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UNIDENTIFIED MALE: Good afternoon, good morning, and good evening. Welcome to the LACRALO Governance Working Group call on Thursday, the 11<sup>th</sup> of April, 2019, at 23:00 UTC.

On the call today on the Spanish channel, we have Sergio Salinas Porto, Harold Arcos, Maritza Aguero, Lilian Ivette De Luque, and Alberto Soto.

On the English channel, we've got Jacqueline Morris.

We also have apologies from Cristian Casas, Dev Anand Teelucksingh, Ricardo Holmquist and Vanda Scartezini.

From staff, we have Heidi Ullrich, Silvia Vivanco, and Claudia Ruiz as the call manager.

Our interpreters this evening are Marina and David.

Before we start, I'd like to ask that you say your name before you [inaudible] so that the interpreters can identify you on the right language channel.

Now, I'll give the floor to Sergio.

SERGIO SALINAS PORTO: Good morning, good afternoon, and good evening to you all. This is the LACRALO Governance Working Group call. Today, we will continue with our discussion and debate activity on the issues that we have already had during the last call.

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

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We discussed our operational principle and we also worked on the rules of procedure to see how these work on the logic of the elections that are going to happen very soon. We are just one month from the presentation of the application.

Before giving the floor to [inaudible], I would like to tell you a little bit and provide you with a summary of what happened during the last week. In my understanding, this was a very rich experience in terms of being able to [record] two different stakeholders in this working group to see if we can reach some kind of agreement to progress in friendly terms and fair terms for everybody.

The first thing I have to say is, after the meeting – the meeting where there were proposals and some disagreements as well in the way the rules operate in LACRALO – I had the opportunity to talk to Alberto Soto and to Vanda, who have not joined this call, and also with Jose Arce and Humberto.

UNIDENTIFIED MALE: Good evening. This is [Lan].

SERGIO SALINAS PORTO: [inaudible] had a discussion with different stakeholders with a view to respect the rules in our region. During those bilateral meetings, the first thing I noticed – and I do need to [speak significantly] to this – is openness to discuss with no preconceived terms among the participants. I think this is really interesting. Each of the opinions of these members, that we'll probably [see] this evening, I had the

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opportunity to listen to, and I also would like to recognize Jackie, who did not talk last time. But you probably will have a view that is similar to what I have already heard.

So here's what I want to say. We are at the crossroads. On one hand, there are some rules of procedures that proceed us, and then there are – I'm sorry. On the one hand, there's the prior operating principles, and then there are the operating principles.

Let me say that, as I was speaking to each of the stakeholders, my opinion changed, and this makes me think that there is not only one hat to go around, but actually there are several.

What I'm going to ask from this working group is that we are flexible when it comes to thinking about each of the solutions that we need to take out of this group. I have [inaudible], Carlton, and Dev. [My aim is] to understand what their viewpoints are.

I have also listened to those who come from the LACNIC world. They have [a very] similar way of thinking; that is, more similar to Roman law and less similar to common law.

I also understand, when you raise the operating principles, there are many solutions that arise from that that I know are rich right now. So what I would like to ask of you is I'm going to try and give the floor. I will try not to hinder dialogue, but I am going to ask you to try and see the global issue, to try and focus on how to provide a solution to this discussion.

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I would like to insist that there are two positions. In my understanding, both contain interesting points. It is my intention that each of you provide your input to be able to [inaudible] that we need to consider that there are four issues. There is an operating principle that has been translated into [inaudible]. So, please, have the operating principles at hand to see some of the issues that we're going to hear in this meeting.

I see Jacqueline has raised her hand, and I'm going to give her the opportunity to express herself. I have taken [just] six minutes, so let's try to be concise in our work so that others can speak as well.

Jacqueline, you now have the floor. Welcome to the call. Please go ahead, Jacqueline.

JACQUELINE MORRIS:

Thank you. Basically, the way I see it, we have operating principles that are enforced because those are the ones [inaudible] at the end of 2018. So that means to me that the old operating principles have been superseded by these new ones.

However, we did not get to revise the rules of procedure [too much, precisely as] the new operating principles. So you have [inaudible] to work with the new operating principle and the old rules of procedure, as well as they can fit together, and where the rules of procedure fail, to match the operating principles. Then the operating principles can supersede the rules of procedure, given that that is what we want. We wanted the old [inaudible] and those operating principles, or we throw away a lot of those old [inaudible] and we get rid of the new operating

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procedures and go back to the old ones [inaudible] develop [inaudible] so much time [inaudible] working on them, we wouldn't want to do.

