>> CHERINE CHALABY: Hello. Who's on the line?

>> AKRAM ATALLAH: This is Akram.

>> FADI CHEHADE: This is Fadi.

>> CHERINE CHALABY: Hello, Fadi. Hello, Akram. We are expecting the CCWG co-chairs.

>> TAREK KAMEL: Hi, Cherine. This is Tarek.

>> CHERINE CHALABY: Hello, Tarek.

>> THOMAS RICKERT: This is Thomas. This is Thomas Rickert speaking. Hello, Cherine?

>> CHERINE CHALABY: Hello, Thomas. How are you? Thank you for joining us. We'll wait until, I suppose, Leon and Mathieu will join us as well? Yes.

>> THOMAS RICKERT: Mathieu will definitely join. Leon was not 100% sure. So I suggest we wait for Mathieu and then kick it off and --

>> CHERINE CHALABY: Okay. Thank you.

>> THOMAS RICKERT: And Leon might join later. Thank you.

>> CHERINE CHALABY: I'll go on mute for a second until Mathieu joins or Leon, and then we'll start.

>> THOMAS RICKERT: Great. Thank you.

>> CHERINE CHALABY: Has Mathieu or Leon joined us?

>> BRUCE TONKIN: Bruce Tonkin, if you can hear me.

>> CHERINE CHALABY: Yes, we can hear you very clearly, Bruce. Thomas, do you want to give us an indication when to start? Let me just ping Mathieu where he is and we can --

>> Mathieu is in the Adobe --

>> CHERINE CHALABY: Mathieu is in the Adobe room, I hear. But is he on the call as well? I believe, therefore, Leon will not join us. Thank you, Thomas. And thank
you, Mathieu, for joining us for -- this is a meeting where we want to bring you up to date as to where the Board is with regards to the comment it's making on the draft proposal that was published on the 30th of November. We've had several meetings. And today we have completed our comments. And we would like to give you heads up as to the main points on these comments. Bruce Tonkin will do so in a minute, but I'll hand over to Steve Crocker, chairman of our board, who would like to just say an opening remark on that point. Thank you. Steve.

>>STEVE CROCKER: Thank you, Cherine. And welcome, Mathieu. And Thomas is on but not Leon, right?

So welcome to both of you. And we very much appreciate your time and your willingness to accommodate our schedule.

As you know, the Board has convened in Hong Kong on other business. We have devoted nonetheless quite a bit of time while we're here on this matter. And, momentarily, I'll turn it over to Bruce who has been leading the process and interacting with you.

The Board has taken all of this extremely seriously, is working as positively and as constructively as we can. And we're eager to take it to the next step. Bruce?

>>BRUCE TONKIN: Thank you, Steve. Who is on the call? Was it Thomas and Mathieu, was it?

>>CHERINE CHALABY: Yes.

>>THOMAS RICKERT: Correct.

>>BRUCE TONKIN: Yeah, look, I guess the purpose of the call is really mostly to give you a heads up on where we've got after a couple days just finalizing our comments. And we'll submit written comments tomorrow. We're just finalizing the text today. I sent you a note last night just sort of highlighting the sort of recommendations where we still have concerns.

All of these, I think, are solvable. And, in each of the cases where we have identified a concern, we're focusing on providing at least a possible solution to that concern.

There might be others, so we're not locked into any one solution. But we wanted to at least provide a solution for the CCWG to consider.

With respect to timeline, we're trying to work within your timeline, so we're providing these comments as part of the public comment process that the CCWG
initiated. And we certainly are open to discussing any of our written comments with the full CCWG if that is something the CCWG wishes to do.

In terms of our process, as you know, once the final report comes from the CCWG with the endorsements from the chartering organizations, the Board will then formally submit the report. And, if there's any recommendations that we feel are not in the global public interest, we'll indicate that and then initiate a formal dialogue consistent with our previous resolution. So we wanted it to be sort of -- as we mentioned all along, no surprises. Nothing you'll hear today is anything new. It's consistent with concerns we've raised in the past. But I guess the new element will be in the report. And I'll try and cover on this call at a high level just some suggestions, approaches to solving what's been raised.

So I'm really just going to go over five. There are a few other recommendations we've made, some suggestions.

But I think the five is I think you've already identified, Mathieu, are already quite contentious within the CCWG, so we'll focus on those.

