

EVAN LEIBOVITCH:

Okay, hello everybody. My name is Evan Leibovitch. I want to welcome everybody to the call. This call is to be chaired by myself and Jean-Jacques Subrenat who are the Co-Chairs of the Future Challenges Working Group. We're in a bit of an awkward situation right now in that we're trying to bring Jean-Jacques into the call through dial-outs. The first try is having some difficulties and I'm in the awkward situation of myself being far from 100%, having woken up with a bit of the flu. So I'm going to be speaking a little more slowly and a little hoarser than usual.

Just as a bit of a recap: what this is is a webinar on the R3 Paper. R3 is sort of our shorthand because the whitepaper is called "Making ICANN Relevant, Responsive and Respected." This webinar is an attempt to engage with the community, not only within the At-Large community but within the greater ICANN community and beyond; and to sort of map out what the authors of the whitepaper have tried to do with this. There are six authors of the whitepaper of which myself and Jean-Jacques are two. They include former ICANN Board members, former GAC members and other people who have a really deep background both in governance issues and in ICANN's internals.

And we've been at this for quite a while. So the most recent activity that happened with this whitepaper was its unanimous endorsement by the At-Large Advisory Committee, and this is essentially the first public webinar that is happening since that approval happened. I want to make very, very clear that the whitepaper is not a specific instruction to

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the ICANN Board to do something tomorrow. This is intended to start a conversation that needs to happen.

Long before the WCIT took place there were people within At-Large and elsewhere that believed some significant change was needed in the way ICANN works, in the approach to multi-stakeholderism that is being taken, and with the relationships with other bodies. Anyway, Jean-Jacques, are you here?

JEAN-JACQUES SUBRENAT: Yes Evan, this is Jean-Jacques. I hope you and others can hear me now.

EVAN LEIBOVITCH: I can hear you fine.

JEAN-JACQUES SUBRENAT: Good. So shall I pick up from there and say a few words?

EVAN LEIBOVITCH: Please do.

JEAN-JACQUES SUBRENAT: Thanks, so hello everyone. Sorry for the connection problems on Adobe Connect – quite unusual. I'd like to add to what Evan said a couple of remarks. The first is that we're in the midst of something potentially very important within ICANN and outside of ICANN. Let's start with the easier part which is inside ICANN.

There's a new CEO who is really giving a new sense of direction and trust to ICANN. It's still too early to say how successful his attempts will be but we wish him good luck, and there are signs that it's going the right direction.

The other event I'd just like to use as background or backdrop to our R3 Paper and the discussion we're going to have today with you is the external factor, which is that after years of uneven interest manifested by various governments around the world, for the internet – not only for ICANN – suddenly, for the let's say two, three, four past years governments in general have paid much greater attention to the interest of the internet as a tool for themselves and this has translated into various initiatives.

The ITU discussions in Dubai is just one reflection of that, and as you saw there are very opposite views. So I just wanted to remind us of the background against which we are working on this paper.

Now I don't think we need a longer introduction to this paper so let's go to Item #2 of our agenda, which is to actually look at the various parts of the R3 Paper as it's known now; and this will be done in the following way. First, there are four main parts to this document and we will go through them, either me or Evan. I will deal with a Global Public Interest – that's item #1 or chapter #1, and then Evan will take up the Multi-Stakeholder Mechanism. And then I will deal with Global Governance and finally Evan will deal with Practical Cooperation.

So now let's start with the first chapter, which is the Global Public Interest. My first overall remark is that since I've been connected with ICANN, and that's a few years, every now and then people say that it is

necessary to define in an almost clinical way what is the global public interest. So there's the pros and cons of this, but I think like good health and fairness they are general concepts; and they should be in the same manner global concepts generally accepted everywhere for what is the public interest as far as the internet is concerned. And that is that it should remain an open system; that access should not be restricted by governments or by the rate of [fares], access, etc.; and that it should be a tool for humanity whilst also serving as a business tool for those developers, name vendors, etc. who make a business of that. And that is quite legitimate.

