

**NCPH Intersessional meeting, January 30th 2013
Board meeting 17:00 Local time**

Steve Crocker: So hello everybody. I see many familiar faces and I see many more people that I don't recognize immediately which may be a symptom of my age or maybe that there (unintelligible).

In any case I'm Steve Crocker. I'm pleased to be Chairman of the Board of ICANN and several colleagues from the board, Cherine Chalaby and -- who's hiding in back -- I see George Sadowsky, Heather Dryden, Chris Disspain, Judith Vasquez oh right there and Sebastian Bachollet and did I miss anybody? Stand up, stand up, be visible for second. Good. Thanks.

I don't know exactly how the timing came to be but the board is having a two-day workshop and a day of committee meetings and other side meetings starting today and finishing off the week and I came to understand that you folks were meeting here and it seemed kind of both a positive opportunity to interact in some informal way and conversely if we didn't do this it would feel kind of awkward to be passing and bumping into each other and not saying hello.

To the extent that I had anything to do with getting this session together I can tell you what was on my mind which was very little. It was really to provide an informal opportunity to interact, no particular agenda, no particular formality to it and definitely not reaching formal decisions or solutions. This is not part of

the formal ICANN process or anything. So far as I'm concerned the floor is open for anything that we want to talk about.

I don't think I came with any prepared topics although there was some background stuff that was put together, topics were accumulated. So in the extraordinarily unlikely event that you guys fall silent we'll stir the pot here.

Cherine you want to say anything? You're sitting here so you must be in charge. Anything the other board members want to jump in?

All right so Marilyn I can count on you I know.

Marilyn Cade: I'm working hard to overcome my shyness but it seems to be a lifetime effort. Let me just say how much I appreciate, and I'm sure everyone else is going to echo that as well, the opportunity to have this kind of interaction. It's difficult at the formal ICANN meetings for us to have time to talk to each other and to you because we're all so busy doing other things.

What's on my mind I think as a foremost item is the sort of the environment we find ourselves in right now where we are racing ahead with a major new and very important initiative that has huge operational implications as well as other implications broadly and that's the new gTLD program while at the same time we're also in a really interesting period of time in dealing with the growing changes and expectations from a broader base of Internet users as well as governments and others about the role of ICANN, the function of ICANN and what else is not being addressed in relation to Internet policy.

So I guess one question that I have is we're seeing a lot of really interesting initiatives being put forward by Fahd and his team and really welcome all of that but I want to talk about how already involved and experienced in particular the noncommercial stakeholder participants are in some of the Internet governance settings and how we could work with the board and with

the staff as plans are put together to make sure we're helping to contribute to ICANN's success in the Internet governance landscape environment.

Steve Crocker: I'm not sure that there's a specific thing to respond to but there's a lot there to chew on. Okay are you raising your hand or are pointing to someone?

Man: Yes I've got Steve DelBianco and then I've got Mikey. Steve?

Steve DelBianco: Yes the new CEO spent some time with us in this room and another room and he doesn't have a room named after him yet like you do here but his presence was still felt everywhere. Fahd seems to have instilled a genuine sense of openness and specificity at responding to the concerns and questions, if anything an over anxiousness to solve every problem right away as Marilyn said but that's something that's much easier to deal with than an unwillingness to acknowledge head on genuine controversies and problems and risk we have. So that's been great and I just wanted to say to the board that you chose well.

Steve Crocker: Thank you. With respect to having a conference room named after me I've got to say it feels very, very peculiar and every time I see it I feel like I should be dead. And with respect to Fahd I hope he survives this experience and we don't have to name a conference room after him.

Man: Mikey.

Mikey O'Connor: This is it, this is the last time. I'm sort of expecting a hail of empty water bottles to hit me today. I've been Johnny One Note all day long. Metalitz has got his arm ready, Marilyn's ready to go.

I'm going to put it sort of in the context of Fahd's remarks earlier today. Fahd talked a lot about value chain and sort of the whole notion of outreach bringing more people into the process and so on and so forth. And my Johnny One Note thing is that -- and I've been doing it from all angles in

today's conversations -- our working group process, the very bottom of the bottom of the process may be a weak link in the value chain. I know I came at it in the budget session, I came at in the tools session and so.

There's a lot of attention paid managerially and organizationally to almost every other facet of ICANN but that sort of working group layer is always a part of something else. It's not a focus in its own sense. And so Fahd talked about pinholes in the pipes which I assume he's been talking to you about this analogy of a pinhole under the house causing...

