

**ICANN**

**Moderator: Terri Agnew  
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10:00 am CT**

Andrea Glandon: This is the BC Member's call on the 4th of January, 2018. In the interest of time there will be no roll call, attendance will be taken via the Adobe Connect room. I would like to remind all to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

With this I will turn it over to Claudia Selli. Please begin.

Claudia Selli: So thank you very much. Claudia Selli for the record. First of all I wanted to wish everybody a very happy New Year and also to thank everybody for the opportunity you've given me to be your chair. And you know, so I'm thrilled to engage more with the BC and of course please don't hesitate to reach out to me as I'm also learning through this process. I'm very open so if you have ideas or anything that you want to convey to me please do so.

For today we have a quite long agenda so there will be a quite long policy calendar with Steve, about 20 minutes, then the Council update with Susan Kawaguchi, the CSG report. I'm not sure Barbara is on the call. I guess – I think she couldn't join so I don't know whether we are having this update or

probably not. And then Jimson will go on with the finance report and then under the AOB we can take further points that needs to be maybe the group to be updated. We'll see if we have enough time.

I also wanted to thank very much the outgoing ExComm and particularly Andrew for chairing this last year. He has been doing a great, great job. And I wanted to welcome to the new ExComm and you know all of them already so happy to engage with you all.

I will leave the floor to Steve, as we have a quite long policy calendar.

Steve DelBianco: Thank you, Claudia. Andrea has put the policy calendar up and I emailed it out two days ago, if any member of the BC needs a copy please let me know and I'll send it along. I can skip the channel – the first part of comments already posted, we haven't posted anything since our last call. Let me dive into the six current open public comment periods, all of which will terminate prior to our next BC call.

The first one is closing on January the 8th, in just four days. This is on recommendations that have been updated from the Competition, Consumer Trust and Consumer Choice Review Team. We always abbreviate that as the CCTRT. Waudu is – Waudu Siganga is a BC member who's on that team. Waudu is not on the call today but has been very helpful on it.

This is a particular review where we've commented twice. It's a review that's driven by the ICANN Bylaws because we brought it into the bylaws from the Affirmation of Commitments. It's a community-driven review on whether the most recent round of expansion of new gTLDs contributed to competition, consumer trust and consumer choice. And it will inform the next round or the opening of an infinite round of new gTLDs in the future.

This particular comment is on a supplement to the recommendations of review team, supplement was driven entirely by a recent report on the statistical analysis of DNS abuse that occurs in gTLDs. And the BC did comment on the report in September, and then we – are having an opportunity now to see whether the review team adequately reflected all of those suggestions.

I want to thank Marie Pattullo for stepping up and drafting the BC comment. I then provided edits in a particular area that I wanted to bring to everyone's attention because we're about to submit this comment. It has to do with the recommendations of the review team to tie gTLD fee reductions to measures they are taking to reduce DNS abuse.

In general, the BC loves the idea of giving incentives to reduce DNS abuse – effective incentives. On the other hand, we have a very bad experience in the past 12 months where the Global Domains Division undertakes to negotiate fee reductions with gTLDs without direct community input. They treat them as bilateral negotiations between ICANN and the contract party, the registry, and there isn't adequate reflection of the community's priorities, that is to say our priorities, in getting that done.

So the last thing I think we wanted to do was to simply turn GDD loose to go negotiate fee reductions with registry operators who would promise probably anything to get a reduction in their fees. And I'm speaking mostly of the smaller new gTLDs that are struggling financially.

So the way in which we modified the comment on Recommendations A and B, was to suggest that there would need to be a process whereby GDD was informed and got community input on the pros and cons, the ups and downs on negotiating specific DNS abuse reduction measures by registrars and

registries. So we still endorse the concept, but as far as the process we want the community to be involved instead of leading it entirely to the negotiators at ICANN and the registries themselves.

So I'll stop there. Marie, is there anything you'd like to add about this comment where you did most of the drafting? Okay, okay, thank you, Marie. Any comments from the rest of the BC members? This is due in four days. This is your chance to weigh in. It's the first attachment to the policy calendar. All right thanks, all.

Let me turn to the second one, Numbers 2, 3, 4 and 5 on the policy calendar for today, 2, 3, 4 and 5 are all related to Work Stream 2 of the IANA transition. This is because when the transition of IANA from the US government to ICANN occurred it created an opportunity for us to achieve accountability reforms at ICANN that we've never had before and we did those in two phases, Work Stream 1 and Work Stream 2. You're all familiar with Work Stream 1, which concluded last October, October of 2016.