So the questions we have about the Global Public Interest, as you can see on Page 2 I think of the document – I won't read through that but it's simply to say that we cannot speak of the global public interest only in very general terms. There is a context, and the context is that ICANN over the past few years has already gone through several of these exercises. One of them, and I was lucky to be a participant and one of the main drafters of that, was the Improving Institutional Confidence paper which was brought up by the now-defunct President's Strategy Committee of ICANN. And that was later built upon, or pieces of that were taken up and integrated into the Affirmation of Commitments, or AOC; and also it served in part for the ATRT.

So we see that whereas in the first few years the notion of global public interest was a bit vague; now it's becoming more a subject of discussion. So this is certainly an area on which we would like to open the discussion in a few minutes. I won't say anymore on the Global Public Interest for the time being and suggest that, Evan, you take it from there on the Multi-Stakeholder Model.

EVAN LEIBOVITCH:

Thanks, Jean-Jacques. One of the things that was of concern to the authors and the Committee going forward was the health of the multi-stakeholder model as ICANN has envisioned it. Within At-Large we've seen some of the strengths of it; we've also seen a great number of the weaknesses of it. The tendency for various groups to work in silos and to each go into their little cubbyhole and come out with either their policy statements or their advice, there's very few instances where these all come together – and very often when they do they come at it from a very inequitable stance.

I was very, very delighted to hear the new comments of the new CEO of ICANN in saying that we need to make a shift from multi-stakeholderism to multi-equal-stakeholderism. And one of the things that we discovered and commented on within the R3 Paper was the problems with the current system and with the lack of equity of all voices. And so in order for ICANN to weather the storm, shall we say, from outside groups who say we're not representative, we're not giving the various stakeholders equal seats at the table, we need to do something about it.

We've seen increasingly for instance that the GAC is increasingly frustrated with the interaction that it has within ICANN and with the various ICANN stakeholders. We've had our own frustrations within the At-Large Advisory Committee of sometimes you know, having what we consider to be the public interest sufficiently represented. And so one of the things that we're trying to do with this paper is to bring some of this inequity to the forefront and to try to come up with better ideas on how to re-envision the multi-stakeholder system.

We saw at the ITU that there was an intention by some parties to just say “Well governments, they represent the public interest so why don’t we just put it all in their hands?” Well, we don’t take that view. We think that this needs to be fixed from within, but having said that there’s a significant amount of fixing still left to be done. And on that I will hand it back to Jean-Jacques on the issue of Global Governance.

JEAN-JACQUES SUBRENAT:

Thank you, Evan, this is Jean-Jacques. So on Global Governance, here again I will not attempt to read the paper – you’ve probably read it already and seen also our recommendations at the end of the R3 Paper. Let me just say that this chapter, Global Governance, I think has come into focus very much over the past few weeks, if only because of the ITU conference in Dubai. And we see how much passion is engendered by this discussion, not only between sets of states which have different views but also between states – meaning governments – and other stakeholders who are not representing state or national authority: businesses but individual users, etc.

So in this respect I think that it is really, really time for us to reflect on what is really required for the global governance of the internet. That is the general remark. Now, to be a bit more specific about the global governance and its impact or its requirements as far as ICANN is concerned, I must say that there have been improvements over the years but I remember that when I was a member of the Board of ICANN I was quite puzzled to find more than once that the internal governance was really far from the level or the standards that ICANN was imposing upon other partners or upon its stakeholders externally. For instance,

the Board, the way the Chair and the Vice-Chairs were elected when I arrived with no written ballot – it was just a show of hands, so think about the protection of secrecy; but also things like the way in which the Chairs and Vice-Chairs of Board committees were appointed. I think that has made progress but it's still not up to the highest international standards.

So to resume my two points: first of all, externally ICANN has to play a larger role and a more visible role. Although its mandate is clearly technical it cannot avoid, it can no longer avoid being more explicitly into the discussion of global governance. And my second point on this was that internally there's still quite a bit of progress to be made in internal governance, especially on the side of the Board or between the Board and the other parts of ICANN. Now over to you, Evan, for the last chapter which is Practical Cooperation.