Starting with the first one, which is recommendation 1, in the last report that we received, there was the inclusion of inspection rights. And we support the inspection rights in, but we have some specific language for how to implement those inspection rights. And, in particular, rather than inspection rights being something that a member or designator power, we see inspection rights in any power. And the community should have inspection rights with respect to being able to get the information they need to basically enact the community powers.

And we'll also suggest a procedure for where there's confidentiality restrictions, that there's an ability to appoint a broader term that's acceptable to the community to evaluate particular confidential matters and report back to the community. So, basically, we're going to suggest how to implement enforcement rights and our response.

The second area -- and I should say that should the Board not adhere to the inspection rights that we put in the bylaws, then, naturally, the designator has enforcement rights to remove the Board or board members if we're not following through on our adherence to the bylaws.

Recommendation 4, which is talking about community powers, is the one area that we identified the language relating to the IANA function budget. In the current draft it appears the IANA function budget can be vetoed by the community, as a community in this context the supporting organizations and the advisory committee, we felt that the IANA functions budget, which is less than 10%, probably less than 5% of the total budget of ICANN, the main parties that should have that
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power to veto are the direct users of the IANA function. So that’s the gTLD registries, ccTLD registries, and advocates, not just those but the members of the ccNSO, and the IETF are the main sort of users that should have direct power to veto the IANA budget if they think it’s too much or too little.

So that’s the main sort of suggestion that we’re making there.

Recommendation 5, which related to the mission, we provided a fairly comprehensive response a few weeks ago on the mission. We recommended rewriting the first paragraph of mission standard responsibilities which is mostly a bylaws draft suggestion. But the one thing I’ve identified is the last paragraph. The last paragraph, the intent of that we agree with. So we agree with the intent that ICANN should not be regulating content and that ICANN should enforce these agreements with registries, registrants. We just feel that that text shouldn’t be a mission itself, but we think that text should be elsewhere in the bylaws. And we wanted to as part of the bylaws drafting process but with the -- CCWG the appropriate language, which I know is still hard to identify. But we’ll work on both the language to reflect the principle that we agreed with and also identify the right place in the bylaws.

The next one I’ve sort of got 3 out of the 5. Number 4 for us is topics that we wanted to raise is recommendation 6 which relates to --

[ Audio dropped out ]

>>CHERINE CHALABY: Repeat, please. Bruce?

>>BRUCE TONKIN: Yes.

>>CHERINE CHALABY: Can you start with recommendation 6 again, please, because we didn’t hear any of it.

>>BRUCE TONKIN: Okay. All right.

So recommendation 6 we’re talking about human rights. And, as we have sort of consistently identified, that we felt that the language itself wasn’t ready to make a fundamental bylaw. However, we have suggested a way forward. And we have sort of three points under that sort of topic. The first topic is we think that we could incorporate the notion of human rights being part of the ASE reviews and organizational reviews. And so, for example, as one of the criteria for reviewing ICANN’s sort of accountability and transparency, human rights is certainly part of that review itself. And that would be part of the review of the GNSO or the ALAC that human rights issues are being incorporated into that. We also wanted to
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develop human rights statement that could be a clear statement from ICANN on how ICANN would look at human rights.

And we also want to work on, essentially, human rights framework to how we operate with human rights, which may be that they are something that should be incorporated as part of the policy development processes in the GNSO and the ASO and the ccNSO. So we’ll have some specific text regarding a pathway forward on human rights and a commitment from the Board to move forward on each of those items. Did you hear that, Cherine?

>>CHERINE CHALABY: Yes, quite clear. Thank you.

>>BRUCE TONKIN: And then finally on recommendation 12, the proposal for CCWG reports. Next text in the bylaws that basically committed ICANN to implement anything that came out of workstream 2. We thought that was too open ended, and we don’t think the bylaws are an appropriate place to put that statement.

However, as I have reiterated this on the CCWG list, but we’ll formally put it in our comments, we will treat workstream 2 the same way we’ve been treating workstream 1, which was documented in our resolution in Los Angeles 2014. And the essence of that is that we will -- if we feel that there’s a recommendation coming out of workstream 2 that’s not in the global public interest, we’ll identify that and enter into a dialogue with the community. We would commit not to introduce our own solution to workstream 2. The CCWG can come up with a solution. And we’re also committing to anything that comes out of workstream 2 be consistent with the NTIA criteria that’s been set for workstream 1. Basically, treating workstream 2 the same way as workstream 1 is what we’re proposing.