So I would [inaudible] [first part], which means work with new operating principles and the old rules of procedure and see where we can match them, and, where there are difficulties, work and do something that matches the [operating principles]. Thank you.

SERGIO SALINAS PORTO: Thank you very much, Jacqueline. Is there somebody else who'd like to take the floor? I think Jacqueline has placed some part on the table. It would be interesting to be able to [inaudible] it. I'm coming back to this. Let us try to look for a solution [at this] time.

We first have Alberto and then Jacqueline. Alberto, you have the floor.

ALBERTO SOTO: Jacqueline has said something that is not exactly right. The operating principles are not in effect. They are approved. What does this mean? If they're not in effect, they cannot actually be used. In the first part of our document – the document that has been approved and that I sent you an e-mail [about] this afternoon, where I'm saying it is drafted in all the languages in our region. From the very beginning, it was interpreted that – I'm sorry. What it says is the rules of procedures – this is the document that will be used for the [inaudible], and no rules of procedures can be used if the rest is not approved.

In the first paragraph – I ask that you read it – it says there is a general framework for governing and, in the future, there will be more details

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set on the implementation of the principles. This phrase is actually saying that these principles are not in effect. They are approved, and they need to be regulated by their rules and procedures. Until they are regulated, they cannot be in effect. Thank you.

CARLTON SAMUELS: This is Carlton. Can I have the floor?

SERGIO SALINAS PORTO: Thank you, Alberto. There are two possibilities or two proposals. One proposal—

[CARLTON SAMUELS]: This is ...

SERGIO SALINAS PORTO: ... is this position that Alberto is taking, which [inaudible]. This is said in the executive summary of the operating principles. I recall that the draft was actually written, if I'm not mistaken, by David Plumb. Who is David Plumb? He's the one who drafted this. It was taken from each of the issues that we discussed before closing this document.

So, on the other hand – it was approved by consensus, of course – I also understand that, in the case of Jacqueline or in the case of Carlton – I see that Carlton is requesting the floor; I'll get to the floor soon – they had another reason. So we need to see how we are going to reach a point where we are all happy with this.

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Carlton, you now have the floor. Please go ahead.

CARLTON SAMUELS:

Thank you very much, Sergio. This is part of the difficulty of having different understandings and different legal frameworks to work with.

When Alberto says that the operating principles are not in effect because the rules of procedure are not in effect, from where we come from, that is strictly not true. You can have the law without having the regulation in effect. So, in our view, the operating principles refer to the law.

Then you have the regulations that implement the law. The lack of implementation does not mean that the law is not adopted. If that is the case, what Alberto is saying is that the old operating principles – the one we destroyed, the one we threw out – is still in existence and is still operational. That's not true. The old operating systems are destroyed. They are done. They are gone. The new operating principles are the one that are in effect.

There's also a disconnect between what we understand what operating principles and what you say. Operating principles broadly outline how we should act. Even without implementations, if you adopt them, you at least act in the spirit in which they were meant to be adopted.

So here is what happens today. I'm going to ask for the Chair to look at the old rules of procedure and simply look at the heads of agreement in them. Just the headers. Don't want the details. Just the headers. Look at them and see which ones would apply to the new operating principles.

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We can ask [inaudible] the old operating principles, and adopt the headers to the operating principles, or we could do it the other way around. What we are saying is that, if you say you want to give value to the mediation effort, the first substantial outcome of that mediation effort is the operating principles.

So, if you want to say you give value to them, you should at least adopt them and act as you would have if you adopt them. That's what we are proposing. We say we give credit, we give value, to the mediation effort and the output from that mediation effort, and we would wish to continue on that basis.

So the two things that are important to the operating principles with regard to the elections are the diversity component, which is very detailed, and the number of elections and how we elect. Previously, we always had a Chair and a Secretariat. Now the operating principles recognize a Chair and a Chair-Elect, a Secretariat and Secretariat-Elect.

If we are going to use the operating principles that exist now as the basis to go forward, it simply means that we have to embrace the idea of getting a Chair-Elect and a Secretariat-Elect. Those are the only two things that would mean a difference of positions.

The next thing is that we understand the diversity rule and the regional rotation. If we adopt those, those would have a significant impact on the current rules of procedures. I ask you to look at that. If you do not adopt those, we are dealing with the old rules. We are dealing with the old principles. And if that's what you want, then please say so. Thank you very much.



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SERGIO SALINAS PORTO: Thank you very much, Carlton. You have been very clear in your presentation. I want to make myself clear, or, if you allow me, I want to give my own personal opinion. The way I say it, what Carlton says – that we have to take a look at the old rules of procedure and operating and principles and these new ones – well, is right. I have taken a look at them. I have read them, and I have tried to see, to understand, [that] it is actually very difficult to work with the new operating principles and the old rules.