EVAN LEIBOVITCH:

Thanks, and again, these issues... We keep referring back to Dubai; we keep referring back to the ITU and WCIT. And there's reason for it, because in some ways these meetings have also sort of laid bare in a very public sphere some of the flaws that the community has working with ICANN; and part of it is the relationships between these groups in ICANN. There's no formal relationship between ICANN and ITU, not in any kind of high-profile way. When they look at ICANN it's as something else, something that's out there.

And to some people this is a matter of control but even just having channels to be able to communicate... One of the things that some At-Large people came back from Dubai with was the comment that "Well

there's some countries that voted in favor of the ITRs because it's the only place where they feel like they actually have a say in things." And that's really, really distressing to hear.

So the fact that there is no organized relationship between ICANN and groups like the Internet Governance Forum, like the ITU and so on – when we find ourselves operating outside their spheres then it's only natural that they're going to see us as something either beyond their control to some, or even beyond their communications and ability to influence others. This is in our eyes a significant drawback, and the ironic thing is, is that ICANN has this global community. When ICANN has a relationship with other bodies it doesn't necessarily have to send its CEO to on a roadshow to regional meetings all over the place.

There is an ICANN presence around the globe. At-Large has a mandate of trying to have an At-Large Structure in every country on Earth. We have a ways to go but it is a stated goal. ICANN, through its very stakeholders, has a global presence. It needs to leverage that now to try and have better relationships with bodies both global, regional and national to try to make sure that it is not seen as something on the outside; that it is something integral to global governments and other bodies. ICANN's remit is very specific to deal with internet names and numberings, and not to do with content, not to do with filtering – not to do with [packet inspection]. But it has its own role to play and it needs to be seen as an integral part of global workings on this and not something on the outside.

So the lack in relationships was also a focus of what we did and that was reflected in the fourth section of the paper. Thanks.

JEAN-JACQUES SUBRENAT: Thank you, Evan. Now we open the floor to the discussion. I have a problem, a technical problem in that as I don't have access to a microphone on the Adobe page apparently and I'm on the landline, I will ask Evan or perhaps a member of the staff if Heidi agrees to signal anything, if anything goes wrong. The way Evan and I have organized this is to suggest that we open the floor to concerns. But before you go into the development of the point you want to make can you just say "I'd like to bring up a point about, let's say the voting rights or this or that item which falls into one of the four chapters of the R3 Paper?"

We'll try to group these, Evan and I, and we'll come back to you so that you can develop your point or your question. And then we'll try to answer if that's alright with everyone. So the floor is open and I see that there's, are there hands up? Chuck Gomes? At least I can see this happening on Adobe Connect. So the first to speak will be Chuck Gomes. Please, Chuck.

CHUCK GOMES: Thanks, Jean-Jacques, I appreciate the efforts that you guys have gone to, and let me start off by saying that I'm speaking in my personal capacity in the comments I'll make today. With regard to the multi-stakeholder model in your paper, the term "informed consent" is used in particular saying that we need to fully engender the informed consent of all ICANN's components.

A couple questions that I think need to be discussed, and obviously we can't resolve these today probably: how would inform consent be

measured? How would large numbers of what we know to be very diverse members communicate their consent? Would silence be interpreted as consent? And then in that same section you go on to talk about capture, and how would we determine whether positions put forward by leaders of any of our groups – how would we determine whether they actually reflect the views of the broader community that that group claims to represent?

Those are critical questions in my mind with regard to these issues.

JEAN-JACQUES SUBRENAT:

Thank you, Chuck. I'll reply later or Evan will reply later, but let's see who else is raising a hand. As far as I can see Chuck has put down his arm so I see no other request right now. So whilst we wait for others to come up with a remark or a question I'll try to answer briefly Chuck's remark.

Informed consent – it's of course a very good point. We had thought about this. It was discussed within the Drafting Group of the R3 Paper – how we measure At-Large members, what about value assignments and how representative are all of these categories? So we are not a negotiation group so our point is not to make rules which would then be taken up in ICANN as a tool. Our purpose was more to restate some basic principles. For instance there is obviously a quite natural tendency for business to be better organized than the individual users, and in that way the organized voice is often better heard and has more impact than the user community's voice.