Work Stream 2 is nearing completion that is why you have to help me review several of the Work Stream 2 projects. There are nine in total; you have four of them in front of you today for comments that are due on January the 14th. BC members have been active on many of these and we have a very substantive comment on each. The first is the comment on enhancing ICANN's accountability through its diversity and that's the diversity of representation in the ICANN community. And we thank Marilyn Cade for drafting the comment and Jimson provided some superb edits, and that is Attachment Number 2 to the policy calendar.

This will be due on the 14th of January, you don't have to give me all your comments now but if anyone has any input this would be a great time to share.

I'll put out a last call three or four days before those close. Any other comments there? Thank you.

The next one is Number 3, it's recommendations to improve the Office of the Ombudsman. And these recommendations have several common sense aspects to them but Jimson, who drafted our comment, Jimson and I, we're very concerned that it sort of opened the door for ICANN to dramatically expand the Office of the Ombudsman so that it would have multiple staffers involved. We're not objecting to that per se, but there ought to be a justification to suggest that the workload of the ICANN ombudsman exceeds the capacity of the ombudsman to get the work done and only then would there be necessary to expand it.

Jimson, is there anything you'd like to add on the draft that you've helped circulate? It's the third attachment.

Jimson Olufuye: Yes, nothing to add there, Steve. Thank you.

Steve DelBianco: Okay thank you. Any other comments on the ombudsman function? Great. The next one, Number 4, is recommendations on how to improve ICANN's staff accountability. So staff accountability as distinct from ICANN Board or community accountability this was a Work Stream 2 item that actually doesn't have too much specific recommendations that need a lot of attention but I want to be very grateful to Stephanie Duchesneau of Google for drafting the BC comment that we circulated back on January 1 both in Google Doc and MS Word.

So we are generally endorsing the recommendations that are coming out of Work Stream 2 with respect to staff accountability. If any of you have prior experience as ICANN staff, and I'm thinking of Denise and Margie in

particular, I would be so grateful if you could just spend 10 minutes reviewing Attachment Number 4 and let us know from a perspective of former ICANN staffers whether there's anything else you think we ought to add to it.

Marie, I'm looking at your comment in the chat, so you're suggesting that with respect to the diversity – I'm going to ask you to circulate a comment via email on that to all of us so that we in the drafters of the diversity comment, which include Marilyn and Jimson, and Marilyn's not on the call, so I want to be – oh there she is, yes, Marilyn is now on the call. So Marie, if you wouldn't mind please circulate that as a written comment and we can all reply and sooner the better since that diversity comment closes the 14th. Thanks, Marie.

All right so back to this one. If former staffers like Denise and Margie could please give a quick look to the fourth attachment on staff accountability to see if we're on the right track, appreciate that. Thank you, Margie.

The fifth one is recommendations on ICANN's jurisdiction. This was one of the most controversial Work Stream 2 projects because it addressed certain Work Stream 2 items on the legal jurisdiction of ICANN's activities. It was full of attorneys, experienced lawyers as well as policy advocates and included a number of GAC members who had varying opinions about how to affect ICANN's jurisdiction.

The most controversial point of that was somehow extracting ICANN from the jurisdiction of any government. It was – initially the jurisdiction group was asked to consider moving ICANN to a completely independent non-jurisdictional venue, changing its form of incorporation so that no country would have jurisdiction. There were a number of attorneys on that call who popped that balloon as illusory from the very beginning.

They suggested that whenever ICANN does activities that affect the citizens or businesses of a particular nation that nation will assert jurisdiction and if it has any ability to reach ICANN it will enforce its laws and regulations to protect its citizens and businesses and if ICANN is involved in those activities then ICANN is subject to that jurisdiction. So I think that set aside this vague notion of global immunity.

Nonetheless, Brazil and India were keen to say let's come up with some specific kind of immunity so that while ICANN might remain a nonprofit California corporation, it still should be given blanket immunity from United States law because Los Angeles, California happens to be in the United States. We went back and forth on this and I have to suggest that the final recommendations I believe deserve our support. The final recommendations suggest that trying to achieve immunities for ICANN from other governments was unrealistic and outside the scope of what Work Stream 2 was supposed to look at.

And to do that they referred back to the ICANN Bylaws that we adopted after Work Stream 1 that laid out what this work stream was supposed to look at. The recommendations we ended up with, this is a very long report because it contains all of the details. But the recommendations are very brief, there's a handful of measures where ICANN has to step up its efforts to get relief from government sanctions that could affect ICANN's ability to bring global participants into a given country to attend an ICANN meeting.