It is very difficult to work with both. If we use the old rules, there are new things that are not consistent, and that is true. But what Alberto said is also true. And also what Carlton says. This is very clear to me, that the worlds we come from – the common law worlds and the Roman law world – show different [paths].

In my personal case, I have drafted a bill, and there was a piece of legislation that took a year before it was enacted and became current. In the codified system, we know these are the usual times in which laws work. Probably those from the common law world are not familiar with this. And this is the first cultural difference we will have to overcome. We must co-exist. These are two legal different worlds, and that is a challenge for both worlds.

On the other hand, I remember that there were two proposals made in the last meeting, one made by Humberto Carrasco. I always say that Humberto Carrasco is in the middle because he's not from the north or from the south. And he made a two-way proposal. One way was to have

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a temporary provisional article, keeping or holding the current state – that is to say, operating under the old rules – and set aside the new operating principles which are not yet operational. That is actually within the adopted operating principles. With this provisional article, we could work.

The other proposal was to submit this to discussion. I don't know, Humberto, if you are on this call. If you are, perhaps you can explain it better. But I think the other proposal was to submit for the consideration of the region for ways to follow.

I want to be very clear here because I do understand that the operating principles that this governance group developed are not yet in operation. But I also understand that there is a need in the community [from] a part of the community for them to be operational, for them to be current, that we can rule ourselves or govern ourselves under those new operating principles.

So we have two options. Either we destroy what is in writing and we work towards common consensus for renewal actions with the new operating principles, or else continue working with the old rules of procedure and see how we work in the future.

So what I'm going to ask now is for you to consider or to ask Humberto to explain – I see Jacqueline has raised her hand. I don't know, Humberto, if you can describe the proposal. After Humberto, I will give the floor to Jacqueline.

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HUMBERTO CARRASCO: I'm not before my computer now, just with my phone, so I'd like to say what I think the proposal I made [looks like]. The operating principles have been adopted by consensus as agreed on, so to say, last year. But we also have the old rule of procedure, which are current. So what we are missing is a provisional, a temporary, rule. So there are new operating principles that face some implementation issues. I don't think this is the right moment to give these details, but there are some rules that are needed to regulate the new operating principles [inaudible]. I think Alberto Soto has explained this several times.

So notwithstanding this, I think, in order to solve this issue, we need LACRALO [action], either through consensus or vote, on one of two solutions. The first is for LACRALO to implement in the current election rules, which are in the old rules of procedures, to decide on the positions in the new operating principles. The second alternative is for the RALO to apply the new operating principles and the old and current rules of procedure; both alternatives to be temporary solutions.

This might be conditional[;to have] new rules of procedure before November 2019. That is the proposal I made in the last meeting. I have no issue in following the majority decision. If the region thinks that we have to apply the new operating principles using the rule for elections that are in the current rules of procedure, I will join the consensus of the majority.

I think here it is that we have to move forward. We must be capable of reaching and agreement. Any of the two options actually I have no issues on, provided that the majority of the RALO is in agreement. Thank you.

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SERGIO SALINAS PORTO: Thank you, Humberto. I will now give the floor to Jacqueline Morris. Go ahead, Jacqueline.

JACQUELINE MORRIS: You're hearing me, right? Okay. First, I want to address the idea that the operating procedures that were approved at the end of 2018 are not actually adopted. I would wonder: if they weren't adopted/they aren't enforced, then why did LACRALO publish them in a long story in a blog post on ICANN's website? On the At-Large website, we publicized that we did this, and these are now our new operating procedures. So if we went and told the world that these are our operating procedures, then we can say that they are not the operating procedures that we're supposed to be operating back?

Second, I agree with Humberto's first solution, which is the same as mine: use the old rules and apply them to the new operating procedures for the elections. Thank you.

SERGIO SALINAS PORTO: Thank you, Jacqueline. I see now Alberto Soto wants to speak. Alberto, you have the floor.

ALBERTO SOTO: First of all, unfortunately I do not agree with you or with Carlton. I cannot do that on this idea that we are enforcing one type of law here: the Roman or the [common] law. Why? Because, in the working group,

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when we were working on this, none of the two law systems were applied. Or any body of law. We followed the adoption under the consensus. It was under consensus, and the consensus reached and very clearly said that the document that will regulate – hi? Hello? There is music. There is music.

SILVIA VIVANCO: If you please mute your mic.

