because certainly we will - we don't want to have to examine those issues on the table on Wednesday because we won't get very far. So with that let's start with Thomas. Do you have slides or are we just maybe you can give us an update on where we were since the 29th which shouldn't be too far?

Thomas Rickert: Yes. I can keep this very brief thanks (James)...

(James): So we'll kick off to Thomas and then we'll...

Thomas Rickert: Sure.

(James): ...go around the room. Thanks.

Thomas Rickert: And hello everyone. We had a lengthy discussion on the CCWG Workstream 1 report when we had the telco on Monday the 29th. So as you can imagine there hasn't been a lot of change to the report. Actually the change to the report was nil because we as co-chairs met very clear that this is not the time to reopen or re-litigate recommendations.

The report stands. We've made that abundantly clear to all of the chartering organizations. So we're waiting for their approval or rejection. Hopefully there will be no rejections. But I can tell you that there was hardly any SSAC document that I had more pleasure reading than SSAC 80 which is a very brief document just stating that they approve of our recommendations. Same goes for ASO who had yesterday sent a notification that they approve our package. And this should or hopefully serve as an example for how other chartering organizations could deal with this report.

We had an all day session yesterday just to update council on that very briefly and all day session yesterday by the CCWG. And for those who may think that we discussed substance of our report this was not the case. And I think that's a good sign. We did two other (unintelligible) for representatives

of the chartering organizations to let the CCWG know whether there are any dark clouds coming up indicating whether approval could be jeopardized.

And nobody's stuck. That is not to say that there are no robust discussions inside the chartering organizations and their constituent parts but at least we are confident that everything is on track so that approval of all charting organizations can be declared by the end of Wednesday. And the board has indicated that they're going to play by our timeline and pass on the report on Thursday to NTIA. So that's the framework within which we are working. And certainly that is not to say that there are no remaining concerns.

We do know that a lot of folks in the community are not happy with what's in our report. I can't say that personally I wouldn't have done certain things differently then we find them in our report now but that's not the nature of the multi-stakeholder model. And that's bear that in mind let's take that to heart. For all those that are planning to move to the microphone and then raise concerns look at what's at stake in this very moment. We are at a historical moment to ship the report to the US government that I think we should be all proud of.

I said that I wouldn't - I don't like every single line in the report but that's not the nature of the multi-stakeholder model. I think we can say that everyone is probably equally unhappy and that's what compromising is all about right? So even if you don't like individual parts of it look at this report as a whole. Look at what we can achieve taking ICANN to the next level offering the chance to ICANN to become truly independent then fly on its own. That doesn't mean there is no room for improvement. And we baked into our proposal components of continuous improvement review to even strengthen accountability beyond what we have in our report.

So this, you know, I'm saying it the way I'm saying it because, you know, there is always room for debate. There's always room for discussion. There is

room for rejection or some of you might fear that they need to oppose to certain recommendations that they don't like.

But if you do so, if you don't put your concerns aside for the moment then we as a GNSO jeopardize the legitimacy of the whole transition. So it's up to us now to be accountable to what this means to the whole accountability to the whole IANA stewardship transition.

So I would like to end my introduction here. You know what's at stake. I'm happy to answer all the questions. Discussions in the GAC are going to start at 2:30 so we've been invited to come over and answer their questions as well.

You see that other groups are discussing. I expect very heated debates over the next couple of days. I think it's important for people to go on record with their concerns that should all take place. But when it comes to approval keep it as short and simple. And again SSAC and ASO have been a perfect example of how this can be done.

(James): Thank you Thomas. And I have a queue building here but first I want to see is Steve did you have anything you'd like to add?

Steve DelBianco: Thanks (James). No I'd be glad to help in responding to questions from counselors. Thank you.

(James): Okay, awesome. First up is (Keith).

(Keith): Okay thanks (James) and thanks Thomas. So I thought it would be helpful just to provide a little bit of context before we get into the substantive discussion a little bit of history and talk and remind everybody the genesis of the CCWG accountability.

So at the ICANN meeting in London in June 2014 the GNSO came together at the microphone in a public forum and demanded that the community have control over the ICANN accountability process. And we the GNSO led the charge in the community in insisting the accountability process be conducted through a CCWG rather than a top down staff controlled effort.

The rest of the community joined us shortly after London by signing onto several letters to the ICANN board. In a glaring example of be careful what you wish for we were eventually successful. After a fight of several months the ICANN board finally agreed to the CCWG accountability in October 2014. That was at the Los Angeles ICANN meeting.

So the CCWG that we demand it has been hard at work for the last 14 months since December 2014. And the report from the CCWG, the recommendations in that report I think is an important proof point in support of the bottom-up consensus based multi-stakeholder process and the model that we participate in here. And I think it really shows the ICANN community can come together, work collaboratively compromise and deliver results. So I just hope that we all remember that, keep that in mind as we consider our next steps, have our discussions and hopefully formal GNSO approval on Wednesday. Thanks.

(James): Thanks (Keith). That's good context and hopefully a lot of folks remember that moment in London. That was very historic. Steve and then (Stephanie).

Steve DelBianco: Thank. I would note that (Keith) is right that we were amazed that ICANN's top down position of how to manage the transition succeeded at uniting previously disparate and conflicting parts of the community and it was with that unity that we began this process.

And you're all aware that Thomas described the so-called urgency of Workstream 1 which is associated with termination of the IANA contract. Workstream 2 then is everything else that can happen after the contract.

That's descriptive of the distinction between Workstream 1 and 2 but it tells you nothing about how it is we decided what goes in Workstream 1 and what goes in Workstream 2.

Fourteen months ago CCWG came up with a rule for how we would decide. And the rule was entirely based on the notion of leverage. We said that all consensus items could be in Workstream 2 provided that we built mechanisms in Workstream A adequate to force the implementation of Workstream 2 items despite resistance from ICANN management and board. And we wrote that at a time when resistance was quite evident. And I don't want to say resistance is futile. And it was continued throughout the board. And Jones Day and ICANN legal went - took many opportunities to push back on where we were going. And it was only the leverage of the IANA transition and the deadline that enabled us to achieve in this recommendation the kind of community accountability over the board incorporation that we've never had before.

So those are the elements to focus on in Workstream 1. And as Thomas indicated the urgency is to get those powers in place. Once we have those powers in place the ability to block a bylaw, block a budget, do an IRP, those powers enable us to achieve subsequent accountability improvements down the road.