So for instance, if you had European Union sanctions against residents or citizens of a certain nation that we wanted to be sure those citizens could still travel to the ICANN meeting. If the United States was hosting a meeting or the United States in the case of ICANN imposing sanctions on certain nations, we wanted to be sure that businesses and individuals in those nations could

still obtain contracts with ICANN. I'm speaking here of contracts to be registrars or registries, especially in the new gTLD program.

So the recommendations in this report require ICANN to increase its efforts to obtain explicit sanctions relief so that individuals can participate in ICANN processes and sign contracts from ICANN regardless of the country they're from. And so we fully supported those.

I drafted the original and got a lot of help from Claudia Selli on the comment, which is the fifth attachment. And a second area of recommendations had to do with the choice of law, the choice of law. And on that the team came up with four or five recommendations to try to suggest that how registrars and registries would choose the venue of legal jurisdiction to do arbitration or challenges to their contract interpretation.

The recommendation Claudia and I came up with was to stick to the status quo with regard to registry and registrar contracts, that was one of the options presented and it's the one that we favored in that report. There is one point of controversy – I would say point of difference, I wouldn't call it controversy, but both Claudia and I are wondering how explicit we want to be at pushing back on the most significant minority report which was submitted by the government of Brazil.

What the government of Brazil is recommending – I'm going to paste it into the chat so you'll have a chance to see it – I've just pasted into the chat what Brazil's recommendation is, that ICANN should develop accountability mechanisms that are not subject to the jurisdiction of any government. And then they go on to say though appropriate, multistakeholder policy development processes to ensure that ICANN can be held liable for its activities that are immune for US jurisdiction.



Unless somebody can explain it to me, I maintain this doesn't have any coherence at all and I would prefer that we gently and respectfully push back on the Brazil's suggestion in this minority report. It has attracted a lot of attention and if we leave it unsaid it will continue to persist as this Work Stream 2 group works towards its final recommendations.

Andrea, if you don't mind bringing up the PDF? I'm speaking of Attachment Number 5 for those of you for whom it is easier to simply retrieve it. And Marilyn, I'll call on you in just a moment please. I wanted to bring up the section that Marilyn and I had been discussing.

Andrea, I'm unable to scroll that. Are you able to help me to do that? I wanted to scroll that document.

Andrea Glandon: Yes, just give me a moment.

Steve DelBianco: And Marilyn had made two points; one is in the chat where she says, "On a matter of principle, don't object to a minority report." I'd like to explain why I don't think that that should be a rule we follow. If the minority report is gathering significant attention from a minority of participants, the minority report will persist and will be surfaced again as it goes to review by all of the chartering organizations.

Another comment Marilyn said, "Is not to call out Brazil specifically." But we all know exactly whose comment this is. So on the screen in front of you, you have the way in which I have drafted the comment. I say, "With all respect for the government of Brazil, we therefore do not agree with its contention that the draft report falls short of its objective and vision in particular. In the BC's

view, the draft report meets the objectives set forth for the Work Stream 2 project in the Work Stream 1 Accountability final report.”

So I have respectfully but explicitly called that out because I think it's important to suggest that we believe that this jurisdiction group stayed within the guardrails of what the bylaws said they were supposed to do and that we don't have to expand its scope to address what is arguably an incoherent recommendation from the government of Brazil. So I'd like to take a queue on this if we can burn five minutes on it, we'll start with Marilyn. Marilyn, can't hear you.

Marilyn Cade: Actually, why don't you start with Mark and others? I've already expressed my views and then I'll come back.

Steve DelBianco: Thank you, Marilyn. Does anyone else have any views they wanted to express on the text that is on the screen? Mark is adding that the Brazilian GAC comments were done without consulting with the local community of stakeholder groups in Brazil, including the business community. Thank you for that, Mark.

The other comments that I see agree with my contention that Brazil's subgroup is unworkable and that agreeing with the recommendation here. Marilyn, back to you.

Marilyn Cade: Thanks. I just wanted everybody else to be able to comment. I don't think it's necessary for us to single out a government and I'm going to comment that – so, Mark, I'm listening to you but I'm also reading the comments from more than one national government in Brazil that has taken views in support of the national government.