So this is one thing we wanted to bring up and that was one of the purposes of the R3 exercise in the first place. This is a very quick answer. It is not complete. The important thing though, Chuck, is that we are taking notes – both Evan and I and I think some of our friends on staff – so that we will look at all your comments and suggestions after this webinar and see which we wish to integrate into the R3 text and in what form. And if we have any doubts about the meaning of your intervention then we will get back to you to make sure that we understood correctly. Thank you, Chuck.

CHUCK GOMES: Thank you.

JEAN-JACQUES SUBRENAT: Evan has raised his hand. Please, Evan?

EVAN LEIBOVITCH: Thank you, Jean-Jacques. I'm going to deal for a moment, Chuck, with your concept of informed consent. This is actually a very important one and I'll take it from a slightly different perspective than Jean-Jacques. In my time within At-Large I've used the term frequently that we find ourselves, I find At-Large to be going on a never-ending hamster wheel of running after public comments. That is, there is such a massive volume of things going on that sometimes finding out what are the big things and what are the little things in itself, and wading through all that, is a massive task.

We have fifteen people on the At-Large Advisory Committee; we have ten more people that are the regional leadership. We have ALS representatives behind them and we have the membership of those groups – at least within At-Large that’s our method – trying to get that out. Likewise within the GAC you have individuals that are expected to come to a meeting and make communiques, and some have good communications with their home governments, some do not.

The concept of informed consent at least to me means having a way of ICANN’s decision making that number one, does a much better job of separating implementation from policy; has a way of doing implementation in a way that includes stakeholders but doesn’t have to go through... The public comment process may work for some parties. It does not work for the Advisory Councils, at least in any capacity that I’ve seen. The way that that engagement takes place has to give time for proper engagement. It has to give clarity. It has to give the ability to communicate in multiple languages, and when there are large big picture issues that ICANN has to deal with there has to be a significant amount of engagement and the time to do that engagement.

And that doesn’t mean again, that the CEO of ICANN does a roadshow to four cities, introduces the gTLD Program and “Okay, we’ve done global engagement.” No. There’s a whole lot more to that that needs to be done. And so when I think of informed consent, I think of putting the tools in place and putting the communications channels in place to allow people to clearly understand what’s going on, to be able to separate policy from implementation and to help separate the wheat from the chaff so that when there are big picture things that require a

significant global consultation that we have the ability to do so and the ability to tell the difference of when that needs to be done.

I don't know if that answers your question but the issue of informed consent was definitely something front and center to us. Thanks.

JEAN-JACQUES SUBRENAT: There's a hand raised by Garth Bruen. Garth, please come in.

GARTH BRUEN: Oh, thank you very much. This is Garth Bruen for the record, and before I trample over any discussion that's still going on I do have a couple of points which are relevant I guess to the Part 3 and Part 4 – Part 3 in terms of the Global Governance and then Part 4 in terms of the institutional and Practical Cooperation.

As Chair of NARALO I have started three separate sub-reports that focus specifically on ICANN's technical functions. The three different reports are on language and translation and then also on travel, and then the third one is on compliance. And these are all issues which people within At-Large and outside of the community in the general internet community have brought up to me as being extremely concerning – and these are also areas which I have done a certain amount of research in and have come up with some concerns of my own.

The travel issue is one that we're constantly kind of banging on, and I think piece by piece we're getting fixes for specific issues. It may be something in the long run we may have a more comprehensive plan for addressing travel concerns. In terms of language and interpretation,

and translation, I'm kind of relying on some members of our community to bring their concerns to me, especially in the Spanish-speaking community and within the Francophone community in North America. I'm certainly open to ideas from anywhere else in any region anywhere around the world when it comes to these issues.

Because the business is typically in English, I really need people to bring their concerns to me because I'm not going to be aware of them immediately. So I'm just kind of putting that out there as an advertisement here on this call.