So if there are details in the current report that are unsettled, unclear keep in mind that if we have the powers we achieve in this proposal we can at any time figure out the ambiguities and unsettled matters after the fact. They don't have to be done prior to the votes this week.

(James): Thanks Steve. I have Stephanie next and then we have a remote question and then (Ed).

Stephanie Perrin: Thanks. Stephanie Perrin for the record and hopefully Steve has answered my question but I'm going to ask it anyways just in case. Thomas use the

expression of the birds flying from the nest. And as anyone who looked after baby birds knows the problem is if they fall who gets the baby bird back in the nest before the cat, eagle or rat gets it right?

So it's not clear to me as someone who has been trying to follow but not closely enough evidently is it Workstream 1, is it Workstream 2 who are the parents as it were that we're going to make sure we don't have all hell breaking loose if something goes wrong because it's us.

Okay formulated and what configuration Workstream 1, Workstream 2?

Man: (Unintelligible).

Stephanie Perrin: Oh that sounds a little too vague for what I was looking for.

Thomas Rickert: Stephanie I guess we've built in a couple of safety nets. We have our report, we have our recommendations. And we don't just take the recommendations and hope they're good. There's a long section and Steve is in a perfect position to speak to that. There's a section on stress tests.

So we've examined what can go wrong. We've come up with, you know, you talked about risk management earlier so we've talked about multiple scenarios of things that can go wrong and looked at whether we are ready to deal with contingencies. So we think that we passed all the stress test scenarios. That's one thing. Then as you know the community has vetted our proposal a couple of times. We had an iterative process where we publish different versions of our report and we've continuously improved that.

NTIA has an interagency review of what we're doing so they will also check. But I guess the important thing is what Steve said. We are in this phase replacing the US government (back stop) function or what has been called US government (back stop) function. And it's the question, the big question, the big concept for what we've done in the last 40 months was where do we

get the authority that the US government currently has? And the answer is we give it to an empowered community which consists of the component parts of the ICANN community. We - so we give the power to those who run the DNS, who use the DNS, who make the DNS right? So it's where I think it should be and it is this group that's going to – that's able to chime in as well as the fellow SOACs that can chime in when it comes to, you know, making alterations.

And I think the system itself is quite bulletproof because we have substantial bylaw revisions which in itself will undergo implementation oversight from this group. So the bylaws provide for ICANN not going rogue and we for the first time in ICANN's history we have the tools at our fingertips to call the board to reason should it go wrong to replace it and to even change the organization if need be. And it can't easily be changed in areas that are important and that's the fundamental bylaw section. So I hope that at least, you know, that superficially answers the question that you had.

Stephanie Perrin: I think it does. Stephanie Perrin again. The problem in risk management is the risk you didn't predict and that you're not ready for and the rapid response that you require to get ready for it and that's what I'm worried about. Where's - how is the rapid response team pulled together? Is that the leaders that are part of Workstream 1 and 2 or is there in my view you should have a rapid response team just in case you didn't do all the stress testing you needed to or something brand-new from out of the blue arrives.

(James): Yes Steve go ahead.

Steve DelBianco: I don't want to slow down the queue too much. Stephanie when I ran a corporation I was accountable to my shareholders. I run a trade association today and I'm accountable to my members. If something starts to go wrong members or shareholders or voters in a democratic context they can react but they rarely react rapidly enough to solve it in the short term.

Mostly what they do is they can generate recommendations and then hold the corporation accountable for failure to follow recommendations, failure to be prepared, failure to follow operations. And then holding of accountable is through IRPs blocking a budget, blocking a bylaw change or spilling the board so those are the explicit powers that the community has.

How fast can the community exercise those powers? Well we've built in an escalation path that includes multiple consultations, gives periods of time for every AC and SO to determine whether it believes we should escalate this and escalate this. But that entire process can probably occur in the neighborhood of two to four months. So in two to four months we could hold the board accountable to block a bylaw change or spill the board.

But that's not the rapid response you're thinking of. the rapid response from shareholders, voters or members of a trade association is never instant. It's the corporation itself that is in the position to respond right away. What we can do is hold them accountable to us.

(James): Okay so – brief is it...

Stephanie Perrin: Very briefly probably what I'm looking for is emergency communications response because the risk I'm worried about is reputation damage that can come out of the blue from something we haven't anticipated. And that's going to kill the multi-stakeholder model rather quickly. So that emergency communications it happens overnight because if you're not ready you're already dead by, you know, a week later.

(James): Okay thanks Stephanie. So here's the queue that I have. Let me know if you think that you're in it and you don't hear your name. We have a remote question from (Lori) and then (Ed), Volker, (Becky), Wolf-Ulrich and Chuck. All right I don't see anybody throwing anything at me so we'll start by reading the remote question from Lori. Marika?

Marika Konings: Yes this is Marika reading a question by Lori Schulman. The question is if we accept Thomas's point about compromise and continuous improvement will there be an opportunity to comment on the bylaws changes that result from the drafting instructions? Some of the instructions are hard to analyze without the concrete language that would result in a final bylaw. And if I may maybe add because Paul McGrady also put a follow-up question to Lori's in that. It's directly related. And he notes what is the leverage that will remain to insist that the actual bylaws reflect the CCWG's instructions if the lawyers get it wrong?

Thomas says that the council will have oversight of over the implementation of the bylaw rewrite. Does that mean that there will be another vote that holds up transition until the lawyers fix it?

Thomas Rickert: Thanks Marika and thanks to Lori and Paul for these questions. We will - first of all for those who don't have this piece of information our report does not include specific bylaw language. It includes policy recommendations that need to be transformed into bylaw language by the experts.

We have only yesterday formed an implementation oversight team to act as a link between the legal teams, the ICANN board and our group to ensure that the requirements included in our report are transformed into legal language. This will be shared with the wider CCWG as we move on so chances are not too bad that the bylaw language that's going to be for adoption by the board includes what we had in mind when writing our report.

But then the bylaw changing process will follow exactly the same standards as bylaw changes do today, i.e., the board will put the revised bylaw language out for public comment. So the community not only the CCWG or charting organizations, the whole community will have an opportunity to read the language before it is enacted and chime in if they think that what has been included in the language is not accurately reflecting the spirit of our report.

As regards whether or not, you know, what the leverage is between today and the transition, you know, how can we ensure that bylaws are enacted in a way that is appropriate transition is not going to take place before the bylaw changes are adopted. And we can be loud if need be that the bylaw language that is presented to the community is not appropriate.