So those are the sort of main highlights. There’s been a few tweaks here and there. So we’ve suggested in someplace using percentages instead of numbers of SOs and ACs just to keep in account that the organization might change in the future. But they’re more draft comments more than anything else. That’s, basically, the essence of what we’ll cover in our formal note to you tomorrow.

>>CHERINE CHALABY: Thank you, Bruce. Mathieu, Leon? Thomas, sorry.

>>THOMAS RICKERT: Yes, thank you very much, Cherine.

In fact, we did see a quick note from Bruce yesterday highlighting the areas that the Board plans to comment on. And thanks for fleshing that out more for us. That’s very helpful.
We have indicated to you earlier that it is not possible for us to really comment on the substance of your input without having seen it and without having discussed with the group. And I understand that, obviously, the Board has already taken a decision as to what it wishes to convey as input to the CCWG. So, obviously, our feedback to that might be for information at best. Nonetheless, we would like to share some high-level feedback summarily on process with you. Looks like some of the points that you are making are points that relate to concrete implementation of the recommendations that we have in our report. So it appears like you’re going to suggest exactly what language should be used where in the bylaws. And that is exactly what we asked other SOs and ACs, chartering organizations to refrain from at this stage. We also made very clear that the report shall only capture the notion of we want to go into the bylaws without report being exact language of will go into bylaws. The reason why we’ve asked the chartering organizations to refrain from commenting on or suggesting concrete language is that we count this -- you know, it makes little sense to have this community-wide drafting effort. So we have to rely on the legal experts to do that. And, as you will know, we’ve always baked into our process implementation oversight to ensure that the recommendations are implemented in the spirit of the CCWG’s work and even more in the spirit of the community consensus that is reflected in the CCWG recommendations.

So just a word of caution that any concrete language that the Board might suggest might lead to us being forced to reopen discussions. We’ve seen on occasion --

[ Speaking simultaneously. ]

>>BRUCE TONKIN: I was just going to say I guess what we would say is that the language was the specifically bylaws drafted language. It’s more I would say direction given to the legal teams to produce the bylaws language. It’s sort of one step before, I guess. If you take a high-level recommendation saying let’s have inspection rights, we felt that the current language is still open. And so -- the current instructions are still open, if you like. So we’re providing more -- we’re being more specific for instructions that will ultimately be sent to the legal team. I wanted to set forth bylaws language.

>>THOMAS RICKERT: Thanks, Bruce, for that clarification. Nonetheless, there’s a fine line between instructions to the drafters, I mean, to the lawyers and what is actually a change of the policy recommendations.

I could personally flag a few areas where I think that there will likely be many in our group and in the wider community thinking that with your suggestions, you are actually making an attempt to dilute the essence of the recommendation itself.

You spoke to the inspection rights. And, more importantly, you spoke to the mission and said that you don’t want this to be in the -- or the statement on contract
enforcement to be in the mission. Same goes for human rights. And, as you know, the concept of the independent review process, i.e., whether ICANN’s actions or inactions are in violation of the bylaws or not, will be tested against the bylaws. And the mission is -- has a very crucial role in that. We had very, very long and tough debates on both of these points. And what you see in our report, both on human rights as well as on (indiscernible) is the result of a very, very difficult discussion that we had. And we are so happy that ultimately we found a set of words that everybody was happy with and could support as consensus, despite of minority statements that you might see.

But, if you comment on that, it will surely cause many in our group to try to relitigate that matter and get their will.

So I think this is just to let you know that, from what you said -- and I could also talk to the budget point which we think have has policy impact. The way you describe it, it’s a new thing. We had hoped that the contributions of individual board members - - and let me point out that we always understood these to be contributions from individual board members and not from the Board. But we had not foreseen that the budget community power would be one that would now receive additional board comment given the close interaction between the Board members and our group.

So it’s not for us to recommend as to how you are going to handle this. Also we understand that you have already taken a decision on this. But what you describe in terms of substance, the way you announce it to be presented strongly suggests that it will be picked up by many as an opportunity to try to reopen discussions. And I’m sure that it will not solidly be seen as comments on implementation.

And, if your comments were intended to be comments on implementation, we would recommend to you as we did to the chartering organizations not to make this at this stage. You could announce that, but you could then work with us during the implementation phase and thereby take out the risk that the recommendations would actually be perceived as wishes to change policy recommendations in the 11th hour.

We have actually thought about how the chartering organizations in particular should chime in. And, in that context, we’ve also thought about how the Board should best interact. And we think that the way for the Board to look at this now is as if you were presented with the recommendations after chartering organization approval.