Man: (Unintelligible)

Mikey O'Connor: He hasn't told you about pinholes in the pipes? Never? Not even once? Amazing.

Anyway I think there's a possible pinhole in a pipe there and it's not the end of the world and I want to echo Marilyn and Steve.

Steve Crocker: What are the problems with the working groups?

Mikey O'Connor: Well it's not - I wouldn't call it problems I'd call it puzzles. I think that for example, I'll take a very narrow example, I'm running a working group right now where we were really successful at recruiting a whole bunch of random folks from (MPRAK) and from all across the GNSO. So it's quite a bit larger than normal. It's got a bunch of people who have never been in a working group before and as working groups it sometimes erupts into very intense conversations by e-mail in sometimes a foreign language for people so we had 150 emails in the last couple of days on a very interesting and complex topic. And there's much runway for a new member of the ICANN community to sort of get up to speed on all that. Just that's a very narrow example. But it's stuff like that.

The seed I just want to plant is as you think about the future and how we're going to execute stuff and Fahd said okay I'd better be careful not to overfill the bathtub with a whole bunch of new people sort of hit this somewhat creaky process and overwhelm them. That's kind of the message here.

Steve Crocker: Interesting. Over in the Internet Engineering Taskforce which runs on working groups, 100 plus working groups in the force at any given moment, there's been a fair amount of experience about the phenomenon of proper behavior within a working group, how a working group can be effective, how do you induct people into the processes and so forth and there may be some value. I wouldn't want to take a cookie-cutter approach and say what they do is obviously what we need but it might be helpful to look at some of the ancillary material.

They have a document called The Tao of the ITF and they have newcomers training and they have various other things that have evolved over the long period of time to address some of the phenomena that I think you point to. And again I caution that I'm really resistant to the idea that because they do it that way therefore we should but there may be some lessons to extract out of that.

Man: Wolfgang and then Steve Metalitz.

Wolfgang Kleinwachter: Yes I want to continue what Marilyn said with regard to the general committee with the mention of Internet governance. I think Fahd spoke a lot about his established experience and there is even business leaders and governmental leaders in Western countries have no real understanding what the stakeholder model is, you know, say supported it, say give credit for this but they do not really understand it.

The challenge is now and it will continue at least until 2015 when we have the tenth anniversary of the (unintelligible) and relevant IT meetings both in the telecommunication policy forum, development conference and the

(unintelligible) that ICANN is potent to this process. So my impression from the two days in discussion we had here is ICANN is still in a reactive position so that means there's something in the environment and we have to react to this.

I think there is enormous potential here in this community to develop a more proactive strategy and we need to say okay what do we want to achieve in the next two or three years so that we both prepared not only to say we have to support the ITF, we have to channel money to the ITF and develop a workshop, we have to go down to the fine-tuning what are the subjects in which other workshops will appear that we have not only ICANN workshops, we go to other workshops so that we are more linked to both ranges of various activities. It starts already now with this (unintelligible) four weeks from now and it will continue.

When he speaks about the working group probably it would be not such a bad idea to think about the establishment of both working groups or whatever which get the task to develop a proactive strategy not just to react. And we have in our noncommercial stakeholder group we have three former members of the working group in Internet governance, they have the whole history of 10 years, 15 years around this issue here. This is a potential you can use and we can use it for the whole community. Thank you.

Steve Crocker: Thank you. Actually Marilyn I've been castigating on your sort of weighty set of comments and let me try to tease apart a couple of thoughts that are all interwoven in my mind.

ICANN has a kind of peculiar structure and status, maybe not a structure but a peculiar status. We have at our core a very specific narrow mandate. We oversee and coordinate the identifiers and out of that comes the gTLD contracts and puts us into a quasi-regulatory position. But we're not the managers or coordinators of the whole Internet and we certainly have a role to play in Internet governance. But when I think of that role I think of it as

being relatively small compared to the huge set of very, very important big topics in Internet governance.

So it's easy I think to make a long list of Internet governance topics that are not in ICANN's purview and rate the topic of what the experience base is in a noncommercial stakeholders group and I agree with you completely. But I also think that a lot of that experience base overlaps and is applicable to topics that are outside of ICANN's particular mandate easily, everything from human rights to freedom of speech to fraud and crime and a whole variety of things.

So one of the things I feel pretty strongly about for ICANN is that we have to do two things that are almost completely opposite. One is we're a very strong example of an organization that is a multi-stakeholder organization in the world and that's a very, very important and powerful thing. And we treasure that, we protect that and I would say we think that's important because that's the right way to get the job done that we were constructed to do. Many people focus on our multi-stakeholder model as a thing of itself and you can choose to come at it either way.