So I personally don't have any concerns whatsoever that the work approach that we're taking with implementation oversight, with the publication of the draft bylaw language for public comment will ensure that the community gets what it has approved with our report.

(James): Thank you Thomas. Next is (Ed).

(Ed Marsh): Thanks (James). (Ed Marsh) for the record, don't want to be a party pooper. I feel like I'm supposed to say rah, rah, rah, Thomas. We did it, we did it. Now let's get on board to train before we get to the party Thursday night the celebration party. If I were in the ASO I'd approve this. Look at Recommendation 29 of I'm sorry Paragraph 29 of Recommendation 7s Annex.

Numbering protocols, can't take those to an IRP. Names I'm sorry, country codes, delegations. For those here in Morocco who are part of the Western Sahara community that believe they should be assigned .EH and ISO designation that ICANN has not assigned them they won't be able to take this to an IRP because the ccNSO is exempt the ASO policies to a degree, are exempt. Protocol parameters are exempt from challenges to IRP.

What I would ask my fellow counselors to do is not just to jump on the train as it departs from the station but to carry out your responsibility to the people who put you on this council to examine the recommendations not in how they impact this great party, this great independence we're all aiming for but whether this package it contains sufficient protection, sufficient positives for

you to support this on behalf of your members. Because once the train leaves the station whether you like what's in there or not you're stuck with it for eternity. If we're going to change it it has to be changed now. So make sure before you vote yes that you know what's in the package and that you can honestly say that this package is good for your members. Thanks.

(James): Thanks (Ed). Thomas with a response?

Thomas Rickert: Just very briefly. Thanks (Ed). And I couldn't agree more in your encouragement to counselors to fulfill that duty towards their respective groups. And nonetheless if you look at what we've done this is a community driven effort. You will remember when the - when all the Stakeholder Group representatives stood up in the public forum a couple of ICANN meetings back and requested accountability enhancements that was quite a statement. ICANN carried out a public comment period asking the community what accountability enhancements do you want to see? So we base our work exactly what the community wanted. And I think we've delivered quite nicely on that.

One sentence on ASO and, you know, protocol and RP addresses ICANN or IANA doesn't have an operational role in those right? So the situation's a little bit different for those two areas opposed to naming. And when it comes to naming there's a big difference between the G and the CC space.

So the - you mention the CCs right, the ccTLD operators are very conscious that they don't want to be governed by ICANN on delegations and re-delegations. And that's why we have reserved the IRP to be only used once the ccNSO has come up with a policy for doing that. So we did not want to step over the line with ccTLDs. So I hope that, you know, I'm happy to discuss this more but I think we should take it off-line probably.

(James): I think Steve had a brief comment as well on this.

Steve DelBianco: Thanks (Ed). Towards that I would just speak to your Western Sahara point. Please don't let elements of the community who are very concerned about Western Sahara ccTLD don't let them get discouraged.

Stress Test 21, I actually know them all by heart. That's a scary thought. But Stress Test 21 was what if a revocation or delegation of a ccTLD manager was against the interest of the registrants and users of that given country that the government failed to delegate? In those situations Stress Test 21 was prepared to set up really for the community to hold ICANN accountable for those decisions. But the GAC and ccNSO said timeout on 20, on Stress Test 21 the ccNSO and the GAC have done a - are working on a framework of interpretation to come up with their policy as to how they would challenge these revocations and assignments of a ccTLD to a given operator and a manager.

So we would have loved to dive into that. But the two parties in charge of that function governments and the ccNSO had said we've got this. We have a separate process. So channel please channel the energy you've got, the considerable articulated energy that you have and drive it into that process for the next year so we can get a ccNSO framework of interpretation that holds those decisions accountable to the users and registrants in the country they serve.

(Ed Marsh): Just quickly (James).

(James): Yes.

(Ed Marsh): The point was not necessarily the specifics which Thomas and Steve have correctly pointed out. My point was that because the other groups are signing on rapidly we have more at stake here that our policies are open season. And so we've got to we have to look at this thing from our perspective. And I felt there was a little bit of a push to come on guys get on board. We have to look at this seriously because it impacts us more than any other group in ICANN.

(James): Thanks (Ed), point taken. Next is Volker.

Volker Greimann: Thank you (James). Volker Greimann and for the record back on board the party train. Now seriously though we're here on the GNSO side of the domain industry and the domain world. So what the ccNSO world does and does not do with their gTLDs it's interesting to us but it's not really our role as a GNSO. When we debate if we should give our approval here it's for the GNSO side. That's what why we're sitting here.

The question that we should be asking for us asking us right now is this solution perfect? Probably not. good enough? Probably in my view at least. Are there any deal breakers in there that have been in the past that have been removed? At least from my perspective are there any deal - so you should ask yourself is anything in there worth torpedoing the entire ship or do we fix it afterwards?

Holding a process hostage just for the perfect solution or to force something, a minor issue that you don't - might not like to be changed is tea party politics and I don't think we should engage in that. We should try to find the best compromise possible at this stage, fix anything afterwards that needs fixing. And if the bird falls from the nest then maybe we want to help it up but maybe we will also decide that that bird was simply not fit enough and deserved falling from the nest and deserved to be removed from the gene pool then. That's perfectly legitimate viewpoint. So essentially what I'm saying is can we accept this in total and that which we might have problems with, can that be fixed? If the answer to that yes then we should support it unanimously.

(James): Thank you Volker. (Becky)?

(Becky): Thanks. I want to echo what other people have said but I want to go a little bit farther and say that we have known in all of the times that we felt like something wrong was going wrong with ICANN it has not been because there

wasn't a rule about it or we didn't understand what the parameters were it was in large part because we had no way to respond to ICANN going off the rails. No matter what we have two things coming out of this that I think are - that we have not had in the past that I think are critical.

First we have clarification around ICANN's mission and its commitments and core values. Taken together those form a fundamental compact with the community that the community can hold ICANN to in a way that it has never been able to before. Those thoughts have been in the bylaws from since 2003. But because of the balancing that took away all of the chiefs the ICANN community's ability to hold ICANN to those commitments and core values has been limited. That is fixed in this.

And more important or as an equal corollary we have an independent judiciary, the possibility of an independent judiciary through a standing independent review process that can hold ICANN's feet to the fire. The community can bring ICANN to that tribunal at - in a cost effective way and require ICANN to abide by its commitments and values to the community and to stay within its limited mission. If we haven't got everything quite right the ambiguities will be evaluated, can be evaluated against fundamental bylaws the mission statement the commission and core values in the future going forward and can create precedent to guide the board and the ICANN staff.