ALBERTO SOTO: I don't know to what point you [heard] because of the music. What I was saying is none of the two law systems were applied, neither the Roman law nor the Anglo-Saxon, but we're careful in our writing so that there were no exposed interpretations.

Then the first paragraph of the document says, "This document of operating principles provides a general framework for LACRALO governance. In the future, it will be \*between brackets\* to be written." It will be accompanied by the rules of procedure, with more detail sent from the implementation. That is the reason why they are not current but they have been adopted. It was necessarily [inaudible] to adopt it, and that was agreed in the mediation. We are not without the spirit of the mediation. That is what we decided: first, operating principles, and after that, implementation.

So, please, please read carefully all of them and in particular the list of positions. In each position, it says that there will be further details in the rules of procedure for what is required for voting requirements, etc. So

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we are not out of the spirit. Carlton was very clear, and I really respect his clarity. That is why I will be clear myself. My position, or what I'm saying, is that we should work until we have the new rules of procedure with what is current, which is the old rules of procedure and the old operating principles. Thank you.

SERGIO SALINAS PORTO: Thank you very much, Alberto. I don't see any hands up, and [inaudible]—

CARLTON SAMUELS: This is Carlton.

SERGIO SALINAS PORTO: ... [divisions] have been marked. We—

CARLTON SAMUELS: This is Carlton.

SERGIO SALINAS PORTO: [inaudible] [longer]. I see that [Stephanie] has raised her hand, but let me remind you we don't have a lot of time. We need to have at least today or, at the maximum, during the weekend—

CARLTON SAMUELS: This is Carlton.

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SERGIO SALINAS PORTO: ... [we need to have it analyzed] because, if we need to finalize and make a [presentation] for the region before the 29<sup>th</sup>, we need to have this [inaudible].

HEIDI ULLRICH: [inaudible]. This is Heidi.

CARTLON SAMUELS: This is Carlton.

SERGIO SALINAS PORTO: ... Carlton wants to take the floor.

HEIDI ULLRICH: Carlton, this is Heidi. I've let them know.

SERGIO SALINAS PORTO: [inaudible]. We need to find a position in the middle where we can progress from. We need to flexible. Let me insist on this. Or let us all say, "Which is the right path to go through?" If that's what is being said, then I agree because my way of reasoning is, first, we have the law and then we regulate it. So that's why the operating principles were written this way, and that's why the executive summary that you have in English is very clear on the very first paragraph.

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So let's continue to have a discussion. We still have a half-hour to reach an agreement. Jacqueline, you have the floor. Please go ahead.

JACQUELINE MORRIS: I will cede to Carlton for now because he's been trying to get his hand – he's not in the room but he's been trying to get your attention for a while before my hand went up. So I will let Carlton speak and then I'll go, if that's okay.

CARLTON SAMUELS: Can I speak? This is Carlton.

HEIDI ULLRICH: Yes, Carlton.

[CARLTON SAMUELS]: Can I speak?

SERGIO SALINAS PORTO: Yes, Carlton. Go ahead. You have the floor. Please go ahead.

CARLTON SAMUELS: Thank you very much. This is Carlton for the record. It seems that we are at a point where there are two views that tend to be reconcilable. In the first place, I would just ask this question. Can we see here, from anyone, who does not approve of the operating principles as adopted by consensus in December of 2018? Can I hear anyone who does not



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approve of the operating principles – its intent, or otherwise – that was adopted? Let us settle that first because, that is settled, we will know where we are. Thank you.

SERGIO SALINAS PORTO: Carlton, I don't think anybody here has decided to not approve the operating principles. Do you wish to take the floor again?

CARLTON SAMUELS: All right. Thank you very much. So I'm glad to here that. So what Alberto is talking about are the details of the implementation. In his position, it's the details of the implementation that make the operating principles operational and acceptable. That's what I'm hearing from him. Is that what everybody thinks? That, if you don't have the details, they're not adopted and they're not operational? Can I hear from everyone whether or not that is the position they also take?

SERGIO SALINAS PORTO: Carlton, I don't think that anyone has taken any position. We are discussing the issues. I don't like to see any determination being taken until we exhaust the discussion of all the issues. So what I'm proposing is that we continue discussing this because what we should care about now is seeing how we can offer a way out, how we can find a solution for this debate, all of us together, so that we can offer something to the region that is orderly.

Here we have two views. One view is that, if we move forward with this, if we're using the new operating principles, we are disregarding the first

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paragraph; that we have to wait for the rules of procedure. Another view – and I’m not going to give any names – is that, as we have adopted the operating principles, they are already operational. So what we should now see is what to do about it. That is the bigger issue.