So it's very, very complicated. It would be like in the US we would have three states saying one thing and the federal, you know, and the Department of State or Department of Commerce saying something else. But I don't think we – I think the big deal for me is we should not be singling out a government. We should allow minority reports and listen to them. And we should deal with whether or not we have unanimous or rough consensus from the BC on our position. So we don't single out a government, instead we focus on what the BC's views are.

Steve DelBianco: Thank you, Marilyn. Jimson.

Jimson Olufuye: Yes, thank you, Steve. I think basically when you encourage community is to breed impunity. And business people we don't want that kind of scenario. But more specifically we got (unintelligible) the minority report. I think we should focus more on support for the majority report and less comment on the minority report be kind of a footnote. Thank you.

Steve DelBianco: Thank you, Jimson. I will note that there is exactly one sentence regarding the minority report of Brazil, so there is more focus on the actual majority report and only a single sentence, which is on the screen in front of you, with regard to Brazil. I want to remind you why addressing Brazil is so important. There are five chartering organizations for the Work Stream 1 and Work Stream 2, one of them is the GAC. The GAC's recommendation on whether to approve this will hinge upon the GAC's ability to achieve consensus. At this point, Brazil is claiming – I'm going to paste into the chat Brazil's statement from their minority statement.

They say that due to the draft report's failure to address the concerns that Brazil has laid out on immunities, that Brazil cannot support the draft report. So you can see now why it is I believe it's essential for us to respectfully but

specifically try to show that Brazil does not have the support of the broader community its objection because there's a chance that Brazil would carry their objection to try to block the GAC from approving the Work Stream 2 report on jurisdiction. And that would mean we don't get the other reforms in jurisdiction regarding sanctions.

And thank you, Ben Wallis for coming into that. Ben, I wonder how to do that. I am open to suggestions. We have 10 days before this report is due. I am open to suggestions for how to suggest it without specifically naming Brazil. You could just suggest one of the minority reports from a government and then the footnote, because I want to be accurate here, the footnote could refer to Brazil. Perhaps that's a compromise that you would like better? I can take the word "Brazil" out of the text on Page 2 and merely refer to it generically as a government.

And it is exactly our position to both examine the main part of the report as well as any minority reports. I can guarantee that there are some groups who will comment on this and they will call out the minority report as deserving of support. And if they do and there's no other comments against the minority report it ends up being pulled into the main report. Things like that can happen.

Anyone else in the queue? Okay, so it looks like so far the – most of you are saying try to move the word "Brazil" only to the footnote and remove the word "Brazil" from the text on Page 2. Any – Marilyn, noting your objection to that as well, anyone else agree with Marilyn? Great, thank you all, appreciate that.

There's one more open public comment which is due on the 15th of January, it's not related to Work Stream 2 but it has to do with the operating standards

that ICANN staff is recommending for the specific reviews that ICANN does. And let me shout a big thank you to Faisal Shah, Susan Kawaguchi and Marilyn Cade, you guys have done a great job on a draft comment that was circulated to the BC and you are going to hold a call tomorrow to discuss further edits to the draft. Lawrence, I believe I – you just noted a comment in the email list as well.

So would you – any of the folks on that group – let me ask you this, if you don't mind, would you invite the rest of the BC to join tomorrow's call just in case others want to chime in on that? There are many BC members that have participated in the reviews and are in reviews right now so it'd be great to do that. So, Faisal, if you don't mind send that to everybody and I'll look forward to being on that call tomorrow to discuss that report.

The only other one is due the 1st of February, which is proposed changes to the ICANN meetings strategy. I noted for all of you that ICANN is making two changes. They suggest that they want to add an additional day to the midyear meeting, the ICANN second meeting, the policy forum, and for the annual general meeting they want to do either one of two things, either reorganize the work so that the time on Day 7 is better used, or reduce the meeting to just six days and leaving seven day available in case members of the community wanted to hold their own internal working meetings or wrap ups.

So we have over – we have about a month to determine what to do on that. And we'll figure out then what to do. I would love to have a volunteer from the BC to draft BC comments on this new meeting strategy. This one doesn't involve any policy, it has to do with the convenience and priorities of the BC for ICANN meeting organization. Hey, Marilyn, thank you very much.

Marilyn volunteered for that. Anyone else? Right, you do need colleagues. So Marilyn and Claudia, that would be a great team. Thank you very much.

The next section on this policy calendar, thanks for putting it back up, Andrea, is the – sort of the historical track on GDPR and Whois. And I wanted to call to your attention that there have been a few updates since then. We sent a letter to the ICANN Chair on December the 8th expressing a lot of concern about how they relaxed the Whois compliance without following the process for trying to conform Whois to national laws.