So I know none of us got everything that we wanted. And we talk about a necessary compromise in all of that. But I would just like to say we - with the creation of an independent judiciary we will be doing something that is historic that ICANN has lacked and that will make the world a better place affirmatively. So let's not be too sort of just reconciled to this is a necessary compromise. There's something really good here.

(James): Thanks (Becky). Next Wolf-Ulrich.

Wolf-Ulrich Knochen: Thanks (James). Yes I could follow what Volker was saying so with regard to the process and the – and what we have done. And I would like to say to that as well, you know, we should accept really that the other communities also took that very seriously, so the proposal and the development of the proposal and discuss it forward and backward and then be – and we have the communities have different interests and therefore they have different points where they focus on so we did as well, you know, our constituency. And ICANN said we have still put some space for discussion on Tuesday on the matter but yet we have already achieved I think a status really can say we wouldn't like to that we will fail though in approving the package as a whole.

So what I understand right now is and understand fully that other communities have different views and there are still open issues for them. So we should find a way in how to express to get – to give them away or space or to express such concerns in a way which do not - which does not really impact the let's see the success of the overall thing. So this is what I understand that there might be an opportunity to do that and we should find out what are the real issues and what kind of these issues should be expressed. Thank you.

(James): Thanks Wolf. I have Chuck and then (Malcolm) and then we can come back to you (Ed). And then I'd like to sort of pivot the conversation a little bit from material to substance before we run out of time. I'm sorry that was a synonym. I'm sorry, from substance to process before we run out of time because we do have to cover that and get that buttoned up before we start to head out of the weekend session. So Chuck you're up next.

Chuck Gomes: Thanks, Chuck Gomes, great discussion. A couple points I want to make and it's really going to be repeating what several different people including the remote participants said. But hopefully I'll say it in a little different way starting off with some of Stephanie's concerns.

I think it's really important for all of us to realize that even if on Wednesday the GNSO Council approves the recommendations it will not - our responsibility doesn't end there. As several have pointed out there's a bunch of implementation work that has to be done. And Stephanie will particularly relate to this because she was one of the great contributors on the Policy and Implementation Working Group where we tied implementation very closely to -- and those recommendations have been improved for the GNSO anyway -- to policy development. We've been through an intense policy development process. But policy development it doesn't end there.

Even if it all gets approved all of us have a responsibility to monitor closely and provide feedback to the implementation work that's going to be done in the next few months in particular the bylaws preparation.

So I don't want any of us to here thinking this week if there's success and it's approved it's not done for us guys. We have to watch the details and provide constructive input to make sure that implementation follows the intent of the recommendations. Enough on that.

My second point is as a general one again, several people have hinted at this same thing. As we make our decisions on whether to support or not the recommendations I think it's critical for us especially in the GNSO where we rely so heavily on the bottom-up multi-stakeholder process that we fully respect the process that has happened. Was it perfect? Absolutely not. Did any of us get everything we wanted? No, I didn't. But it is that bottom multi-stakeholder process that is the crux of what we do in the model that we operate in.

And so as we make our decisions I just encourage all of us to show some respect to that process. Even we may still have some problems with some of it. And even though it may mean we have to work for some change later on as several people have indicated but that process and how the world outside of ICANN sees that process is really important. And we're going to keep

improving that process in the days and weeks and years ahead. But that's our process and it's important that we respect it.

(James): Thank you Chuck. (Malcolm).

(Malcolm): (Malcolm) (unintelligible). for the record. Friends, counselors, community members I come to criticize this report, not to eulogize it. It's not only not perfect, it's a long way short of perfect. At the beginning of this process we set ourselves the goal. We said that this Workstream 1 should set as Steve alluded to earlier, should establish sufficient mechanisms so that anything else that we wanted to do in the future could be assured by using the mechanisms that we created now and we would give up the right to go running to the US government to write in contractual terms into the future IANA functions contracts in - and in replacement get the mechanisms we got to force the recalcitrant board to do the things that we would want in the future.

Does this report achieve that basic standard? Clearly not because there is nothing in this report that gives positive powers of initiation to push things through, only powers to block. The only thing in the report that gives the positive power to compel the board to do new things is the ultimate sanction of sucking the board and that is clearly a long way short of that standard.

There were other fundamental things in this report that will concern many of us, in particular elevating the ALAC and the GAC to decisional bodies and to setting that key point of principle that more than a bare majority but the - on the board needs to stand against GAC advice if it is to be rejected but instead creating the principle that GAC advice is ordinarily to be followed will worry us. So these mere matters or trade-offs these are key important things that might stand in our way. Should they be enough to stop us? I say no. We should support this for all those flaws and the reason is this.

This transition we are moving away from ultimately being able to run to the US government to having a community that is controlled by itself. Many things in this community do not work well. Many things in this community will be subjects of significant tussle and struggle going forward, not only on points of policy but on things like organizational review and structures and floating balances and all of that. And this report will not fix those things but it does do one thing. It establishes by - it changes. It doesn't change what the mission was supposed to be. But it clarifies it to a standard that it can be just as simple. It clarifies it to a standard that we have standards that the board can be held to. And it provides enforceable mechanisms to hold the board to those standards.

So when we have those struggles and tussles and challenges in the future it will be in a context of an organization that is a rules-based organization. It is not one that is ultimately subject to the arbitrary whims of those above us. It is in the context of rules that we have set for ourselves and that we can meet those struggles and those challenges albeit however imperfectly in the context of an organization that we can have confidence that we are working to a set of standards.

For that reason I would say I would urge you and those of us who worry and dissent for much that's in the support to say it is better to have it and go ahead on this basis than to pass up this historic opportunity to set ICANN on that standard which is really not on now. I urge you all to support this report. Thank you.

(James): Thank you (Malcolm). (Ed) you're the last one in the queue. So after that do we have any other folks that want to comment after (Ed) because I'd like to pivot a little bit to process? So (Ed) you got the last word.

(Ed Marsh): Thanks (James). In terms of process first of all I want to agree with (Becky). There is a lot of in this report much of it is she is responsible for. The accountability mechanisms themselves, the real accountability reforms, the

IRP, reconsideration, these are really good. They're better than good. They're great.