I see Jacqueline has raised her hand. I’m going to give her the floor. Go ahead, Jacqueline.

JACQUELINE MORRIS:

Okay. I [said in a number of] talks that we have two options. We can use the old rules and the new operating procedures or the old operating procedures and the new rules. I personally do not believe that, if we pass operating principles – and, if we needed to pass them together in order for them to work together, then they should have been put up as one item for us to vote on [inaudible] so they would go together. That is not [that].

The discussion is in the executive summary. The executive summary is a preamble to the actual rules of procedure. We voted on operating principles. The preamble explains the situation, why we’re doing this, how we’re planning to do some – it’s a background. But when we get down to the actual operating principles, they’re very clear: this is what we want to do. We’ve accepted [them].

So, if we were [voting on it], we will accept these temporary [inaudible], they will not be enforced until – that was a different thing to vote on. That was not what we voted on. We voted to accept the operating principles as written. That does not mean that the background, which says the operating principles obviously will need to have the rules of

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procedure changed – so that does not mean to be that the operating principles are not our operating principles, current and enforced, because there are some that may need to be changed.

So, honestly, from having worked extremely hard on the operating principles that we agreed on, I would find it very distressing for us to throw away all that work that we did and say, “Okay. Let’s go back to the old operating principles.” That, as we know, caused a lot of issues. We went through a lot of work. We came to consensus. We came up with these new operating principles to make sure that we could work together and that LACRALO would be stronger. To throw them away is, to me, to spit on all the work we did, to throw all away all the work we did. That would be extremely bad for LACRALO, in my opinion. That’s it.

SERGIO SALINAS PORTO:

Thank you, Jacqueline. I’m going to take the floor. I don’t see any hands up, and I apologize for speaking too much. What Jacqueline said and the expression she has given is fundamental because nobody wants to go to the past [inaudible]. I think we took a very big step forward when we could reach an agreement and we could see that we could progress with a different logic.

Now, the truth is that, in all of the cases I have mentioned, I have some expectations. Sometimes it is difficult to understand this legislative process that LACRALO has and has been going through. It is true that the executive summary is almost an introduction. But you don’t [inaudible] what the working group has done to reach this point. We would need to review this group. We come from different organizations

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with different backgrounds and with different political interests, and this is something that needs to be said as well. We will need to review how to get there with a solution for the region. There are two positions, and correct me if I'm wrong, but there are two different positions, and we need to reach an agreement. There is no other possibility.

So what I say is a middle position has been stated. There has been a proposal by our friend, Humberto. So he proposed to wait and see if the proposal breaks the logic of the Latin. Let me say it this way. I'm sorry if this is wrong, but the Latin seems one way and the Caribbean seems another way. So how do we reach a middle point then with a [inaudible] consultation in the region? Probably many people would tell me, "You're breaking the agreement that we reached when we agreed on this operating principle by consensus." And, yes, we are breaking this because the operating principles stated we have to wait for the rules of procedure to implement the operating principles, and this is what the executive is saying. This is also said in many of the [inaudible] that are dealing with our elections that say that we will debate the rules of procedure; of course, the ones that are going to be written in the future.

So, to be able to have a regulation, we needed to approve this operating procedure [inaudible] these operating principles have been proved, so we now have to go into the rules of procedure.

So one view could be to commit to using the operating principles, first asking the [region] if this possible. Then I'm going to mention my proposal. So with the operating principles, all of these would be adopted to the operationality of the rules of procedure. If the rules of

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procedure are approved before November, it could work. Otherwise, we need to go back. The only thing that complicates [inaudible] the percentages, the majorities. But I believe the electoral procedure is not an assembly, and it could work with the normal rules of election. But I don't think we would change them.

Therefore, we could go ahead with a proposal which would be this: we'd consult with the region. The region has two options. One option is operational articles, where they say that the rules of procedure can work. That is, the rules of procedure and the operating principles can work until there are new rules of procedure. So this is a [inaudible] that was mentioned at some point.

The other situation is this. Using the operating principles and – in October at the latest, we can provide the rules of procedure and put them to vote by the region. So if all the region can know that we will switch this procedure that was mentioned in the operating principles, then this could be a way out. It could be a solution with generalized consensus to progress into a solution for all the parties.

What we want to do, for those of us that understand the Latin process as a process where we first approve an operating principles and then the rules of procedure, is we will then [break] with what has been agreed on to progress into something that will be better.

But this will be the [process]. So we have an option. If there's a provision article and then there's another option, which is using the operational principles and agreeing that, in October, we will present the rules of procedure, then they will be in effect. That's all.