So in order to be -- to minimize the risk of the process being delayed -- and let me be perfectly clear. If there’s anything in the report that the Board thinks would not be in the global public interest -- or to be more specific, if more than 75% of the
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board think that what we're doing is not in the global public interest, then by all means you need to say so. But we also think this is exactly the test the Board should apply to reduce the risk of friction. And that is first discussion on whether the comment the Board wishes to make is on policy substance of the recommendations or whether it's something that can be left to the implementation phase. If it can be left to the implementation phase, we would suggest that you do so. Secondly, if it's something that relates to the policy recommendations, the question would be: Has the Board done the test? Has the Board done the test vote and confirmed that this is not just the wish of a few individual board members or a fraction of the board but would be the concern that the Board has actually been carried by 75+ percent of the Board as being against the public interest?

And thirdly, would the concerns in some be so grave that the Board would actually consider it to be an area of the board resolution to where the board would actually reject the package and not move forward with passing it on to NTIA.

I've spoken a lot now. I would like to give Mathieu the opportunity to add to that, if we wishes to. But let me conclude by saying that we have -- merely a procedural point. We have stood firm and got a lot of pushback from the community who thought that what we were doing in terms of substance, in terms of volume of material, and in terms of length of public comment period, in terms of the parallel processes of asking chartering organizations for feedback on substance and having a really public comment period open, asking the chartering organizations to support our recommendations before we have had the full -- you know, we got a lot of pushback because we were tasked to keep the process on track, and please do understand our comments not as criticism but as our input where with good faith intentions to keep the process on track. And we've highlighted to you some of the areas where we see this in danger. Thank you.

>>BRUCE TONKIN: Yes, Mathieu, I'm happy to hear from Thomas and then happy to comment.

>>MATHIEU WEILL: Thank you, Bruce. This is Mathieu speaking. Thomas has covered the main points. What I would like to add is -- and stress is that it's going to be critical for the board to detail how it has reached the decision to submit a comment at this point because clearly the process is at a juncture and I think the documentation of this should include an assessment from the board, or at least an understanding from the board about the potential consequences of the comments. And that's what we've been saying to you, all SOs and ACs as well and including in our group, that the point we've reached is that this is a draft report but it's the -- it's a compromise report. No one in any of the SO and ACs is fully happy with it. No one has had everything that they would think is the perfect world for them. And I hope that's the case for the board as well. What we've said and repeated is that the real test is not whether that's the perfect solution. It's whether you would die in the
ditch for that. Whether it's actually going to actually be such an issue that you cannot -- ICANN cannot live with it. ICANN cannot fully -- ICANN fulfill its purpose with it. Because obviously it’s not about being a board member or having an extra workload on the staff or anything. It’s about whether ICANN can deliver on the mission statement. And I think this is absolutely critical if you choose to comment and say that some of the recommendations do not meet this test that you provide an explanation of why it would actually be so bad that there is -- that it is better for ICANN to probably not be in a position where the transition takes place, then actually accepting this.

So I think what I’m hearing in large is about refinements. And I would say, this is not the place for refinements. I think refinements should be provided by all the board members, all the staff liaison through the working group and should have been probably circulated in the group while we were working on this in Dublin or after. And I really stress what Thomas was saying is separation of the key comments on recommendations with this die in the ditch test and the refinements or potential solutions where I would really recommend, for the purpose of efficiency of your influence in that process, not to provide it at the same time in a formal board comment but rather to provide it as input, as many others are, in the working groups -- in the working parties as we --

>>CHERINE CHALABY: Mathieu, you’ve cut out. Hello?

>>MATHIEU WEILL: -- receiving that Bruce you have described are new to me. So obviously something in our process in the CCWG hasn't worked on that. So I would really separate this and really make sure that the board demonstrates its understanding of the consequences of reopening any of the discussion at this point. And I would be happy to elaborate on what the next steps could be, if that’s the way you want to proceed with this call because obviously we could go item by item, but I don't know if that’s the most valuable thing or stay out of Rule 11. It's up to you. Thank you.

>>CHERINE CHALABY: Thank you, Mathieu. Bruce, do you want to comment? I also have Chris wants to say and Steve wants to say a word. Bruce? Bruce, are you still on the line? We can’t hear you.

>>BRUCE TONKIN: Can you --

>>CHERINE CHALABY: We can hear you now. Thank you.