However Chuck brought up a point, respect for process. And I should lead with this because there are major issues that once we get done with probably approving the recommendations that we have to deal with it. And the question I have in the back of my mind is whether this community has the backbone to actually utilize these processes to hold the board accountable? I refer to I believe it was three weeks ago we're 7-1/2 hours away from the end of a 48 hour review period. Steve Crocker at 429 British time on a Friday afternoon -- I know because I lost my weekend -- drops a bombshell the board demands X.

In my view the community should have said we have a timeline. The board has an opportunity for a final comment. You can make a public comment now. You can put a minority statement in but we should have followed the process, the process that Chuck talks about, the bottom-up process, our charter, our timeline. Instead what this community did accepting frankly members, participants and the members of the CCWG, from my group, the NCSG what everybody else did was frankly give the board what they wanted.

So the major question in the back of my mind and those of many other in my community is whether even if we have these perfect wonderful accountability mechanisms -- and by all accounts we'll all agree they're not perfect -- whether once ICANN achieve independence this community will have the backbone to actually use them. If we can't stand up to the board as we're creating accountability mechanisms to hold the board accountable how can we be confident and how can the world be confident we'll use those mechanisms to hold the board accountable once we have those powers?
Thanks.

(James): Thanks (Ed). I missed a remote question. I have hands up in the Adobe that are old so I would ask you to please refresh those. Avri are you...

Avri Doria: I'm in the queue.

(James): You're in the queue okay. Then okay so let me go here. Let's start with Brett Schaefer. Brett?

Brett Schaefer: Thank you. I promise you'll keep it brief and I will. My question has to do with the next phase of this which is the implementation phase. We have to draft bylaws and we have to adopt thresholds. We have to actually go through the mechanics of figuring out how this is going to work in practice. But we're dealing with a great uncertainty here which is what the GAC is going to do.

We need certainty on this. And before this is adopted I think we need to get assurances and clarity on what exactly the GAC is planning to do. Is it going to participate? Is it not? Under what circumstances? Because right now it's a great big unopened box that complicates this entire process. And that is something I would hope that you would do is seek clarity on that matter.
Thanks.

(James): Thanks Brett. And to answer your question I think that that is something that we're going to have to address fairly early on after the proposal. I'm not even sure what the status of the GAC's review and approval is. I think they're discussing this on Tuesday. Is that your understanding as well?

Thomas Rickert: The GAC is going to discuss this today, tomorrow. And so that's going to keep them busy for the whole week.

(James): Okay.

Thomas Rickert: But let me say this. Our report specifies the role of the SO ACs in the post transition word. That is what we have and that's before council to agree to. That's before the GAC to agree to. It's not for the GAC to request a variation

of our report. But they can say thumbs up thumbs down. And so would urge council to look at it that way.

We've made clear in our report that when there are changes in the ICANN community it may well be that there are new supporting organizations, new advisory committees that there might be removals right in five, ten years time. Then we need to change the bylaws because all the SOs and ACs are mentioned by name in the bylaws and their processes. So we need to touch the bylaws and amend them and go through the process that is specified in the report to do that.

So let's not be afraid or speculate over what might happen if at some point in the future the GAC or any other component part of the community changes its view on whether to include it or not. For the time being the GAC is a decisional participant of the empowered community. We have voting thresholds in the report and that is what's in front of community for approval.

(James): Thanks Thomas. Avri and then Steve then we're done. Thanks.

Avri Doria: Thank you. Avri Doria. I am one of the spineless ones that went along with what the board suggested. But I wanted to basically argue that it was not a process error for that - for them to do that. What they sent us was a note saying, "You know, these are some issues that we have." "And if these issues are still in it after the charting organizations approve it then we will have to go into that long cycle that is prescribed for resolving any conflicts we have."

So what they attempted to do was to give us the issues to give us a chance to work at them. We did. There was lots of discussion and we ended up again making some of the compromises that were necessary for that. So I think to call that a process error is to not understand the process. The other thing just a comment I wanted to make in relation to what Brett asked...

Man: (Unintelligible).

Avri Doria: Slander?

Man: Yes.

Avri Doria: I don't show slander.

Man: No (unintelligible).

Avri Doria: But anyway what I would like to also mention in terms of Brett's question about what is the GAC going to do? What is the ALAC going to do? What is the GNSO going to do? What is the ccNSO going to do? I don't know of any of those organizations having said this is what we're going to do. So to ask the question of one AC when the others have not answered it yet seems to put a particular burden on one group and not of the others.

So I would just sort of, you know, I think some of the advice you've gotten in terms of the considerations of this and hopefully approving it are good. But please understand that everyone is pretty much in the same boat at the moment except for the SSAC and ASO in terms of having said what they're willing to do. Thank you.

(James): Thanks Avri. Steve?

Steve DelBianco: Yes thanks everyone. There are seven ACs and SOs defined in the bylaws today. We didn't change that. We simply looked at them and invited them all as multi-equal stakeholders in the ICANN structure to be part of the empowered community.

And some have responded affirmatively they want to be in the community. Some are still thinking about it and two at least said thank you but no thank you. The SSAC and RSAC said we'd rather not be counted among those who

have participated in making decisions to spill the board or block a bylaws change or block a budget.

But the rest of us the rest of the ACs it's true it's important to understand do they intend to participate? And I would hope that we can get a definitive answer to that from the GAC. But please understand we invited the ACs and SOs and they're in unless they say they're out.

And if we learned that an AC or SO is not going to participate in the decision process we've already got in our proposal that we will adjust these decision thresholds because we never want to require unanimity among the participating ACs in SOs, unanimity to exercise. We talk about broad support which is always less than the total and we never want to allow just a single AC or SO to block our ability to do a power. And those are the two principles we adopted in our decision-making methods.

So if we learn over time that the GAC has decided thanks no thanks, we don't want to be part of the decision, we'll just lob some advice over the transom well then Brett you and I will be the first ones there to adjust all the thresholds accordingly and we'll make that happen. But we can expect that this week that every AC and SO must be forced to indicate do you intend for all time to be a decisional participant? I don't even know if GNSO has taken that position.

(James): Not yet. Thanks Steve. So just his point here and we'll just close it off here we've had now from Brett, Steve and others this note. And I think it also came up in the CCWG that we have to get some definitive response from the GAC on whether or not - and probably bears (unintelligible) from the ALAC and from the other SOs and ACs if they intend to participate explicitly make that declaration. So Marika can I ask that we add that to our as a bullet point on our agenda for the GAC session tomorrow. There's an overarching topic of discussion of CCWG and can we just add that as a point to cover with them? Whether or not we get an answer or not but we'll ask.