The third issue about compliance is something that I've spent a considerable amount of time on, and there's definitely an ongoing concern on my end that when it comes to the basic functions within ICANN in terms of managing the contracted parties, it's kind of not going anywhere. And we've kind of had this more than a yearlong back-and-forth with Compliance where sometimes there seems to be progress but in the long run there is actually more retreat than progress.

And I know Heidi's on the call, and I feel like Heidi maybe, and she can speak for herself – I feel like she's being thrown under the bus because I've been promised a bunch of answers to various questions we've put directly to Compliance and we haven't gotten them. And Heidi is saying that this is just an administrative issue about answering the questions but I feel like it's much more serious. And I know that we've kind of started out with this particular Working Group in addressing these issues and I just want to remind everybody that this issue in terms of Compliance functionality is far from resolved. It's far from fixed.

And I'm going to put my most recent Chair Report on Compliance into the chat so everybody can look at it if they want to, and then I'll put my hand down and let other people talk. Thank you very much.

JEAN-JACQUES SUBRENAT: Thank you, Garth. That's very useful. So to sum up your intervention, you have addressed various problems, all of which can come into Chapter 3 Global Governance or Chapter 4 Practical Cooperation Arrangements of the R3 Paper. As I mentioned to Chuck before we'll have a very close look at your remarks and we'll see to what extent we can integrate that into a next version of the R3, and better still into the next phase of the R3 Paper which will be a discussion in Beijing in the course of the ICANN 46 meeting. Thank you, Garth.

I'm looking at the Adobe attendees list. I see no other hands raised just now, so whilst I wait for people to come in if they wish let me say that Evan and I have had various remarks through the Chair of ALAC or through other channels, and I would like to voice some of these concerns which came to us. I will not give names because these people don't happen to be on the call just now but I will express the concerns.

One of them was that you noticed in our recommendations about the, just a minute... about the multi-stakeholder system. Our third recommendation, I will read, said this: "Address the country code top-level domains, ccTLD, diversity of practices vis-à-vis ICANN's general standards and best practices." And there was a view expressed by a person that we would create a situation that might become unmanageable if we were to try or to attempt to harmonize or even to

bring closer together the standards or the practices regarding ccTLDs with those of the gTLDs. That was one point.

Another point which was made also by a person who unfortunately did not make it to this webinar was to say that this R3 paper is all wrong because it comes at the wrong time; and if the ALAC wants to destroy ICANN we should just go ahead and continue with the R3 Paper. So I have a very clear answer based on my own fairly long experience of life. It's that a new, for instance if I were a US citizen, I've heard so many commentators from the industrial sector who say that "No, it's not time yet for real reform on gun legislation," you see? "And it's never time for a complete review of the gun legislation."

So in the same way I think that people who are opposed to having any sort of global overview and maybe even some recommendations about the way forward, well, it's never the right time. And what they do is generally to ask an external consultant to make a study and then a study of the study. So I'm a bit brutal in my reply to this but I feel quite strongly about this, and having been on the Board and now on the ALAC I've seen how these things work.

Finally, a last remark that was made to us was to say that there is a new CEO who's doing very good work, and the situation is already changing. And I completely agree with this. I was impressed by the first meetings with the new CEO but precisely, I think that the interesting point of this webinar – but also of the discussions we will have between now and Beijing, and also at the ICANN 46 meeting in Beijing – is that we must take into account and modify the R3 Paper accordingly. We must take

into account the changes already being made thanks in great part to the new CEO. And this we will do of course, in all fairness.

So those were three points which were brought up but by people who unfortunately are not on this call today. So I see that Chuck would like to speak. Chuck, the floor is yours.

CHUCK GOMES:

Thanks again, Jean-Jacques, and for the responses so far. Just somewhat of a follow-up to the informed consent question I asked, because your paper says that as a goal “to fully engender the informed consent of sovereign states represented through the GAC.” What’s your thinking? Do you think, and I guess I’m addressing this to the authors of the paper, that the GAC needs more than an advisory role?