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Is there anybody else who would like to take the floor?

No one? No one wants to take the floor? Harold, please go ahead.

HAROLD ARCOS: Thank you, Sergio. I hope you can hear me.

UNIDENTIFIED MALE: Hello? We're not hearing anything.

HAROLD ARCOS: There are a few proposals then on the table that are related to the election process that is coming up. The first one has to do with the provisional article as you have just said. I haven't really understood these other options that will happen in October, after the election, where we need to apply, or our group, some rules before November, even though, in November, we will have a transition to the elected positions.

So I would like to share what we have said so far and also say what Ricardo Holmquist has shared with all of us via e-mail. Even though he is not here in person, he has written this, understanding that this is one of the positions. He could not see how we can hold elections when the positions are not very clear. It's not clear how these positions are going to be treated. And the rotation is not defined, either. So this is not including, in a regulation, what we're going to do.

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So I think all of these voices need to be heard here. I think this is important. And I think we need to have these in writing; to write these proposals and to provide an article where we say that, until the new regulation or rules are approved, we will be governed by the old rules of procedures and by the old regulation. There was no legal innovation there. All of the principles have been raised. But it's just that, at that point, this is not [present] and we need to [inaudible].

The second proposal is to apply the prior rules for elections for the new positions in the new operating principles. And the third proposal is to apply the prior rules of procedure to the prior operating principles. This corresponds to what we have said before, which is Proposal A and B that Sergio mentioned. This is the [inaudible] summary.

Then, just to sum up my opinion, we need to think the solutions because the region has read and has approved this document that we have now. As Alberto Soto has said, the document has been very clear, and it has expressed how agreements were reached and how the work in the region would progress. As you're saying now, it would be breaking with the region. This is strong and [concerning]. I think this is a call to consider all of these. Maybe the document was not understood or it was not read. There's a part that says yes and another part that doesn't want to assume this. So I think it's important to progress towards the solution and to see what the proposals that we will choose will be. Time is of the essence, as we have said so far. Thank you, Sergio.

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SERGIO SALINAS PORTO: Thank you, Harold. I want to make a proposal. I'm not really sure if we will reach an agreement today, but I would like to have a commission with four people; two from the Caribbean with your views on this issue, and two from the Latin view. So the four of us should meet and work until we can have a conclusion on this. Would you agree to do this; to have a smaller group to try and resolve this issue? I'm only asking that those who are participating there should be open/receptive.

I see some positions are very strong. When I discussed issues with you, I saw some flexibility at the time of starting this. At times, I see you in a harder, harsher position, not allowing us to progress.

So here's my proposal. Let us have a smaller group of four people – two Latin and two Caribbean. I'm sorry to divide it this way, but there is a Roman law view, even though [inaudible] doesn't like it, and there's another position with this common law view of how [inaudible] [take it]. So my proposal is this. Let's have a smaller group. Let's discuss this until we're tired, and let's have something to bring to the region.

If the Caribbean can have two people, then maybe we can progress. I see [Jacqueline] is writing in English, and I'm not really sure what she's saying, and I would like to know it. Let me ...

[JACQUELINE MORRIS]: Okay. If I may, I have read this paragraph over and over. It does not mandate that the rules of procedure must be mandated. It is to be supplemented by the rules of procedure to be drafted. And the rules of procedure will provide more detailed steps regarding the implementation of the operating principles.



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But these sentences do not say that we must have the rules of procedure in order to have the operating principles enforced. It really doesn't, unless there's something wrong with the translation. That is the first paragraph of the executive summary of the operating principles; the first paragraph that everyone has been talking about.

So [inaudible]. As far as I'm concerned, the operating principles were adopted and we move forward. I really have a problem with going backward. So I am quite willing and I think it's an excellent idea because I had also suggested, as did Humberto, that we get a transitional thing going.

One question. Has anyone actually looked at the rules of procedure to see where they do not properly work with the current new operating principles?

UNIDENTIFIED MALE:

And that is just for the election purposes, so there are very specific rules that need to be looked at – the one specific to elections – because that's the problem here.

[JACQUELINE MORRIS]:

It's me again. So maybe what we can do in the group – the smaller group – is have people look at the actual rules of procedure, the parts that apply for the election, and see if there is a problem with actually conducting the election. That's what I'm thinking.

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CARLTON SAMUELS: This is Carlton. Can I say something to add to that?

SERGIO SALINAS PORTO: Carlton, Alberto has raised his hand. So if you don't mind Alberto speaking first, I will give the floor to you afterwards.