Man: Just remember they're in unless they're out?

(James): Right. Well maybe you can help me formulate that question so I don't bungle that one. Thank you. Okay, so great discussion. Phil I - we closed the queue like four speakers ago but we were going to pivot to process now. We only have about 30 minutes before our next folks come in. There will be a session tomorrow as well so this is not the end. But I just want to talk a little bit about how this is going to work.

We had some discussions on the list. We have options in front of us. And I don't want to let's say I don't want to presume the outcome of these. But I think that there is an easy path and a difficult path. I think that Thomas and the CCWG co-chairs have very graciously told us that they want us to take the easy path. Thank you. So I think we saw that coming a mile away but thank you.

But we may choose instead to take a more iterative path in going through each recommendation specifically to test not only the level of support for each recommendation as a whole but also to give even, you know, for example even if a counselor intends to vote or has been instructed by their stakeholder group to vote in favor of a particular recommendation they still may wish to attach justification or a statement to that. And having an itemized vote may better facilitate those or at least provide the context for those statements.

But in any case when we finish with all of those recommendations we are required by the charter to give an overarching declaration of whether or not the GNSO supports the supplemental report and final recommendations of CCWG. And that is - it poses an interesting question because does that support exist if one or two or three recommendations fail to meet the threshold? Does that translate from a GNSO support to GNSO non-position which would be extremely bad in my opinion?

And given – I mean (Keith) started us off in this discussion with a context of how the GNSO and other groups launched this accountability process to stay on the sideline and our moment of truth would be I think, you know, I be - I'm careful with my words here but it almost looks hypocritical to come back a couple years later and to just watch that boat sail by.

So I think that we are probably culturally on the hook to make some kind of a declaration here. And the question is how do we want to go about doing this? And then what - so the two questions do we want to proceed with an itemized vote? I think that we're trending in that direction but I want to make sure that that is indeed the consensus of the group.

And then secondly what is - how do we base those recommendation level votes into an overarching declaration? So I have a couple of folks in the queue (Ed), Volker, (Ed) and Volker. Anyone else? And Phil and someone and Paul in the queue. Okay (Ed), Volker, Paul and Phil. Thanks.

(Ed Marsh): Okay thanks (James). First question where in the charter does it say we have to do an up and down vote of all the recommendations? Because for the supplemental report what I see is we need to determine whether to adopt the recommendations contained in the supplemental draft proposal. I don't see any requirement or even any indication that we're supposed to do an up and down in everything. But besides that point we would request in the NCSG a vote on each recommendation separately. This is a very complex proposal. And if we're forced to vote up and down or all at once you're forcing us to make some decisions that we don't want to make right now.

If we're trying to send a message to Thomas and the folks in the CCWG it may be best to send the message on a recommendation by recommendation basis. This stuff in here I love. I would hate to have to vote against an entire package and get rid of the things that I've worked hard to put into the proposal that are good and that we need if overall - and I have no idea how

I'd vote at this point if overall I would feel compelled because of the government - the fact that we're giving the government so much control to vote against the policies overall. So the recommendation, my recommendation allows us at least to support those aspects of the proposal that we do support.

(James): Thanks (Ed). So that's one I think fairly clear position to go through them in an itemized per recommendation. And I'll get back to you on the charter question. That's my understanding if I'm reading that wrong or I've been misinformed. Oh, okay Steve put something in the Adobe here so we can check that.

But, you know, that's - let me ask another question. Does anyone feel passionately or believe that your stakeholder group is drawing a line in the sand that we have to vote on this as a package or else? Because what I'm hearing is we feel strongly that we should be a recommendation by recommendation vote or we don't care either way. I'm not hearing the we really have to have this as a per package vote. Thomas you don't get a vote on this. Oh no wait, are you raising your hand for something else?

Thomas Rickert: No I'm not sure whether this would be my time to speak but (James) you had sent a list to council a couple of weeks back saying that you would do a recommendation by recommendation vote should counselors wish to do that.

(James): Right.

Thomas Rickert: Right? So I think that the train has left the station.

(James): Well we haven't actually pinned that down yet Thomas. So we put that out as a proposal and (Ed) at that time indicated that the NCSG would prefer that path. And I think Wolf-Ulrich indicated that the ISPC was leaning in the direction of a package vote but could accept the recommendation vote so I'm just trying to get a sense from...

Thomas Rickert: Before council makes a - takes a decision there's been questions on how we as CCWG co-chairs would react to feedback from chartering organizations, you know, what level of support would be required in our view in order to pass things on.

You know, unless we see disastrous results, you know, multiple recommendations being voted down we would take the outcome of the chartering organizations and pass that on to the board.

And I guess the question for counselors now is will it make a big difference for you to say yes to the package and issue a minority statement to make yourself heard and go on record with concerns that are remaining or do you actually think it's necessarily to vote down? I'm not using the word protest vote intentionally, but to vote down certain recommendations just to signal your (displeasment) with certain recommendations? And again there's the issue of legitimacy, you know, if the vast majority of the recommendations is approved by council we will say that.

Certainly you can go on record with your minority statements. Will it make a difference whether you have a recommendation by recommendation minority statement or what minority statement to be attached to the whole report I don't know. But we will make sure that we give transparency to the minority views that have been raised in council because that's important and I guess that even strengthens the outcome if we don't give the impression that everything is 100% agreed by everyone. It's not and we're not suggesting that it should be. We will provide full transparency regardless of whether you do block votes or an itemized vote.

(James): Yes thanks Thomas. Okay so let's move through these. We have Volker and then Paul, Phil, Wolf-Ulrich, Chuck and Stephanie.

Wolf-Ulrich Knochen: Yes thank you (James), Volker speaking and allow me to take a contrary position to the position we have before. I think that going through these recommendations and voting on every single one of them is problematic and from various perspectives. As I said before this is a compromise solution. Every site has put in some - has given something and taken something. And we found the solution that was over all acceptable to all.

If we now start taking out pieces out of that puzzle, out of that machine that we've built then suddenly the entire package may become unacceptable to some parts of the community because their compromise, their take from other gives that they had done might be out of the picture suddenly.

So I would urge that before we start voting on the different parts of this puzzle of this recommendation that we first thought about if we actually want to open up this package. I mean we received it perfectly wrapped with a bow on top and we can either pass this on or open it up and take it apart and pass on the pieces. Whether we want to do that or not I think should be first put up to vote and then we should see if we have the majorities to do that or a substantial minority that demands a piece by piece vote.