But I don't think it's our mission to (unintelligible) multi-stakeholders around the world and I certainly think it would be pretty bad news if we tried to expand our mandate to cover Internet governance broadly. Even better our close friends of the Internet Society I think are far better positioned to deal with the broad range of social issues and structures and so forth. So I like to think of ICANN as being one of a set of players in the Internet ecosystem and hopefully work comfortably and closely with partners.

That's a bit of a rambling response but I hope it addresses the various pieces that you -- It doesn't. Well that doesn't surprise me. We should try again.

Marilyn Cade: In order to - when you're a new entrant into a space that is filled with -- and I assume we're being transcribed, I should say this is Marilyn Cade -- when

you're a new entrant in a space that is filled with incumbents who have been doing things a particular way for a very long time, you often have to create not just awareness of what your job is and the new model of how you work but also define how the incumbents move over and make room for the new entrants.

And I think that ICANN in order to do its narrow and important mission does have to think about the fact it has to coexist in an environment that is filled not just with UN agencies or ISOC or the IEEE or the ITF but a wide group of other players as well including civil society and business, governments, who need to understand and embrace ICANN's narrow mission, what it does and its impact in order to ensure our success.

I by no means expect in any way would suggest changing ICANN's mission to be broadly inclusive in particular because I think those other social issues belong at the IGF, yet another new entrant. But I was referencing I think more that for us to be successful as an organization I think the community that makes up ICANN, and I tend to think of ICANN as a community not as a board and not as staff, needs to understand that larger environments that we're either swimming in or getting eaten in.

Steve Crocker: Interesting as you were leading into this and describing make room for new entrants I had two other models that I thought you were - that I was unsure about and you went to a third place so the other two were the new gTLD applicants and the need for the incumbents to make room for them and I was thinking maybe we're talking about new people coming into ICANN and other people making room for that. Then you went to ICANN being a new entrant.

There is peculiarly a similarity in all of that. I think the general problem of when you're new how do you find your way in and when you're an incumbent how do you make room and when you're an organization that is trying to encourage new people, how do you structure them is probably endemic in

every kind of organization. The environment we're in is just let's say you could apply it over and over again in multiple situations.

Man: I just want to echo what you said about -- what Wolfgang said -- about it was mentioned that we are in a reactive mode. I would agree with that. I think we are in a corrective mode because we had to (unintelligible) had to go this way, but I do think I also agree and I'm sure if you speak to Fahd and Steve about things that are going to come up, we are going to be more purposeful and have more planning in terms of relationship and given that narrow mission but also who attends where and what messages we give and how we interact in a much more planned way rather than the ad hoc way that seems to happen in the past. And I think you would see a change coming in the future. I know that for sure.

Man: I wanted to comment on Mikey's question and maybe we need to finish the discussion about Internet governance issue before ICANN.

Steve Crocker: You wanted to say more about Mikey's question. Go ahead.

Man: Yes I don't want to jump from one subject to another subject.

Steve Crocker: Go for it.

Man: Mikey we discussed this afternoon together but I think it's an important point that you make and I hope that we are - the community's working on what we call today the ICANN Academy will hopefully answer part of your question about training, about including new people to know how it's working with ICANN and the working group. I think we need to deliver also better tools for the working groups -- all the working groups -- to deliver - we need to deliver more for the community.

And what is interesting is it's not so often that you have new people starting in the working group. Usually they come, they look at what is happening in

ICANN meetings, they come to one, two, three and then they try to join the working group.

If you have new people then we really need to think about how we will engage them and give them the tools to work and the knowledge to be able to interact because it's not, and my main imagine with the working groups was that you were sharing VI, the vertical integration working group because I really feel that you were left on the shelf this working with a bunch of people and nobody to help you, no tools to help you and you were left to invent a good way to do and that was wrong from the ICANN organizational perspective.

And I want to thank you again for the job you are doing even though I don't think you get out the results, it's not your fault and it's our fault. Thank you.

Man: We have Avri down there but Steve.

Steve Metalitz: Thank you, Steve Metalitz with the intellectual property constituency.

I've got a different topic. It picks up on something Steve DelBianco said about Fahd and what a pleasure it's been to work with him over the last couple of days. You have given him, you the board, among many assignments one very challenging one on an extremely ambitious schedule and that's going to prove to be a challenge for him I'm sure but we're supporting him as much as we can and that is Whois.