>>BRUCE TONKIN: Perfect. Yeah. Yeah, just a couple of observations. Firstly, on process, I think you both asked what our process was to get to where we are. So we received the third draft report. We all read it. We’ve had two basic half-day meetings on it. So basically have gone it recommendation by recommendation.
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We've gone through a draft of comments after our first meeting and then another review of that draft. The areas are highlighted for you, areas where we haven't taken a formal vote but we've had a bit of a straw poll and I highlighted issues where many on the board have significant concern. You notice whether it's implementation or not, I think our fear is that what we're seeing in the report in some areas actually does go as far as a specific implementation and it's that specific implementation that we have concerns with and therefore we have proposed an alternative. So many cases where we accept the principle, in fact in all cases, but when we looked at the specific implementation that's already in the report, we're not comfortable with it.

In terms of a final vote, the final vote will be a vote on the report and that report would have -- be out for what the different chartering organizations believe. So we're not going to make any final decisions, won't make any final vote, until we've actually considered the input from the chartering organizations. That's where we stand in terms of a vote. But the process, particularly on this report, two half-day meetings, one of which was face-to-face. And, you know, we've gone through it recommendation by recommendation. We don't take lightly providing comments. We have taken into account that obviously if it's something that would be serious to the CCWG but we also think that the issue is serious enough for us (indiscernible).

>> CHERINE CHALABY: Thank you, Bruce. Mathieu and Thomas, I've got Chris and then Steve and then back to you if you want to comment again. Chris.

>> CHRIS DISSPAIN: Thank you, Cherine. Hey, Mathieu and Thomas, how are you doing? I've got a question for you if you can clarify for me because I may be slightly confused. What I think I'm hearing you say is that -- I'm just going to use the ccNSO as an example. The ccNSO is in effect expected to either approve or disapprove of this report but is not expected to come back and say, "We will approve provided the following things happen." That appears to be what I'm hearing you tell us, and I'm assuming, therefore, that that is in fact what you're expecting from all of the chartering organizations, that they will not make comments but they will simply say, we approve or we disapprove. Can you confirm that that's correct?

>> CHERINE CHALABY: Thomas or Mathieu?

>> THOMAS RICKERT: Thank you very much. Yeah, this is Thomas. And Chris, let me attempt to respond to that. We are -- we would hope that the chartering organizations, who all have members on the CCWG, would primarily use either members or other individuals in the group to convey their thoughts. And we, therefore, asked the chartering organizations to be very conservative in their size of the input that they're delivering.
Our charter has a specificity in it and this -- and that is that in case chartered organizations reject one or multiple of our recommendations, we would need to issue a supplemental draft report. And at this point we need to find out, in order to be able to plan timing until the approval date which still stands to be the 22nd of January, we're trying to get information on whether a supplemental draft is required or not. And let me just be -- be perfectly clear that primarily we need to know whether as much you call the die in the ditch test is passed. You are the -- whether we need a supplemental draft because recommendations would be rejected or not. That is not to say that we're not hoping for the individual groups to provide their feedback and help further improve the quality of our recommendations or add valuable information to the implementation of the recommendations. And this does not only go for chartering organizations or the -- the wider public. It also goes for the board. So your -- your input, your expertise, and your -- your diligence in analyzing what we're doing is most appreciated and welcome. We're just trying to best possibly phase all these inputs so that we can meet the overall target. Chris, I hope that answers the question. If it doesn't, get back to me and I'm happy to elaborate more on it.

>>CHERINE CHALABY: Chris.

>>CHRIS DISSPAIN: No, that's okay. Let me think about that and I think Steve was next.

>>CHERINE CHALABY: Okay. Steve.

>>STEVE CROCKER: Thank you. Look, I think we -- we fully appreciate the seriousness that brings all of us together. Let me say from the board side, we've been as careful as we can be on several dimensions. We've limited our attention to just those areas that we think it's important to speak to. We have limited the comments within those areas to be as -- as consistent and as aligned as possible with what's said and to couch our comments as refinements that agree with the principle and intent and speak as much as possible to the -- some of the defects that we see in the language that's there that are probably unintended consequences. So I would -- I would counsel that we should -- everybody should look at this as a cooperative and constructive exercise rather than one that is not. Strong words like "die in the ditch" are easy to come by. I know from our own internal discussions that we have no trouble gravitating towards those words, too. I don't think that that's the result that any of us want. I think we all want a positive result here. But I think at the same time you should understand that we -- we are deeply conscious of the dynamics and don't lightly offer these comments. We've been watching the process very closely and following the procedures. We're following the procedures that you have laid out which have a comment period, have asked that these comments be directed to the chartering organizations at this point, and that's where we are. It should be relatively easy, frankly, to align the words. We're not trying to
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open big issues here. And also, what must be said, is we’re not opening any issues that have not been opened in the past or alluded to, except as the details have emerged that need to be spoken to.