JEAN-JACQUES SUBRENAT:

At this stage we are not pushing or advocating radically... Sorry, I should answer by saying this is Jean-Jacques speaking, responding to Chuck’s remark. No, I don’t think that we are aiming at asking ICANN to provide governments with a radically different status from what it is today. Because as you know, the GAC can operate only on the principle of consensus – there is no voting, there is no counting of voices or of votes – so that’s the first remark.

The second thing is, Chuck, that through my experience I’ve seen that in the GAC there is a great distance between a small group of states, and when I say states I don’t mean Idaho and Delaware – I mean sovereign states in the sense of the United States of America, China, France, etc. So states are represented in various ways; for instance, some delegates

have a direct access to a decision making level within their own government or state, and others haven't a clue or are very far removed, maybe six or ten steps from the decision maker. So it is this diversity which is difficult to manage.

So one of the things we've been thinking about is that through increased exchanges within all the structures of ICANN, governments could be made more aware of what is really at stake for them as the designated representatives of the public interests of their countries so that there should be a more harmonious and more representative in a way presence of a country within the GAC. Does that answer at least partly your question, Chuck?

CHUCK GOMES:

Yes, Jean-Jacques, that's helpful. If I were to take it a little further, though, I would go from the GAC to the At-Large because you actually refer to both of them in one of the first bullets under "Multi-Stakeholder System" where you talk about "transforming the roles of the Government Advisory Committee and the At-Large from purely advisory to involvement in policy formation." Especially with regard to the At-Large I was somewhat surprised by that statement because my view from a GNSO perspective is the At-Large has been very involved in policy development.

So I'm curious as to how the At-Large could be more involved in policy development on the GNSO side. So anything you can say on that would be helpful.

JEAN-JACQUES SUBRENAT: Thank you, Chuck. Evan will be responding to your remark if that's alright, Chuck? Evan, go ahead.

EVAN LEIBOVITCH: Chuck, I can give you two answers. One is theoretical and one is very, very real world. In the theoretical, at least on issues that I've seen especially to do with say, the New gTLD Program, we've had a situation in which governments have not participated in the early part of the policy development – and then they come in with a very big stick and have Summit meetings with the ICANN Board and senior staff, and make demands, and issue scorecards and things like that; things that would probably have not happened in quite such a confrontational manner had their concerns been baked in from the very beginning.

There seems to be no way, for instance, to bring the GAC in at early stages of a PDP. So in other words, the only recourse that it has is to wait for the entire process to unfold and then come out with a communique at the end of it, and sort of go to trying to basically comment on the finished product without actually having a say in how that product gets done. And so the intent of trying to start this conversation was to see how some kind of engagement can happen at the very earliest of stages.

To a certain extent the ALAC has been brought in but I've also seen some friction on some issues, for instance the issues of cross-community working groups. We've had a couple and I've also heard some very, very negative comments from people in the GNSO about "Why do we need these ccWGs?" I think they've been good engagements but their acceptance is by no means a slam dunk. So

there has to be I think a better engagement of this. I've had times personally where I've been involved in working groups where there's been a confrontation that essentially someone from a GNSO party has said "Well, the ALAC disagrees with our constituency group on this issue, well, we've got a vote at Council and you don't. So screw the consensus."

So that's a very, very real world thing that's happened recently. So Chuck, I would take issue with the fact that we're fully integrated into the ecosystem. The GAC has even more problems but the At-Large is not, I would say, fully integrated. I think we need to deal with that.

JEAN-JACQUES SUBRENAT: Thank you, Evan. Chuck, you have an opportunity to respond to that, please.

CHUCK GOMES: Thank you to both of you; this is Chuck again. Evan, I think you know I'm probably on the exact same page as you with regard to the GAC early involvement. And if we can ever solve that problem we will have made a great accomplishment. So with the At-Large, though, and I'm sorry for the comment that someone made in a working group – those kinds of things are going to happen, but if there are specific areas where the At-Large has not been fully integrated into the GNSO policy development process that will come as a surprise to me.