And the board resolution and the attached materials that were adopted by the board in November I can report have now been examined by several academies of Talmudic scholars and we've been comparing them with other texts but I think we've figured out what you're ordering to be done and on the timetable that you want it done.

But one thing that comes through pretty clearly from that is that the recommendations of this Whois review team who is set up under the affirmation of commitments that included people from across the community that worked on one of the most contentious subjects that ICANN has had to deal with and that came up with unanimous recommendations on a number of issues, it's clear you did not approve those recommendations and you set the process off in a different direction evidently on the basis of the Security Stability Advisory Committee report that came in at the less minute and was not that cross-community process, was not an affirmation of commitments process and so forth.

We're hopeful this process is going to lead to a good result and lead to it quickly so we're very committed to that. But my question really is about what signal do you think that sends to the community, to people that are being asked to commit time and effort to a review team process and also about the affirmation of commitments which is seems to us that these reviews are different than a lot of the other things ICANN does, first because they are by necessity cross-community and so forth but also because they are part of ICANN's solemn obligations to government.

So I'd be interested in any reaction to this reaction that - it's not mine alone but it's my reaction to the Whois resolution.

Steve Crocker: I have several things that I want to say and I hope pretty direct and clear in terms but I see some reactions. Chris or (Kathy) did you want to chime in? All right.

Let me cover a sequence of events. The first is that with respect to the Talmudic scholars my experience is they could not possibly have finished. The Talmudic scholars have never finished anything in the finite amount of time that you've described.

I want to take actually quite sharp issue with some of the things that you said but before I go into the specifics of it the very first thing is that board took two actions not one, both with respect to Whois, if you will. One of them was 100% acceptance of the recommendations from the Whois Review team and instruction to management to implement those. Full stop. So in that respect I think your description that we didn't accept them or that we're not supporting them, although I've heard this more than once, it's not just you, I think is a misunderstanding or a misinterpretation of what we said.

The distinction and it's an important distinction and I understand why it causes confusion is that with all of the other reviewers or the handful of reviewers we basically did exactly the same thing and stopped there. In the case of Whois we did something else and it's the fact that we took a second action, a substantial second action, which I'll speak to at length in a second, created the possible misunderstanding that we did not accept or weren't supportive of what I agree was an enormous amount of very earnest and serious work by the Whois Review team which we appreciated.

So here's the rest of that story and I'm going to be pretty candid and direct. The Whois system grew up over a very long period of time and is kind of misbegotten and we can go into the specifics of it, I can give you a little rant about some of the weaknesses, and it's been extremely visible in essentially the same sense of he emperor's new clothes that everybody has known this and it has been said over and over again. And the SSAC report is just latest of a whole series of statements along that line. It was convenient to point to it because it represented an independent voice and so forth but it wasn't as if it was bolt out of the blue like nobody ever thought about that. Many of us have known this for a very long time.

So it posed to us a bit of a conundrum and I'll give you some of the history behind the conundrum in a minute. On the one hand you're exactly right that the affirmation of commitments says that we commit to supporting the Whois system and we support a review that is based upon how well we're doing

that. And as I said we took that on and gave it full weight despite what might seem less than that. But I can assure you that there's no backing away from that.

And one of the elements of that in order to make this actually work because we're not inexperienced about some of these things is we have insisted and we are trying to build the discipline that we do not talk about Whois as if it is two things here or two projects, we try to give different names to these things, we try to make sure that we do not conflate the two, that they are listed separately on our agendas.

And this is a matter of socializing this up and down through the chain of everybody. So the term of art that we're using is new directory services or directory services for the latter and trying to set a new course.

So here's the thing that is - will grab your attention perhaps. When that Affirmation of Commitments was written and negotiated there was frankly a bit of sausage making process involved as there is on all sorts of things.

And the sequence - and I can speak to part of it but I wasn't in every part of it so I don't know exactly what happened. But the Affirmation of Commitments process of negotiating or trying to structure that happened in the latter part of about two weeks tenure. So we're talking about spring - sorry I'm not along to use words like that. First half of 2009, right. The Australian is smiling (at that).

And two weeks term ended. (Rob) came in first of July 2009 and was very eager to reach closure on this, properly so. And there was negotiations with Department of Commerce with NTIA. I don't know which other parties were all in there.

And in a Board workshop in September 2009 we sat in a room, you know, not this room but a different room I think. And we were presented with the draft

except that it wasn't an early draft. It was - this is - these are the words and it was really the first time that the Board had had a chance to look at that.