ICANN has not replied to our letter, which I found surprising. It was posted but ICANN has not replied. Finally, ICANN has posted on December the 18th the latest responses from the Hamilton law firm. So the Hamilton law firm took all of the comments and questions that were put in and the BC's questions are addressed on pages 14, 15 and 16 of the Hamilton reply.

I wanted to note that the BC has an opportunity to react to the Hamilton law firm's answers. I have to figure out what the deadline for that is because it's not a official public comment. But I believe that ICANN is looking for responses as soon as possible as to whether we want to probe deeper into what Hamilton's answers are. When we put together the questions for Hamilton, there were several BC members who were superbly helpful on that, I'm speaking of Tim Chen, Jay Sudowski, Marilyn Cade and Margie Milam. If you could please just look at those two pages of Hamilton responses because if they dodged our question or their answers suggest another question, this is a great opportunity for us to fire back follow up questions to Hamilton.

So, Jay, Tim, Marilyn, and Margie, if you don't mind taking a look at that I'd appreciate it in the next few days. Marilyn, your hand is up. Thank you, Tim. If you take a look at that I'd appreciate it. Meanwhile, Tim, I will check on the

deadline because it may be that ICANN is looking for a quick response on this. And, Marilyn, thank you as well.

All right, that's all I had for the policy calendar, so let's – and, Margie, if you're able to look at that as well I'd appreciate it. That's all I have for the policy calendar so I'd like to turn things over to Marie Pattullo, our newest BC councilor and Susan Kawaguchi. There wasn't a lot of activity on Council since our last call but I'll let you lead us through it. Susan and Marie.

Susan Kawaguchi: Thanks, Steve. This is Susan Kawaguchi. It was an easier meeting and I want to welcome Marie to the Council. I'm sure she and I are going to work great together and so it was – I was happy to have her. I also want to thank you, Steve, for filling in the meeting before because that was very beneficial to the BC also.

We had pretty light agenda, mostly discussions. We had one motion to vote on which was the – we approved the charter on a Standing Budget Committee for the GNSO Council, so this committee will be a subset of the Council that we draft – review the budget, ICANN budget, and draft comments for the GNSO Council and try to correlate with all of the SOs and AC – or the Ss and Cs in the GNSO.

The only other thing that I really wanted to note was – and I thank you again, Steve, for working with Keith Drazek on drafting a letter to the SOs and ACs concerning the SSR 2 suspension. And there is a draft that – I made a couple edits to but really Steve and Keith drafted. And that's gone out to the full GNSO Council for review and hopefully will be sent to the SOs and ACs soon urging the SSR 2 be put back to work and unsuspending or whatever the term we're using now, and that the GNSO Council is actively working on replacing

one of our – the GNSO nominated candidates that had to resign due to work responsibilities.

So we are moving forward, we're urging the whole community to put this behind us and get the SSR 2 back to work. Other than that we haven't seen the agenda for next meeting yet but I'm sure it'll be a full agenda.

Steve DelBianco: Susan, hey, it's Steve. Let me add that that GNSO is taking a lead at suggesting that it will meet with members of the SSR 2 team to figure out their recommendations for getting extra skill sets in there and revising the scope of work and that the GNSO will by the end of January, I believe, make recommendations to the other AC SO leaders, is that still the plan?

Susan Kawaguchi: That is still the plan.

Steve DelBianco: And honestly, Denise, you're going to be a key to that entire process so if you don't have already have it, Denise, perhaps we could share a draft of that letter with you so that you know what's coming? Susan, what do you think of that?

Susan Kawaguchi: Yes, I'll send that over.

Steve DelBianco: Marie, anything to add on Council? Okay, thank you, Marie. Claudia, we're going to hand it back to you in just a moment. Channel 3 on here is the CSG coordination, Barbara Wanner has just been reelected as our liaison to the CSG. Barbara is on leave and not on today's call. And there's only two items on the policy calendar regarding CSG. The first is we have an intercessional coming up and Barbara is our lead coordinator on that. This will occur in Los Angeles on February 1 and 2. Your Executive Committee members will all be attending. And I attached as Attachment 7 the latest agenda and sessions that



will be available. And per a request from Marilyn, anyone will be able to monitor remotely and be able to participate via chat but not via voice communications.

Okay, back to you, Claudia.

Claudia Selli: Thank you, Steve. And I believe we can give the floor to Jimson for the operation and finance report.