CARLTON SAMUELS: Very well.

ALBERTO SOTO: There is a noise. Can I speak?

UNIDENTIFIED MALE: Go ahead.

ALBERTO SOTO: Hello?

UNIDENTIFIED MALE: Yes you can.

ALBERTO SOTO: Can you hear me?

UNIDENTIFIED MALE: Yes, we can hear the translator, so, Alberto, go ahead.

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ALBERTO SOTO: I believe I have read all the rules of procedure before this meeting. That is why I sent an e-mail before. I'm going to read [72C]. LACRALO adopted a mechanism for the leadership position: the principle of [content] and planned rotation of sub-regions, ruled by the rules of procedure of LACRALO. This is clear that these are the new rules to be drafted. There is no regulation on how this rotation is going to be implemented.

Another point, Point 12 – and I'm reading – the elections of Secretariat and Secretariat-Elect will be a procedure called by the Chair on processes, the [inaudible], the rights, the time, and other issues related to elections. We will follow what the rules of procedure apply; again, the rules that are not yet drafted. I said this before. I totally believe that we are still in the spirit of the mediation, trying to do things right. But we should not [get over] what we have adopted by consensus and not based on anyone's individual rights. Thank you.

CARLTON SAMUELS: This is Carlton. May I speak now?

HEIDI ULLRICH: Yes, Carlton. Go ahead, please.

CARLTON SAMUELS: Okay. So here's what I am prepared to accept. Since we seem to be hung up on the new rules of procedure, I move that we suspend the

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elections and we have the rules of procedure drafted by October. And, when the rules of procedure are in place and adopted, we will have the LACRALO election. Thank you.

SERGIO SALINAS PORTO: We should ask Maureen. I can ask her tomorrow. But in addition to that, I would like to have this small committee set up so that we can move forward. What do you think about this?

Alberto, have you raised your hand?

ALBERTO SOTO: Yes. Unfortunately, we have lost significant time to solve the problem and have the elections adjusted so that they are held simultaneously with the other RALOs. We cannot destroy this. We should have our elections as we had planned. Thank you.

SERGIO SALINAS PORTO: Thank you, Alberto. Carlton, Jacqueline, Lance – anyone from the Caribbean region. Could you say if you agree with the formation of this small committee in order to discuss this?

CARLTON SAMUELS: I have no problem with a small committee to discuss it. I will tell you what I will have a problem with. I will have a problem with adopting the elections with the old rules of procedures, the old operating principles. I am going to have a problem with that. That's stepping backwards. I will

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not and I cannot and I may not support that option. I am not every going to support stepping backwards. So whatever is going to be implemented, it has my support, so long as it moves forward from the operating principles that we have adopted. And I am unanimous on that.

JACQUELINE MORRIS: I agree with Carlton on the “don’t go backwards” thing, and I—

SERGIO SALINAS PORTO: Thank you, Carlton and Jacqueline, but let me remind you that we’re trying to set up this committee to find a successful solution.

JACQUELINE MORRIS: I agree with the committee.

SERGIO SALINAS PORTO: If we close ourselves to the possibility – here I read two positions, and I’d like to have one position that is acceptable to all that could at least work out these differences, which, if you agree, in the interpretation of the law. There are some of us who say one thing and others who say another thing. I kindly ask you to be flexible to reach and agreement without taking us to a position of cornering the other. Let’s see.

I’m going to take the case of Alberto Soto, but it’s not just Alberto Soto. I’ve talked to Ricardo and others who think the same. There are laws that we have adopted, and these laws are the operating principles that

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have been adopted. They're not current. For them to be current and enforced, we must have the rules of procedure. I was clear with that. And I do not want to break that up. I do not break away with the document that we signed under consensus.

Now, I also understand that – okay, you say, if we have adopted the operating principles, we want to implement them. And that is feasible. In fact, if the issue is the rotation, we can talk about having an agreed-on rotation. The problem is the new positions. How can we do this? That's why I'm mentioning solutions that go beyond the law. And the law is clear here. There are no interpretations to be made. It is clear.

What I'm saying is that, as we have two opposite positions, let's try to find something in between. Jacqueline has raised her hand, but what I'm going to ask staff first is how much time we have for this call because we are six minutes past the time. So please go ahead, Jacqueline.

JACQUELINE MORRIS:

[inaudible]. Basically, I already said I'm for the small committee to [explore] options. I like both Carlton's option and Alberto's option, which was also my option. I'm good with that. I do not the idea of going back. So the small committee can start with that. I'm cool. I'm very flexible, except one point, which is I don't want to go back and have wasted all the time I spent last year working on these operating procedures. I really don't want to go back. That's the only [inaudible]. If we could say that I'm not flexible because that's not an option for me, well, I'm flexible on everything else except that. Thank you.