And when we came to the Whois portion, we said quite clearly and this is - I'm talking about more than three years ago. We said this is broken. This is not the right thing. This wording treats Whois as if the issue is compliance as opposed to looking at some of the more fundamental issues underneath it.

And the response was we're too far along in the process. Things will come apart if we start negotiating this and we kind of have to take care of this, accept this as is. And even at that point we understood that we had this kind of fundamental problem to deal with.

And there was a sense among those of us who were in the room and I don't know who else around the community that one way or another this was going to have to get dealt with.

Forward in time. The Whois Review Team was set up and was tasked with following the mandate of the Affirmation of Commitments, which they did very well. And I - this was started before my term as Chair and I don't recall the - getting - I wasn't involved in that. And that's just me but I'm just speaking about first person about what I do recall.

When the report came in then found ourselves having two strong reactions. One was it's a very fine piece of work. This deals with a lot of the compliance issues. This deals with the accuracy issues. And it's important to get to deal with it. And in the short run there's absolutely no choice but to do all of that.

On the other hand sometime there was going to have to be a reexamination of the whole Whois system. All the folks at the IGF has known this for years and looked at us like we're crazy, you know, when are we going to wake up. Sensible people around the community look at this.

And so we were faced with the question if not now, then when? And the answer is now. And so what we did is we said, as I've said multiple times and I'll - we said yes, accept the recommendations. We're not going to go nigger about this recommendation versus that recommendation.

We did go through and - let me interrupt for a second and say one of the less visible but extremely important parts of the review process is a review team whether it's ATRT or Whois or SSR prepares a report with recommendations. And what is expected by the community is that that comes to the Board and the Board says yes, thank you and then goes off and implements it.

Well, there are a couple of less visible steps that are absolutely important. One is the Board requests from staff an assessment of the feasibility and resources and consequences of those recommendations. This is just proper due diligence on our part.

And the second is that we then have the obligation and responsibility to think through whether or not those recommendations are going to be accepted. Now we can't say arbitrarily well, we don't like this one or we don't like that one. The review teams as you said selected cross community, do earnest work and we would - they would give them extremely great weight.

Extremely great weight is a step short of automatically acceptance and rubber stamp and so forth. And I have to tell you that not in the case that we're talking about but in other cases, expert groups do have a tendency -- some of my closes friends are subject to this -- of getting in a room, deciding on what they want and then having sort of no limits on that and there has to be some checks and balances in the process.

So we built in those kinds of thought processes into our theme. So when we accepted the recommendations from the Whois Review Team, it was not a casual knee jerk reaction. It was thoughtful in its own terms. And then as I said, the other very strong reaction we had is that we've known for a very

long time, never mind the Affirmation of Commitments, never mind the Whois Review, we've known deep in our bones was it's really very deeply broken.

And we rose to the challenge. And what we believe frankly is that the decisions that we made in that Board meeting and as part of that process, we think are one of the most important decisions all year. I don't know whether it'll be in all lifetime of ICANN but one of the big decisions that we made.

And we also recognized that it would not be a quick fast process. There may be some urgent things that take place in order to get ideas on the table in order to get the ball rolling but to revamp the Whois system is a multiyear, you know, five year, ten year, I don't know exactly but we're talking about a substantial change in the environment.

The IGF has done some very good work in terms of protocol developments that may or may not be relevant but that's part of the input to it. But there's a lot of other kinds of things that have to be on the table and more than happy to get into a next layer of discussion about all that.

But I got to tell you that just from, you know, just dealing with what you've said, we did take Whois very seriously, we do take Whois very serious. This sits atop a layer of the agenda on the dialog - the ongoing dialog with management. And it is - and as I said, we've been insistent that it occupy not one but two separate slots on every discussion so that we don't get tangled up about which one we're talking about.

And so there is a first class agenda item to go implement the Whois Review Team recommendations. There is a separate distinct first class agenda item to initiate and pursue directory services support for the time. And we will treat both of those as independent and important topics that we're going through. Each will get the necessary resources, each will get the separate management, each will get separate reporting.

And I just came out of a meeting in which there was a sort of rough draft of how the Beijing meeting was going to be structured. (Nick) and Sally and some others on the staff and I think, Sebastian and I all sat in different parts of the table. And Whois was on there. And each one of us said no, it's got to be two things. And you don't do that in (unintelligible) in a quite strong reaction that we had.

So I think I'm now - I'll start repeating myself if I go on. But that's the gist of it. Yes.