So -- excuse me. I think -- I think we want to find a way to make this have a positive outcome. And at the same time let me ask that you understand that the board is -- has entered into this process continuously and participated in the process with the same degree of seriousness and caution and -- and an attempt at finding a delicate and nuanced way to proceed as opposed to distancing itself or trying to be cavalier about it.

So with that in mind, I think it would be helpful to keep the rhetoric under control, even though I fully appreciate -- I think we all appreciate that this is a challenging period and that you’re hopeful that things are sailing through as smoothly as possible. We, too, hope that --

>> Am I the only one who has lost audio?

>>CHRIS DISSPAIN: We can hear you, Thomas.

>> I have as well.

>> I have lost Steve.

>>STEVE CROCKER: You've lost me? This is Crocker. Can you hear me?

>> You're all right now.

>>STEVE CROCKER: Can you guys here me?

>>BRUCE TONKIN: I can hear you, Mathieu and Thomas.

>>CHRIS DISSPAIN: They can't hear us.

>>STEVE CROCKER: Can't hear us.

>> Okay -- (indiscernible).

>>STEVE CROCKER: I'm still here. We can hear you clearly.

>> Continue your closing remarks.

>>STEVE CROCKER: Okay. So I don’t know how much of what I said came through, but I think that we have a shared purpose here, a common cause, and that all of us
are trying to proceed as carefully and as soberly as we can in this process. Every aspect of this has been given quite a bit of thought. And with the counsel that you should take it in that fashion. We’re proceeding in the ways that have been outlined and prescribed in this process and also in accordance with the commitments that we made at the outset that we would share with you the comments that we have and at the end of the day we would limit what we say to those things that we think are very important and that what we have said in the past and that's the way we have to proceed.

>> CHERINE CHALABY: Thank you. Mathieu, you asked a question I think in the chat, one thing to know which board members are on this call. I'd like to confirm that all board members are here, for the record, except Thomas Schneider who was unable to attend but I think he’s on the call. And Fadi Chehade is also on the call. So I would say that all the board members are on this call.

Mathieu or Thomas, you want to say something?

>> MATHIEU WEILL: Yes. Thank you, Cherine, and thank you, Steve, for providing these clarifications. What I’m taking away from it, and preparing to report to the group is that the comments that the board is about to submit are thought out -- a well thought out decision according to --

>> CHERINE CHALABY: Mathieu, we lost you. We can’t hear you.

>> MATHIEU WEILL: -- because the report is not acceptable as is.

>> CHERINE CHALABY: Mathieu, I don't want to interrupt you. We lost you for a while. Could you repeat again, please.

>> MATHIEU WEILL: Yes. So the -- my understanding is that the board’s decision to submit a comment is a supermajority type of decision that has taken into account the potential consequences of signaling very clearly that the points that you’re raising are extremely important to the board and as such signal very clearly that the report would not be acceptable as it is.

My question -- and that includes reopening a discussion on human rights that took probably six months. That includes raising an issue on the budget and a way which is -- which is very substantial one. So my question to you -- to you is what type of thoughts you have given onto -- at the next steps, how you would expect that a process like the CCWG that went in front of you with consensus report twice already would recover from a second comment from the board saying it’s not up to the appropriate level and where do we go from there? Because I think that’s -- I mean, obviously your comments are well thought out and I think some of them are
certainly legitimate and useful for the way forward, but in terms of process, what’s next? How do -- where do we go from here?

>>CHERINE CHALABY: Okay. Bruce, do you want to comment on that? Bruce Tonkin. Chris.

>>CHERINE CHALABY: Okay. Bruce, do you want to comment on that? Bruce Tonkin. Chris.

>>CHRIS DISSPAIN: Thomas, Mathieu. I hope you can hear me. Type into the chatroom, if you lose us. Just to go on what you said, yes, I wouldn’t say there was a supermajority because that implies there was a vote. But there was consensus around making these comments.

My view, my personal view is that we would have been -- we are doing exactly what we promised you we would do. We are following the process line by line and letter for letter. We are telling -- there is nothing new. We are telling you that we have problems, and we are giving you a heads up that in certain circumstances in respect to certain recommendations, we will need to do exactly what we said we would do in respect to the resolution that we passed in October last year.