(James): Thanks Volker. Nothing would be more ICANN than having a vote on how to vote. Next is Paul with the remote. Paul?

Paul McGrady: Thinks (James), Paul McGrady for the record. Yes know, Marika posted the language and I just - she says the charter following submission of the supplemental draft proposal the chartering organization should discuss and decided according to its own rules and procedures whether to adopt the recommendations contained in the supplemental draft proposal that chairs of the chartering organization shall notify the co-chairs of the working group of the results of deliberations as soon as feasible.

So again it seems to me that there is a lot of discretion for how the council wants to do this. And the notification is a notification of the deliberations rather than some sort of broad vote on all the recommendations all at once.

So I don't think there's any - the way I'm reading there doesn't seem to be any binding obligation to wrap all these into one vote. I'm concerned that there is varying levels of support for various recommendations in these. I hear Volker's concern about opening this thing back up by voting on individual recommendations but I was not at all under the impression that we were allowed to open these - open this backup and make changes. That would be terrific if we were but I don't think that's what I've been told. So I'm not sure how individual votes on individual recommendations to gauge the support of the GNSO community on specific recommendations is in any way opening things back up. I think that's a red herring unless of course we are allowed to open it up then hooray let's do that.

But I don't think that's what we're being told. I would say that if anybody wanted to ensure the maximum negative vote possible the thing to do would be to wrap all these up into one, you know, make it a mandatory vote across all the recommendations. Because that is, you know, that is going to keep people from being able to express support of individual recommendations and they will have to balance all these off against each other. And again I don't think that's good information for the working group nor is it good information for the board. So I think that that's an important thing to think about as well in this process.

So I will leave it at that. But as you can tell from my comments I think that a recommendation by recommendation vote is it makes more sense than some sort of omnibus vote that is not a requirement. Thanks.

(James): Thanks Paul. Phil you're next.

Phil Corwin: Thank you. Phil Corwin for the record. And I want make clear I'm speaking personally because I've not had an opportunity yet to consult with my constituency or the Commercial Stakeholder Group but will be having those conversations before final council action on Wednesday.

I would suggest as a practical matter a kind of hybrid approach. I think this council as the lead policy group within ICANN and the one that really makes policy for gTLDs which is ICANN's real authority in the policy area but we the ccTLDs make their own individuals has a responsibility to look in - at this proposal in some detail.

I'm not sure we need an up and down vote on each and every recommendation. I think we can go through each recommendation. And my gut is that the majority are not controversial. We're all sophisticated. We understand compromise has been made. None of us think this final package is perfect. I would have loved to stick with the sole member model. But we've cross that bridge and burned the bridge behind us and we are where we are.

So I think we can quickly go through the separate recommendations, identify the ones where we're kind of comfortable with them, you know, we understand they're imperfect but acceptable and went out to a few that I think we will want to have some discussion of and if people want an up and down vote I think we should respect that.

And then at the end of that process I don't think we should try to set a set rule that if we vote no on one or two we still approve but three is different. I think we should go through that process and then at the end either by voice vote or if we - there's a demand for an up and down recorded vote on the whole package after reviewing the key parts with the understanding that if we withhold support much less the votes and objection to the package what we're essentially telling the CCWG is to spend weeks or months trying to undo some of the deals they've made and make different deals or we might just create the whole process and be - have to live with the ICANN we've

been living with which has political issues with the US connection and has, you know, clear accountability problems that this proposal addresses imperfectly but certainly is a significant (improval) - improvement over what we've got.

But I think that would be a practical way to proceed given the amount of time we have at this meeting. It would satisfy the need to debate some pieces in detail and get recorded votes where people feel strongly about the need for them but also give us a chance at the end to say okay you've expressed yourself, we've expressed ourselves but now we've got to vote on are we going to take this package or are we going to tell the CCWG it's a no go and they should go back to the drawing board with all the consequences of that? That's my personal view. Hope it's useful. Thank you.

Heather Forrest: Thanks Phil. This is Heather Forrest. (James) has asked me to take over the queue for a few minutes. And just to confirm that we have it right I have Wolf-Ulrich, Chuck, Stephanie, (Carlos), (Maria)and Christina are you joining here? Okay Christina after (Maria) so Wolf-Ulrich please. Thank you.

Wolf-Ulrich Knoben: Thank you Heather, Wolf-Ulrich speaking. Just for clarification a question, what is the level of the we have to achieve of voting? Is it a normal motion or is somebody once mentioned promoted majority vote is not? It's just a majority thank you.

Well as (James) mentioned before so we as from a constituency point of view we preferred to have a vote on the package. But we are open also to discuss if it comes to that point to vote on the recommendation by recommendation. But I have to add a but that means we have to take into consideration the consequences and they have to discuss what does it mean if the output is this way or that way with regards to several recommendations?

So the question is really which kind of message we are going to send to the CCWG with that outcome? What does it mean then? Are we then going to

count together to add to gather the number of recommendations we have been uploading in favor and the other one which have been failed and then put it together as a new majority or so and saying okay, the majority has been approved and that is and so we guess overall the report has been approved also one recommendation has failed or so?

How we are going to do that? That is not clear enough to me. And then we should and we would avoid a situation that then in summary a negative message is going to be sent to the CCWG or a message where the CCWG is going then to have to evaluate what they have been to send a message to the NKA on that. So we should be clear about that.

And (Ed) I have understand you that you are also you have a bad feeling if you would have - would be obliged to vote against the whole package. This personally to me gives the impression that there is let me say a slight tendency not to vote against that package but to bring it through. The question is how to bring it through?

So we should really discuss how we can incorporate in our message a kind of let's call it minority statement or a kind of deviating opinion to some of those recommendations which doesn't lead to a negative result in total. Thank you.

Heather Forrest: Thank you Wolf-Ulrich. May I ask two points of process here? First I'd like to have Marika for the benefit of the remote participants who didn't see the head nodding that happened in relation to Wolf-Ulrich's question to give us a little bit of an idea about procedure and voting. And I've added Volker to the queue. I was advised to do so.

And Chuck you are next in the queue. Let's close the queue there because I'm mindful of the time. It's ten till and we have our next session in ten minutes. Marika please?