John Berard: Steve, if I - this is John Berard, Business Constituency. When you summarize your thoughts in the phrase we know that it's broken.

Steve Crocker: Yes.

John Berard: What are some of the - can you unpack a couple of items?

Steve Crocker: Sure. Sure. Okay. So and I didn't mean to be vague and at the same time I was worried about the slippery slope of getting into a lot of detail, which gets - okay. So I'll give you an example or two.

Any time you try to collect a lot of information and try to keep it accurate, there's a lot of opportunities for things not to - for it to fray, for the information to be stale or inaccurate. So it's good to look underneath at what forces there are that will tend toward accuracy as opposed to tend toward inaccuracy over time.

One of the things is who benefits from having that information. So if you look at the business relationship involved in collecting the information; we're talking about the registrars interacting with registrants. And the registrants supply the information and the registrars provide access to domain names and so forth.

And so what information do the registrars use in their relationship with the registrants? And the answer is an entirely separate distinct body of information. It is not the technical contact point, it's not the administrative contact point, it is not even the owner exactly.

So if you have an account at some registrar, you'll find that there's a separate set of credentials. There's a password and an account number that they supply and contact information back and forth.

So if you don't pay your bill or you have some problem with that, there's a whole separate path of information that is just not the information unless you happen to make it the same. But it's not necessarily the same as the information that's published in the Whois directory.

From a system point of view, this is a very strong signal that something is misbegotten in the structure. So they're age specific. I'll give a second somewhat different one.

If you read the Affirmation of Commitments document with respect to Whois, I forget the exact words but they are some version of the information freely available to everybody. Well is that actually the right thing? It's certainly the way things have grown up. We have a wide open database and it's accessible to everybody.

But we also know from experience that a lot of that information is either inaccurate because of being stale or it's inaccurate because people deliberately put the wrong information in or they use proxy services to hide the information because there are privacy issues of one sort or another.

It might be commercial privacy or it might be personal and there's anecdotes of different stories. Individuals don't want their home address published, companies buy a domain name in anticipation of a product they're going to

launch or a movie they're going to launch and they don't want any visibility about the relationship there.

We have no mechanisms in the rule structure that gives that espoused need, and I don't want to evaluate how real it is or how important it is. But we don't have any mechanism that provides first class status to that discussion. It's all sort of done on the side or, you know, whatever.

And so we don't have any way of bringing (unintelligible) into the discussion should there be what's commonly called tiered access, different levels of access should there be ways of having information that's available to certain classes of users in exchange for having you knowing who they are or registering when they ask for it and so forth.

And I don't know what the answers are to that but I know that those possibilities are outside of the current structure. And if you - and if you take little reading of what's in the Affirmation of Commitments, they were - they're ruled out of order from the get go. And that's a limitation in that discussion, which I think is well, you know, long time although we should have been able to bring those in.

May be that at the end of the day we have that discussion and we say the current system is as best we're going to do and if we create these other kinds of, you know, tiered access or other kinds of structures be in worse shape. But we haven't been able to have that discussion in any sensible way.

So those are two examples if you will that are directly in response to the kinds of specifics. So and these are not trivial little problems. These are (user) and - and as I say, the Whois Review Team has been very, very competent and earnest and the people did a lot of serious work.

But these kinds of questions weren't within the scope of - and the review team was not constructed in a way that if these - the questions had been on

the table that they would have been able to get at them in the way - with the tools and processes that they had.

And Avri was I think queued up here.

Avri Doria: Thank you. It's actually great. There's been three fantastic subjects, each of which I wanted to say a short thing about.

First of all - and I apologize. This may be coming from my lack of experience in Internet governance the legendary non-commercial lack of experience in Internet governance.

But I sort of take question with the notion that ICANN's narrow mission is totally unaffected by the rest of the topics in Internet governance. I think that there's - some people use Echo System. I'm not quite sure that that's the right word.

But that there really is a great connection between all of these subjects. And I don't think we can at any point sort of say ah yes, the narrow ICANN proposition is that much different and has no affect or is not affected by the other topics that we have in Internet governance. But as I say, that may be just non-commercial inexperience.

In terms of working groups, having spent 20 years in IGF working groups before coming to ICANN, I have to say that I don't actually think they're that different. In most IGF working groups that I was in, four, five, six people do the brunt of the work. They go on for a long time. There's no marker as to when they're over though they do get constantly reviewed to see if they're making progress. And people are brought in in a very ad hoc manner.

The problem that we have here is that we have different expectations for our working groups. We don't have the expectation that a working group will keep

going until it finally figures out the answer or it'll give up because it didn't figure out the answer.