There are going to be little glitches and little things that happen because of the diversity of our groups, but I think you've responded to my question. We may differ a little bit in terms of the At-Large needs to

have more than the role they have now but that's another subject.
Thank you.

JEAN-JACQUES SUBRENAT: Thank you, Chuck. Evan, would you like to respond to this and then we'll move on to something else? First we'll see if any other speakers are on the line. Evan?

EVAN LEIBOVITCH: Nope. My only reply, Chuck, is that as you say, we are in far more agreement than we disagree on these issues. And believe me, I'm not trying to say that "Okay, ALAC needs to be a Stakeholder Group." I am not. I am just trying to... The paper is an attempt to, shall we say, think out loud and start a conversation on how to deal with this. And the existing solution, that is "Well, make something a Stakeholder Group" isn't necessarily the answer.

JEAN-JACQUES SUBRENAT: Thank you, Evan. So I'd like to see if there are any other interventions. Is anyone keen to make a comment or put a question, or make a suggestion on the way forward for the R3 exercise we initiated? I don't see any. In the chat on Adobe Connect I see Paul Diaz saying to Evan "The issue of getting GAC more involved early in policy processes was the focus of our ATRT Recommendation #12. ICANN claims it was addressed but that's really open to debate. I strongly suspect this will be a hot topic for ATRT2." Right.

So Garth says “J.J., I am deeply troubled someone thinks this paper could destroy ICANN. Is it really that fragile?” Well, I was just quoting a remark which was forwarded to me but that is not my opinion; quite the contrary.

So with that it is now 15:51 UTC and we would now like to try to wrap up this session with a few remarks about the way forward. So I’ll ask Evan to give his summation of this discussion and then I will conclude. Even, if you’re ready please go ahead.

EVAN LEIBOVITCH:

Thanks. Essentially, well first of all I want to mention as a matter of technical detail that there is a public comment process that is open for this. It’s not very often that ALAC is the initiator of a PCP. There is one open on the R3 Paper and so we are welcoming interventions.

Oh, Jean-Jacques, Heidi has mentioned and unfortunately I missed it myself, that Thomas Lowenhaupt has asked a question about internet arrangement, that “There’s a bullet point that says that the Board should be the Executive Committee of the ICANN community. Can you comment on the need and implications of this recommendation?” Jean-Jacques, would you like to take that first or would you like me to have a moment?

JEAN-JACQUES SUBRENAT:

No, go ahead.

EVAN LEIBOVITCH:

One of the things that always struck me as very strange about reading the ICANN Bylaws is that the fiduciary duty of the ICANN Directors are to ICANN, not to the public. I've been on the Board of a number of different corporations, some of them global nonprofits, and this is a very, very different approach – that your loyalty is actually to the institution itself, not to the people that are benefitted by the institution.

That has a very, very subtle way of changing the way that ICANN works and the way that its high-level decisions are made. And the idea of making the Board the Executive Committee of the ICANN community essentially cements the concept of the Board as not a decision maker but a channel for the bottom-up process. The way things are happening right now, that isn't quite always the case, and so rather than talking about specifics about the role of how the Board is picked or this or that or whatever, that statement is done with the intention of trying to open up a debate about the role of the ICANN Board. Is it there to guide? Is it there to respond to the community or is it some kind of hybrid of the two?

I think personally that needs to be addressed. I'm not particularly comfortable with the status quo and I think the subtle implications of the way that ICANN is operated right now has actually caused and allowed it to act in ways that aren't always responsive to the community it's supposed to serve. That's my personal view and I'm certainly welcoming to engage with others either personally or through this.

JEAN-JACQUES SUBRENAT:

Thank you, Evan, this is Jean-Jacques Subrenat speaking. So I see no other hands raised and the time allotment was one hour. We are about

five minutes away from closing time, so I'll take the opportunity now to give my own summing up of this and especially with regard to the way forward.