Jimson Olufuye: Thank you very much, Claudia. This is Jimson Olufuye. Let me begin by thanking our election officers Glen and Andrea for (unintelligible) BC election. You can recall we set the policy to have our election around (unintelligible) November and over time there (unintelligible) pretty well. And also for (unintelligible) members and thank you very much, Andrew, and also we also thank Phil for his role in ExComm and also to welcome the new members on the Executive Committee. So thank you in advance for the spirit of cooperation going forward.

Talking about new members, there a number of new members coming in (unintelligible) by Lawrence and Tim and also (unintelligible). So I'd like to leave the opportunity to request the outreach committee to look at the need for us to have new members keep (unintelligible) secretariat sending information to new members but I think we need to have (unintelligible) to get across up to date with the number of policy positions in the BC.

Next I would like to talk about the CROP. As I mentioned at the last meeting, CROP is Community Regional Outreach Program. It's a program (unintelligible) by ICANN to support outreach efforts. Though we have some interest expressed in this CROP (unintelligible) CROP to attend events, outreach events in beneficial regions. Then one opportunity or one facility of

CROP to conduct outreach outside the beneficiary region, so we received some interest, expression of interest to use this that is by the outreach committee. And this also to remain members (unintelligible) like to use it facilities to conduct outreach.

So outreach can be done at the ICANN meeting, it could be at major business meeting, events, but application have to be made to the outreach committee providing justification as well, a plan, an outreach plan.

Okay then this ICANN 61 is coming up steadily. We are starting the process of publishing a little newsletter like to use the opportunity to encourage all members (unintelligible) like to put something out, (unintelligible) articles, please begin to pen it and send it to me. And normally the Executive Committee members, like the chair, our policy team and our councilors normally produce this report, or articles and I thank them for their consistent production of these articles.

Other members are welcome to send in the article for publication (unintelligible) when it comes to outreach events, (unintelligible) outreach events anywhere where we conduct outreach. And copies are available on the BC Website for the public to download to know what we have been doing thus far. So summaries a record of our activities over the (unintelligible) between ICANN meetings that we report.

And then lastly, I'd like to talk about the (unintelligible) information concerning this. The community onboarding program is a program that has evolved over time, in fact usually an initiative from the BC, a number of the (unintelligible) CROP initiative of the BC. And this time around (unintelligible) details I provided on the list (unintelligible).

And ExComm considered two expressions of interest to be BC members that matter of fact the (unintelligible) concerning this and the (unintelligible) as the mentee. The BC ExComm took this position based on the BC Charter 2.6.3 indicating that the Executive Committee (unintelligible). Where we have multiple candidates (unintelligible) members to vote in this situation all the nominees (unintelligible) the second nominee actually withdrew and supported Marilyn (unintelligible) so that makes the composition (unintelligible).

I guess some of the questions or maybe Marilyn might want to throw in more information (unintelligible) about the program. Thank you very much. Over to you, Claudia, for now.

Claudia Selli: Thank you very much, Jimson. And since we have 10 minutes or so left I know that Marilyn wanted to talk to the group sorry, you know, on a few items including the Council working group on Internet governance and the Council working group on auction proceeds. Marilyn, if you want to proceed?

Marilyn Cade: Yes. Thank you so much. It's Marilyn. I'll be – I'm going to cover three items. One is I want to just call everyone's attention to the fact that cross community working group on Internet governance is changing its charter and its standing. And I've been a member several of BC representatives on this call have been active. We will be moving from a being a cross community working group to a different status. And I – so the new mechanism idea will be presented at the meeting in Puerto Rico. I don't have the final document, I will be sending it around and ask for everyone's comments.

The point is to hear from the BC members on the importance of Internet governance to ICANN and ICANN's reflection into Internet governance. So there is a – sorry, there is a Board Working Group on Internet Governance

now chaired by Matthew Shears. That it will have a slightly different stats than a cross community working group. So I'll just post that to your thinking and then ask you when we get more details to comment and give me and others from the BC who are active in that group advice.

So, Claudia, I'll go to the second item now if I might?

Claudia Selli: Of course.

Marilyn Cade: Just checking. The second item is the cross community working group on auction proceeds. And Steve, I would just ask that we update it's Waudo, Marilyn, (Tola) as participants, and Lawrence has moved to observer status. The official CSG representative is Andrew Harris but – sorry – Tony Harris. Tony is not particularly active, in fact I think all of us have more engagement than he does. We're making significant progress in that working group.