I thought (VI) was perfect in that respects in terms of it worked for a while, realized that it was not going to get an answer. Several recommendations were put out and the Board did a wonderful job of choosing the right thing to do.

With the Whois I actually want to thank you for the direction you took. I think you did give the proper credit to the Whois team in terms of following the recommendations. And as somebody who authored or co-authored an article in 2007 saying the Whois was broken and we need to figure out what to do to fix it, I am incredibly grateful that at this point I guess it's six years later you've actually embarked on doing that.

So I actually have a very positive feeling about what you're doing, what you're getting done, the Whois, although I would question sort of your perception of Internet governance and ICANN's sort of separateness from it or difference from the rest of it. Thank you.

Steve Crocker: Yes. Thank you. I really appreciate it. And I know how much experience you have in the IGF and not to say nothing of your experience in ICANN. I think I tried to say not the inexperience of the non-commercial community.

But I think I tried to say we don't have the breadth within ICANN to use all of the experience that the non-commercial community has to bring to Internet governance because you've got a great deal more than just what fits into our particular narrow frame.

And I also - I've been meaning to say that we have no relationship to any of the other issues. But I think, you know, it's a more subtle discussion. But there's an awful lot that fits into say an IGF setting that we have relatively

middle - we aren't and we shouldn't be the dominant player or the dominant object of attention or whatever in many of these topics.

There are a few that we obviously are. And then more that I think that, you know, we're kind of tangential or secondary at best. (David).

(David): Okay. The first thing I was going to say I guess you had - you may well have just answered then. But it's more of a comment about something that's come up - a general feeling that's come up a few times over the weekend, which is we've been showing a communications strategy.

And when you say is - we do have a lot - we have an enormous amount of experience particularly in the Internet governance world. And we're happy to be part of that strategy. Please use us as part of, you know, outreaching to those areas where we do have experience. And in a lot of cases that will particularly in the, you know, that will include national governments that we're used to dealing with. But any that's governed well.

Steve Crocker: And my quick reaction is that this is a message that needs to be delivered to ICANN management.

(David): Yes.

Steve Crocker: And - but I'm guessing you did actually.

(David): Yes. I did just repeating it briefly.

Steve Crocker: Yes.

(David): Don't want to linger on it because I know the Board are the people that really need to hear it but.

Steve Crocker: Yes.

(David): The other - the question I want to raise with the Board we've - in the last few months we've had this - the idea of policy versus implementation has been really pretty large. There's two - and there seem to be sort of two sides to that. One of which is, you know, sort of when is it the GNSO and when is it staff. Or when is it the - when is it community and when is it staff.

And I think the report that staff put together has come up with some really useful dialog around that and ways that we can work on that. I especially like you're using, you know, implementation review teams and things that will make everyone happier I think. And I think that's very positive.

But it also - there's also that question of policy versus implementation seems to be used as a - it's coming an argument sort of demarcating the role of the GNSO. And I mean I think that with half the GNSO here I think we're all fairly keen on the idea that the GNSO remains the gTLD policy - I mean not necessarily where all the - where - I understand we get directives from the Board and so on from now on.

But at least we think it should be the place where the, you know, the meat is put on the bone and things even when the Board has already told us what they want. I'd just like to talk about that idea, the policy versus implementation, how you feel.

Steve Crocker: Well, I'm going to say some fairly straightforward things that I don't think have any real depth to them. Any time you draw a boundary between two things you get a lot of hassles around the boundary as to which side something falls on.

And there's always perception issues of well I think it's a policy issue or but the other person things it's an implementation issue or vice versa. And so if you look at it from even a single person's perspective, there will be a series of things that happen over time that will be viewed as errors, either

implementation things that were treated as policies or policies that were treated as implementations.

And that's from a single person's point of view. And you get a large number of people, you'll get variations even in the judgments about where those fall. It needs to be sorted out. Everybody needs to be comfortable about it. Some of it has to do with communication.

The - I know that from a GNSO's point of view having things treated as quote implementation that they think - you think should be treated as policy means that the staff has sort of taken something on that should be passed to the GNSO.

There is the other side of the same problem, which is things which are legitimately implementation issues get treated as if there is a policy question there and you get - or the GNSO takes on something and says under the umbrella of policy we think the following should be done. And when you look at it there's an awful lot of implementation detail in there. And I think it's just inherently impossible to be perfect.

So you don't want to be too sloppy and you don't want to be, you know, say that nothing can be done. But I also think that we're not going to get perfection. And so we have to have some toleration for that and use corrective forces over time and some experiences.