Now, I think that there are three steps between now, this webinar, and Beijing and slightly after Beijing or ICANN 46. Will it be 46 or 47? Someone should correct me on that. First of all, we are in the public comment period as Evan just reminded us, so that you all who are attending this webinar but others as well are very welcome to put in their comments in the adequate space which is provided for that on the ICANN website. We will not do any summing up of today's discussion and put it in that space because it's not an exercise of course, you understand that.

Now, the second thing is that we will be taking into account as soon as the public comment period is over, Garth will be providing to us a résumé or a compendium of the remarks which have been made in the public comment period; and we will see which can be integrated or should be integrated into the R3 Paper. We have an open mind about this. It can entail large changes or not. At this stage we don't know – we're open to that.

And finally in Beijing we are hoping to have a public session, not only with people from within ICANN, many of whom are on this call today, but also with some of observers who are interested in a much wider concept of governance, good governance – not only pertaining to the internet but in wider terms, perhaps a top journalist who happens to be in Beijing at that time, perhaps a top government official or professor who has been studying governance questions for a long time.

And the object of that is to arrive at a consolidated R3 Paper which could then be published for a second time in an augmented and hopefully improved version, which would then be very widely distributed so that it could be commented upon by people outside of the usual ICANN circles if necessary; or if they wish. Why do we have this approach? Because we believe that it's always interesting and in fact essential to have the views of ICANN insiders, but occasionally it is necessary on these very large issues to submit our views, our ICANN insider view to the test of reality of the much wider world – people who have concerns about governance and who are not necessarily [espoused] about the internet.

And the step after that would be then to perhaps publish online a sort of résumé of the R3 Paper and the suggestions or discussions to which it has led. So that in a few words is the timetable we are thinking about, and now about content or substance or background I have two remarks. One is that you noticed probably there is a certain convergence between the content of the R3 Paper we co-authored with some other people and the concerns of the ATRT. And there is a call for candidates for the ATRT2 and it'll be interesting to see to what extent some of our concerns in the R3 Paper are also the same concerns that will be taken up in the next exercise of the ATRT.

And my last remark is about the consequences of the Dubai ITU General Assembly. I think that what has been made very clear these past two weeks or so is that you don't have sovereign states on one side and all the other actors – domain name providers, the business circles, users, etc., etc. – on the other side. There is a clear divide between various sets of sovereign states on the one hand, and on the other hand there is

not an opposition but at least there is difference in approach very often between states and other stakeholders within ICANN; and certainly that is true for the user community, which ALAC purports to represent, especially in countries where freedom of expression is a real luxury and where censorship is rife. So that is really I think what is at stake in the larger picture.

So I hope we have not bored you with the presentation of the R3 Paper. We would have liked I think perhaps a bit more input from the community, from those of you attending, but all the same we hope that it was of some little news to you. And we thank you very sincerely for taking the time to be on this webinar. Evan, would you like to end with a few words?

EVAN LEIBOVITCH:

Just to thank you. It's very gratifying to see the large number of people that are on this chat. I hope you've all taken away something from it. I hope to be engaging with all of you and with more. I'm very happy to see the interest and like Jean-Jacques has said, this is an ongoing thing. This is a conversation. This is not a hard and fast thing but it's something that we thought needed to be done. This is a new initiative of At-Large. The idea of trying to help drive the conversation as opposed to constantly reacting to it is something we felt to be important, and thank you to all of you for being involved, for listening in. And I hope we can hear from you either collectively or individually. Thanks.

JEAN-JACQUES SUBRENAT: Thank you, Evan. I turn briefly to Heidi to find out from the staff perspective if there's anything which should be added before we close shop.

HEIDI ULLRICH: Thank you, Jean-Jacques, this is Heidi. Just to comment that the recording will be sent out to all of the lists very shortly. Thank you.

JEAN-JACQUES SUBRENAT: Thank you. Well, thank you all, thank you for your comments and as Evan mentioned earlier, the comment period is still open. Please make use of it. We would be delighted to know your views and possibly take some of them into account into the next version of the R3 Paper. Thank you all. Thank you staff, thank you interpreters, and see you soon. Bye-bye.

EVAN LEIBOVITCH: And have a good holiday to everybody.

[End of Transcript]