There will be a face to face meeting on Sunday and then a 90-minute town hall on Thursday where we will report out. This is about examining four different options for distribution mechanisms. Two that would be tightly aligned to ICANN and two that would be creating external foundation like mechanisms with guidance on how the allocation of the funds is consistent with the ICANN mission.

Everything is archived, it's transcribed. I'm happy to do more but I think right now I just want to call your attention to it and let you know that you have four people from the BC paying attention to it, three as participants and one as an observer and to commend that to your attention.

And then the final comment I will just make is the BC very successfully participated in the mentoring slash onboarding pilot last year and we're very

privileged that we have the option to participate again this year. I thank everyone for supporting, nominating me as mentor and also nominating (Arinola) as mentee, but we also had the opportunity to name (Tola) as a second mentee who doesn't have ICANN financial support but can be a full participant in the onboarding project participating remotely and as funding is developed can also participate in person. Thanks for the opportunity to report.

Claudia Selli: Thank you, Marilyn. Also I know that a few members of the BC were present at the IFG this year, that took place in Geneva so I don't know if anyone has particular points to share with the group?

Lawrence Olawale-Roberts: Hello, Claudia, this is Lawrence. My hand is up.

Claudia Selli: Yes. Sorry, I didn't see it. Please.

Lawrence Olawale-Roberts: All right, thank you. So my intervention has to do with the onboarding program like we all will have noticed I had post – I had sent out a mail based on the development with the announcement that was made in our last call. I am still not satisfied with the process that we have engaged as the BC to fill the vacancies for mentor and mentee going forward in this current financial year.

I believe that rather we have started we were supposed to have done this a while back and sometime in August there about, I'm sure the ExComm also had to write to – I mean, also had to request for some information from the ICANN staff that were coordinating this program to get some direction. So I'm shocked that at the end of the day with the information that will have been available to ExComm, we have a situation where our process clearly deviates from what is expected for this program.

ICANN has different process, the onboarding as it is, also expect that after a particular period we would have the mentor on the program most so that we could have a mentee take that slot and then create room for another mentee to come on board. What we have done – what the ExComm has done for the BC does not conform to this. And that (unintelligible) like I had said in the email I sent out, Marilyn is a good coach, she has been my mentor but we have a program, I mean, what we have done is (unintelligible) what is expected for this program. I still expect the BC to reverse itself. Thank you.

Claudia Selli: Thank you, Lawrence. Marilyn, I see your hand is up. Do you still want to comment or respond?

((Crosstalk))

Adetola Sogbesan: I would like to say something. This is (Tola) here for the record.

Claudia Selli: Please, Jimson, go ahead.

Adetola Sogbesan: This is (Tola).

Jimson Olufuye: (Unintelligible) but maybe this could also clarify what (unintelligible) meant to say. Well, the details are there on the ICANN Website, the call for mentor to be selected and mentee to be selected (unintelligible) on there and we followed those details. So if there is any contrary information we would like to see where it is published. ExComm has been very transparent. We have been very collegial. And look at what we have best interest of the BC. So this – the closing date for the information was December 15, the closing date was December 15. And as I said, we received nominations and those nominations were considered by ExComm. Thank you.

Adetola Sogbesan: Okay, can I say a few words, please?

Claudia Selli: Sure. Is it Lawrence?

Adetola Sogbesan: This is (Tola).

Claudia Selli: Sorry.

Adetola Sogbesan: Okay, good evening, good morning, good afternoon, everyone. And welcome to 2018 ICANN BC. As rightly cited by Jimson, I think the – I (unintelligible) I requested for nomination. And in fairness I want to understand what Lawrence is trying to explain but unfortunately on the (unintelligible) need to go in line with the laid out rules and regulations. Like Jimson like told, an announcement was made on ICANN Website (unintelligible) mentee and mentor should please apply to their SO or AC for recommendations.

So my thinking if indeed Lawrence was very strongly (unintelligible) there should have been an application, there should have been a request to the ExComm for consideration. Now, at the point of deciding we could now challenge the ExComm to justify why this (unintelligible). But unfortunately if we are nomination from two different persons, one withdrew and the other person that is (unintelligible) to ExComm, I'm not sure ExComm choose (unintelligible) to why they decided on that singular person.

I would say that anyway, the principle Lawrence established is valid. And I was privileged as Johannesburg, ICANN59, to be at two different for where similar issues were discussed, two considerations that is very critical. Number one, what is the reason for (unintelligible), the reason is that since this I've been seen across SOs and ACs over the years. And this feeling that care is not taken there is possibility of (unintelligible) nobody to replace them.