As I say, I'm not saying anything very specific or very deep here. But except that there is an issue there that has to be sorted out. I don't think there's a deep desire to undercut the basic idea. I don't think staff is trying to make policy. Sometimes I know they get accused of that. And I don't think they GNSO is trying to micromanage the implementation even though that might look like it sometimes and so we muddle our way through this a bit.

That doesn't sound - look like it's very satisfying. I don't think it's very satisfying.

(David): I mean I think the issue between staff and GNSO is a historical one and it - and we're working on it. But it's also - it's come up as a sort of argument to say GNSO butt out. We're not - and no one's very happy about that.

Steve Crocker: All right. It will be helpful to come at this with specifics and also to be a bit more relaxed and tolerant so that the focus is on the substance as opposed to the implied intentions or perceived intentions. Because at the end of the day irrespective of the details of who made policy and who made implementation, the question is do you have a working system. Kathy.

Kathy Kleinman: Thank you. Kathy Kleinman. And first I want to thank you - thank David Olive and Rob Hoggarth for organizing an incredible intercessional meeting. This has been a really good two days at a really critical time. And to see - to be in the room to be talking with constituency stakeholder groups and cross stakeholder groups has been very, very constructive.

So thank you for joining us at the end of what's been a really interesting and productive two days. I see a number of people looking at me as we talk about the Whois Review Team. So I thought I'd raise things that we haven't talked about at all during the last two days.

I was Vice Chair of the Whois Review Team. Emily Taylor was Chair. It was an incredible more than a year, 18 months. And we were very happy with what we came up with. We worked very, very hard across a really diverse group of people.

And to quote Emily Taylor, we think we kicked the can down the road a little bit. But did we solve everything? I don't know. We looked (unintelligible) of the Affirmation of Commitments. We limited our scope and we talked about

that a lot to existing policy and that's what we took as our scope. But I wanted to share that we've had meetings.

The Whois Review Team was initially very upset with the Board's recommendations and asked questions and (Steve) and Fahd were very generous in their time and actually more than an hour - an hour and a half talking about it - talking about these two tracks, looking at the Board's recommendations to implement - the Board's decision to implement the recommendations but also the (unintelligible) track and the Expert Working Group.

And then because we had more questions and met again with Fahd and Jean-Francois Baril is that who is leading the Expert Working Group. And so that was a few weeks later where we came back with more questions and more concerns about diversity, about some of the problems that we had faced as the Whois Review Team and concerns about the Expert Working Group and they listened to.

So among the members we - of the Whois Review Team there's still very different feelings and there's some split views and you're seeing some of that played out on the blogs. But we do feel that recommendations we listened to that there is a process going forward but also that our number one priority was to make Whois a strategic priority for ICANN. And that's exactly what you've done. So I think we have to live with that as well.

We wanted you to take it seriously. We wanted the CEO to be directly involved and that's what's happened. Thank you.

Steve Crocker: And I was conscious of, you know, your sort of long discussion about Whois that you're really talking about work that you and Emily led and that you put your heart and soul into it and produced an extremely fine result. So I think a round of applause for Kathy.

Yes. We took that recommendation to heart probably in ways that you didn't anticipate. But we made it a strategic priority. Let me just mention about Jean-Francois Baril. He is in charge of the Expert Working Group for the Directory Services track, not for - we actually were extremely clear and forceful about this.

We take the business that we set up two tracks very, very seriously with separate people running these things, separate set of objectives, separate organizational structure and everything. And we're not confusing or completing the two together.

And so you should expect to see visible tracks, visible traces of progress and reporting and structure and discussion that are sort of completely separate to accomplish hopefully. Because there are very different timeframes involved in terms of their ultimate impact and very different technical issues to be sorted out and where force is to be applied, force in terms of resources, money and so forth applied. Okay. Thanks.

I think we're standing between you and alcohol. All right.

Woman: Can I...

Steve Crocker: Yes.

Woman: Hi. I want to thank everybody for doing this and saying alcohol is available on the other side. Some of you who have been around ICANN a long time will know that I was once called a British battleaxe in print for my ability to move a former chairman from one event to another. And I'd like to say that we do unfortunately have other things to do with this particular room tonight.

So while you're all enjoying the cocktail, you need to take all of your things with you because it is being turned into tomorrow's meeting by staff who are

waiting to start doing that tonight. And I thank you for your patience in getting all of that done.

Steve Crocker: Thank you everybody.

END