As for how you move forward, well, how you move forward is you follow the process. What appears to be troublesome is this timeline issue. And we actually that, first of all, it’s not the transition at all costs. And, secondly, that this has to be done right. And, whilst the time lines are very important, unless and until this proposal -- this report is complete and ready, it would not be appropriate for us to proceed.

So I hope -- I don't want to be difficult about it. And I hope I’m not sounding combatative or combative. But I do think that it needs to be very clear that everything that we have said to you today and what will be in our document is precisely what we have promised you we would do and what we agreed to do in our resolution from October of last year.

>>CHERINE CHALABY: Mathieu and Thomas, this is Cherine. Just to add to Chris, what we would like going forward is an opportunity to discuss our comments. And we have made some recommendation to some solution. But we’re not wedded to any of the solution. We just wanted to make things easier by proposing a certain solution. We’re very happy to sit down and discuss with you any possible alternative solution that mutually acceptable to yourself and ourselves.

So I don't think that we are putting the sort of red line down and saying this is it. We don’t want to have any discussion.
Just to the contrary. We want to have a dialogue. We want to have a discussion. And some of the comments we're making are not new, and some are not as big as you mentioned.

For example, the budget issue. We're not saying do not have a veto on the IANA budget. We are saying that we recommend that the people who should vote on the IANA budget are the users of the --

>>CHRIS DISSPAIN: Mathieu is saying audio off. Okay. You're back.

>>CHERINE CHALABY: Sorry. I don't know where I cut off. I'll start over again.

>>THOMAS RICKERT: It was just 10 seconds, but it's okay. Keep going.

>>CHERINE CHALABY: Some of the recommendations we made like on the mission statement we made it before. I think we're agreeing with what the chapeau was. We're agreeing with the chances in the IETF and IAB. And we're making some recommendation on the area of enforcement of our contractual obligations. And I think you will find that you probably, when you read our texts, you might agree with it.

In terms of the IANA budget veto, we're not saying there shouldn't be a veto. Just to the contrary. We're agreeing with your recommendation. We're only giving an indication of what we believe is that the group that should really veto the IANA budget are the users of the IANA budget rather than every member of the community. That's just a suggestion from myself.

What we really and dearly like is to engage in a discussion. There are only five areas that Bruce had mention. We'd like to sit down and discuss those so that, hopefully, by the time the report comes back on the 22nd of January, we would have reached kind of an agreement, an acceptance between us. And I think that is possible. If there's a will, there's a way there.

Thank you.

>>THOMAS RICKERT: Thank you, Cherine. And exactly what kind of time frame are you thinking for that discussion to take place?

>>CHERINE CHALABY: Whenever you guys want we're ready. Between now and --

>>THOMAS RICKERT: Yes, but, as a board member, I suppose you have some insights about how available the community is at this point. We are at mid December. Would that be willing -- I mean, that's probably going to be a discussion in a call in January, right?
>>CHERINE CHALABY: Yes?

>>BRUCE TONKIN: Certainly, Mathieu, we’re talking about phone calls, not high travel face-to-face meetings. Or wherever your working group is.

>>THOMAS RICKERT: This is Thomas. The way you describe what you’re doing or what you’re planning to do, certainly we need to read what you’re commenting on. But I’m not as optimistic as you seem to be with respect to the -- your comments only being suggestions for refinement.

Putting human rights somewhere else in the bylaws, for example, will be perceived as a major change in directions -- in direction. Same goes for the mission statement.

So I think, you know, this pretty much looks like what we had earlier where we heard from the Board that there is agreement, but actually there was a disagreement at the substantive level.

And, if you issue your comments -- I think it’s planned to be released tomorrow. If the group doesn’t instantly understand these as points not changing the recommendations, I think there’s -- you know, just from a procedural point of view, there’s no way for us as co-chairs to be able to uphold the timeline. Because the community’s already under pressure. And they will surely say -- and rightfully so -- that it’s pointless for them to work 24/7 to get their feedback together if actually some of the recommendations want to be rediscussed by the board. And that’s exactly what you say. You’re saying that if there’s a will --

[ Audio dropped out ]

>>CHERINE CHALABY: Thomas, we lost you, I'm afraid. Thomas, can you repeat? Thomas, the last half a minute was lost. Can you repeat, please.