If that is the case, what is the best thing to do? Let us pilot a system where old names, old faces will start mentoring new faces. And along the lines, the new faces will be prepared for leadership. That is the spirit behind onboarding.

Now the challenge is, is it possible for the mentee to learn what a senior mentor has acquired (unintelligible) 15, 20 years in one year? Is almost impossible. So whereas it is important to bring about new faces, I don't think it is proper to conclude that within just one year. In that case it means a mentee may need to go through a year or two to perfect learning process. And that was the spirit behind my nominating in the first instance a mentor and (unintelligible) who have been through it one year and will likely take another one year to perfect the learning process.

So we need to balance the (unintelligible) do we say old faces should go away just within one year? It is almost impossible because the new faces may not conclude learning in one year. And that is the information I wanted to (unintelligible), that is the information I want to make. I wouldn't say Lawrence is 100% wrong and I wouldn't say the process we have carried out is 100% correct so we just need to find a balance in between the two.

Next time if Lawrence is interested I would advise kindly apply before the closing date of December 15. Thank you for your attention.

Lawrence Olawale-Roberts: Sorry, if there is some time I would like to respond to this,  
Claudia?

Claudia Selli: Sure. Please go ahead.



Lawrence Olawale-Roberts: Sorry to belabor this issue onto this call, but I think it's good to flesh this out. Now, there is something that I think we actually have not got (unintelligible) of, the – to be a mentor first of all, yes, there was this call where we were instructed to go to the – to our SOs or the ACs, you know, to be renominated.

And so at this point two things stand out, one, the naturally you might be required to respond to a call for a mentee. There were two mentors on this program and the way ICANN has designed it is that when the mentor – when the prime mentor leaves, so to say, we've seen this happen with the ccNSO, we've seen this happen in three or four other constituencies, the person who becomes the mentor for that constituency, is a sitting mentee. So for the BC to have made – I mean, for the BC to make a choice, which is what – which is the argument I am calling on at the moment is that we have – we had two sitting mentees on the program who were the ones eligible to become mentors.

And based on that, the BC in its call or in its choice in the process should have focused on these two. Now, what you have done definitely is sending a message to myself, I don't know about my colleague, that it means that the BC does not have enough trust in us to become mentors, that is why both of us were not considered for that role. Now this – it's a plain process, we still not have been (unintelligible) we were supposed to do this as far back as the Abu Dhabi meeting.

But because we have our internal issues to be worked out, the BC was given that preference. And so for the BC to now have to go this (unintelligible) and at the end of the day in a system where you are to have a mentor move on and have a mentee become a mentor, you're now having the mentor sit and you have both mentees pulled out which is the reason why the onboarding program itself was created because these are the kinds of things that the

community has been complaining about and saying that should in some way or the other be addressed.

Claudia Selli: Okay, thank you very much, Lawrence. I see Marilyn, your hand is up. If you have – you can respond in very, very shortly and then maybe we can take the issue offline. Please Marilyn, go ahead.

Marilyn Cade: Thank you very much. It's Marilyn. I understand that communications can be confusing, but in fact the call for nominations was public and (unintelligible) wrote a very detailed contribution posted it, shared it with the BC, made a recommendation of a mentor and an assistant mentor and two mentees that was public to all of the BC, available to them to comment on. And subsequently, I was – I also indicated my interest in continuing as a mentor and verified with the ICANN staff that if the support comes from the organization, so just to comment here, Lawrence is correct that the nomination for mentee and mentor need to come from the Executive Committee of each of the organizations.

And to my understanding, that nomination has been confirmed for one mentee, sorry, one mentor, myself, one funded mentee, but an assistant – a second seat and that is (Tola) in the event that funding becomes available but to have full access to the onboarding activities that will take place remotely and when possible when funding exists.

Now I understand that people can be disappointed that they are not included but in fact there was no rule that a former mentor from the pilot program could not be continued. And I did verify that with the ICANN senior staff.

Claudia Selli: Okay, thank you for the clarification. I have to admit I'm not aware of all the background so it's difficult for me also to judge or give any type of input. But

maybe Lawrence, if there are further questions and also from other people on the call, maybe we can take this offline because I see that the time is running out. So we can – Marilyn, I guess you're available also to provide further details if needed or any of the ExComm maybe that can also help here.

If there are no further points, then just would close the call and the next meeting is on Thursday 18th of January and we'll speak then. So thank you very much for participating and have a great afternoon, evening.

END