SERGIO SALINAS PORTO: Thank you very much, Jacqueline. I apologize if you felt bad about my words. It wasn't my intention at all. We are open. Let's be open-minded and let's try to get together in this small committee to move forward. Otherwise, we will be discussing which was first: the egg or the chicken. So let's find something that can be a solution.

This is something where the region has to express itself because there are two interpretations on something that already is in writing.

This is not something that was said in a meeting. These are not just words spoken. This is in writing. So what I'm asking is – this is not our best environment. This is not our best setting. We're not comfortable here. Let's try to find something where we feel more comfortable. Perhaps we will not find the best comfort for us, the maximum comfort, but let's try to find an acceptable comfort.

I think Alberto and Humberto said I should be in the committee. I have no issues with that. Then we need two people from the Caribbean – anyone you want – so the four of us can meet in this small meeting and move forward. Do you agree? Do you think it's okay?

CARLTON SAMUELS: Yes, I think it's okay to have a small committee. I'm sure that there are Caribbean who would volunteer. I'm sure Bartlett and maybe Dev would volunteer for the committee. I think we will do what we have to do to get them to agree to sit on the committee, Sergio. So we can make that

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commitment to you, that we will have representatives to that committee. Thank you.

SERGIO SALINAS PORTO: Thank you, Carlton. So can you please let me know which are these two names? Carlton and Jacqueline? Dev or Lance? Or anyone you want. I don't know if you want to do it over Skype or you want to use the Adobe Connect and the translation services. So we have to ask the staff if there is any chance of that. I think that Heidi is asking if we can agree to a solution next week. I think this small committee will help us work these issues out very fast.

I had a very good meeting with Dev and Carlton this week, and I think that it would be great to continue working this way to find a solution that is acceptable to everyone. This means that everyone will be a little bit uncomfortable, not completely uncomfortable. We have to send this to the region for the region to confirm it or note. That is clear, right?

So we are eleven minutes past the end of our meeting, so I think that we should be closing. But before that, Heidi, wants to take the floor. So Heidi?

HEIDI ULLRICH: Thank you, Sergio. I just wanted to first thank you for coming together and discussing this. But also, if you could look in the chat, I just wanted to confirm that, regardless of what happens with the regional elections, the election within LACRALO for the ALAC positions and the NomCom delegate name that needs to go to the ALAC will continue as currently



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scheduled. This is an ALAC schedule for the ALAC positions and a NomCom position. So just wanted to make sure that everyone is in agreement with that and aware of that. Thank you.

CARLTON SAMUELS:

Thank you, Heidi, for pointing that out, which is absolutely true, that the ALAC positions must for go forward. So the only thing that we have that is in any kind of [held] situation now is the local regional positions. So thank you very much for pointing that out.

SERGIO SALINAS PORTO:

Okay. So if you agree, we will set up a call very soon. So you will have an e-mail tomorrow. I will write an e-mail to, I don't know. Carlton? Jacqueline? I don't know. From the Caribbean. To get things organized. So we have to set up a time. So as this call will be quick and there will be several, we should do it over Skype so that we do not increase the expense for ICANN. So do you agree to have a meeting over Skype? This will be an informal discussion so that – by the way, next Thursday at this same time, we will have another meeting of the Governance Group.

Heidi, you have raised your hand. Is it an old hand?

HEIDI ULLRICH:

No, this is a new hand. Just to let you know we are happy to support you using Adigo and the Adobe Connect room. It's very important that you have interpretation, in my view, so you're able to speak clearly in the language that you prefer. Thank you.

CARLTON SAMUELS: Thank you again, Heidi, for pointing that out. We appreciate it.

SERGIO SALINAS PORTO: Thank you, Heidi. This is a relief for me and for our English-speaking friends. It would be great to have interpretation for our meetings. So we will send you an e-mail saying who the people will be, where we will meet, so that we continue working.

Having said this, the day will be decided tomorrow. Probably tomorrow you will have an e-mail to organize our calendars. I don't know if Carlton or who else will be there. If Jacqueline will be in the committee, let me know. If it's not Jacqueline, please tell me who will be the other person. I will be there with Humberto.

It's 21:15. I think we have made an extensive use of our interpreters, so I wish you good night because it's night here. We'll be meeting again during the week in this small committee. I don't think we'll be having a meeting tomorrow but probably on Monday or Tuesday. So thank you.

**[END OF TRANSCRIPTION]**