>>THOMAS RICKERT: Yes. I don't know exactly what 30 seconds of what I was saying were, but I think it's unrealistic for us to expect the chartering organizations to move on and offer feedback on whether they support or do not support the recommendations if they know and if they understand your comments to be so substantive that they require the recommendation to be rediscussed.

And the way that you’ve just described it, i.e., that you want to sit together with the CCWG and come to closure on this looks like you want to get the recommendations changed.

So, in terms of process, I think we should be honest with the group. And unless there’s no one saying that what you’re suggesting is not a change of
recommendations, which would be premature for me to speculate on since I haven’t even what you wrote. But, from what you said, it’s quite likely that there will be some that say that recommendations will be affected. Then we need to revisit the whole process.

And I think there’s no way for us to keep urging the chartering organizations to get back to us with positive feedback or rejection before the end of the year. So I think we should work on a revised timeline then and then relax over the next couple of days. Because that’s unrealistic to get it done.

>>CHERINE CHALABY: Fine. But read the report first, I think. And then make the judgment on that.

I would just reemphasize what Bruce said in the beginning. If you look at recommendation 1, we’re in agreement with all of it except one part, which is how inspection rights should be implemented.

If you look at recommendation 2, we’re broadly in agreement with it. We have some recommendation on the threshold as a percentage. And I don’t think that you will find that there’s great disagreement on that.

On recommendation 3 we have no comments to make.

On recommendation 4 there are the seven powers. Let me finish. On recommendation 4 there are seven powers. Our comment is very much on we support the IANA veto budget, but we recommend who should -- which part of the community should veto on that.

I’m just looking at other -- on the mission statement, we made the point before. And the major point we’re making here is about the contractual enforcement.

And then recommendation 6 is on human rights. Yes.

We differ on that. I do accept that.

But recommendation 7s, 8, 9, 10, and 11 we’re in agreement.

And on 12 Bruce has mentioned the approach of WS2. So, when you read all of the recommended changes, please do so first and then let us know whether you need to change a timeline or not.

>>MATHIEU WEILL: Cherine, this is Mathieu speaking.
I think, honestly, what we’re trying to do here is provide you a soft feedback on what your comment is going to be read like.

It’s -- we’re not the hard liners here. But, honestly, to say the recommendation 6 on human rights is still a big no go for the Board or to say that the Board -- the recommendation on workstream 2 needs to be -- is too strong at this point when it’s actually only giving workstream 2 a review team recommendation type of status is going to be something that is going to reignite the fight between the Board and the community.

And I’m offering this feedback honestly -- you will see. You will see. My only point here is to make sure that it is clear that this comment is not going to be well-accepted or I am --

>>CHERINE CHALABY: We've lost you, Mathieu.

>>MATHIEU WEILL: I'm gone?

>>CHERINE CHALABY: You're back.

>> MATHIEU WEILL: Okay. So the comment is not going to be well-taken by the community. I'm putting my -- I'm 100% sure of this.

Then you made a comment on, if there is a will, there is a way. It is quite unlikely that the type of will that we will have once the comment is published if we are understanding you correctly -- but, obviously, we haven’t read it -- is not going to be a willingness to cooperate right away. You will remember that in August, when the Board published its comment, it took two to three months to get back to a dialogue stage. That’s just human nature. Any group works like this.

And us as co-chairs don’t put any expectations on us that a fruitful dialogue could take place before several weeks or several months. That is why it is clear that a new timeline will have to be decided. Because I don’t think that regarding -- considering the type of issues that you have comments on and how sensitive they are in the group, the feedback we are offering is it’s not going to be an easy dialogue.

And then that’s it. And we will certainly follow process. We’re not saying you’re not following any process here. But I think we have -- the group has made a tremendous effort to accommodate the Board’s willingness to dialogue and the inputs from many that they wanted to have a timeline that would be consistent with NTIA expectations at this point. We are certainly also in a position where we can define a more relaxed timeline --

>>CHERINE CHALABY: We’ve lost you again.
>>MATHIEU WEILL: -- interest in this. But I can certainly accommodate this.

>>CHERINE CHALABY: Okay, Mathieu. Thank you. And thank you, Thomas.

I do accept and I will accept that everyone is tired and everyone has worked very hard. I sincerely hope we're not going to lose steam in the last mile. We are close to making this happen, and we will endeavor and do our best to find a way of discussing and finding a way forward. Thank you. And thank you, everyone.

Cheers.

Okay. Meeting closed.