Marika Konings: Yes this is Marika. Just indeed to respond to Wolf-Ulrich. It's indeed a simple majority of each house. It applies to these votes as it falls under the threshold that is applicable to non-PDP votes or those that are specifically called out in the bylaws.

And if I may take advantage as well to point out one thing when people talking now about, you know, whether to vote separately or as a package just maybe sharing with you the guidance that is provided in the context of a policy development process where obviously the question has come up as well can the council vote on recommendations separately or should it consider PDP recommendations as a package? Now this is what the PDP manual basically says.

And although the GNSO council may adopt all or any portion of the recommendations contained in the final report, it is recommended that the GNSO Council take into account whether the PDP Team has indicated that any recommendations contained in the final report are interdependent. The GNSO Council is strongly discouraged from itemizing recommendations that the PDP team has identified interdependent or modifying recommendations wherever possible.

And just noting that I think Steve DelBianco put in the chat that several of the recommendations are considered interdependent. So that may be something as well you may want to consider.

Heather Forrest: Thanks very much Marika. Chuck please.

Chuck Gomes: Yes thanks. Chuck Gomes again speaking in my personal capacity. I haven't confirmed this with VeriSign or with the Registry Stakeholder Groups. But this has been a very valuable interaction to me. I actually started this discussion being on your side Volker. And I do think that ultimately the council needs to take an up or down vote on the whole package. That's what they need to know.

But after listening to (Ed) -- thanks (Ed) -- I do think there's value in taking an up or down vote on each of the recommendations. But that could get very complicated. You could take a half a day doing that.

And I think Phil made some good suggestions there. That doesn't have to be overly complicated. Most of these - most of the recommendations have been discussed thoroughly. We know people's positions. And I think you could keep that very simple and maybe just find out which ones there may be objections to. And getting that information I think has real value in communicating to the rest of the community.

Instead of just saying yes we approve I do like the simplicity of the ASO and their simple approval and the SSAC. But I think it is important to communicate that yes we're going to support this assuming we do but here's some areas where there was not full support. And I think that's good information to communicate.

We should keep it - I would hope you would keep that as simple as possible or otherwise your two hour meeting won't work on Wednesday. But I think there is value in that.

But one thing I know you need to do need - I know you need to do this already right? Sorry I didn't say that very well. You need to let the constituencies and stakeholder groups know before Tuesday what you need from them so that their counselors can be prepared.

Heather Forrest: Thanks Chuck. Stephanie please?

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. And both Chuck and Phil have made my intervention easier. I just wanted to elaborate a bit further on (Ed)'s comments earlier.

The NCSG we have many concerns about many of the recommendations. But we haven't formally taken a position as to whether we should vote on each recommendation although some of us feel passionate about that or indeed nor have we taken a what to us is an extraordinary move to direct the voting. So just wanted to clarify that. And I think Amr's behind me so he can further clarify if I've muddied the waters. Thanks.

Heather Forrest: Thanks Stephanie. (Carlos) please?

(Carlos): Yes. This is (Carlos) for the record. I don't vote but I want to comment on the proposals by Phil and Chuck Gomes which are very straightforward proposal. I think that the discussion of the last few weeks has been complicated because we have been discussing recommendation by the recommendation. It was very hard to make the case, it was very hard for (Becky) who writes so well to make the case in front of the GAC of the interrelation of some of the recommendations. It took really blood, sweat and tears.

Salt about the hybrid can we have an individual vote, a simple individual vote on recommendation by recommendation but ask the people who vote negatively to make a single minority report on all recommendations so we can keep the horizon of the interrelations?

In my view that would allow for a fast vote and we would keep the whole picture if the negative votes are consolidated in one single minority report. Thank you very much.

Heather Forrest: Thank you (Carlos). (Maria) please?

(Maria): Thank your Heather. Actually my points were just covered by (Carlos) and Chuck and Stephanie before so thanks.

Heather Forrest: Thank you. Christina?

Christina Rosette: Christina Rosette. Wolf-Ulrich asked my two questions but I did want to follow up on the latter one. I think it's going to be extraordinarily important that all of the stakeholder groups and constituencies know before Tuesday morning if there is going to be a up and, you know, a recommendation by recommendation vote and if so how that ultimately gets tallied. For example what happens if Recommendation 11 does not have support but all the others do?

And I think that's going to be extraordinarily important to the overall calculus. And I would strongly encourage you all to decide how you want to handle that so that the stakeholder groups and constituencies have time to have an informed discussion on Tuesday.

Heather Forrest: Thanks Christina. That's a good point but I think (Donna) and (James) we need to take on board for next discussion on this. Amr please Amr followed by Volker and then we're done. We need to shift to our next session. Thanks.

Amr Elsadr: Yes thanks Heather. This is Amr and yes actually Stephanie already did go over what I wanted to say but very briefly and this is off-topic so I apologize. But up until the policy committee of the Noncommercial Stakeholder Group which will take place tomorrow which will take place tomorrow following the working session of the GNSO I am still the policy committee chair. And that will end tomorrow. But I've been asked to clarify this because the policy, the NCSG policy committee's where we develop our own internal policies.

We have transparent processes for doing this. We have a process for also submitting minority statements within our own comments. But we the NCSG did not go through this to develop a position on whether we want to vote in on each individual CCWG recommendation or not.

And as (Ed) accurately pointed out in his email to the GNSO Council list that this was a decision that he took upon himself after speaking to one of our counselors and one of our PC members. He didn't speak to me about it. I

personally support his position but I felt it was important to make this clarification I was asked to do so as well so thanks.

Heather Forrest: Thanks Amr. Volker you have the final word.

Volker Greimann: Yes just one final thought. I mean we also have to look at what message we're sending not only to ICANN but also to the NTIA and to Congress in an election year. What we want to send as a message is that yes ultimately we would like to have this change happen and we are happy with this - overall happy with the results.

But having all of this taking apart and just recommending and supporting one part of it I think endangers that message and makes much more complicated for Congress to approve on this once it comes to them and NTIA defending this to Congress.

So looking at this beyond our individual concerns I think the best way forward is to first decide if we want to have a block vote or a single vote. And if we have a block vote we are not prevented from discussing the individual point's individual recommendations and maybe adding some comments to them that are not reflected in a vote but would still be able to allow different constituencies to address certain concerns that might be a groundwork for future work.

Heather Forrest: Thanks Volker. This has been a very useful substantive discussion and it gives us a good position to work from in our next session on this particular issue.

Could we stop the recording on this session? In the process of transitioning to our next session...

END