LONDON – ATLAS II Thematic Groups SME, Moderators, Reporters Meeting for Harmonization
Wednesday, June 25, 2014 – 17:00 to 19:00
ICANN – London, England

WOLF LUDWIG: There might have been some confusion when this meeting was rescheduled. Susie, you want to say something on it?

SUSIE JOHNSON: Sure. Hi. Due to translation issues, we had to move LACRALO to the afternoon session. LACRALO will now start at 4:30 in the Windsor Room, which is -2. So for now, we will have the ATLAS II Thematic Group SME, Moderators, and Reporters Meeting during from 12:00 to 3:00 PM. Thank you.

WOLF LUDWIG: Okay. Thanks, Susie, for these explanations, but as I could gather most of the important people are here already. We have most of the Thematic Group reporters. We have subject matter experts. Therefore, let me suggest to start with this meeting now.

The aim of this meeting is more or less we have reached a rather crucial step of ATLAS II. We have had the five Thematic Groups breakout sessions on Saturday and Sunday, nine hours altogether, and in the time between I think all of the five groups SMEs and moderators, reporters, had the opportunity to put some conclusions and recommendations from each of the five groups together.

I've seen there have been plenty of exchanges on the Thematic Groups mailing lists and among the participants. I've seen that all of the groups

have come up with sort of a pre-final document. These pre-final documents from the five groups will now be reviewed during this meeting.

Having been reviewed and more or less approved during these meetings, they will serve as the input for the final report. Then the final report has to be put together until tomorrow because it has to be presented tomorrow to the Board.

I think this is all common understanding. Are there any questions regarding this procedure? I think it has been made clear several times.

If there are no questions and comments on this, it was Alan who asked me to start with Thematic Group 4 because Alan has to go to another meeting, has to leave us earliest. Therefore, let me suggest to start with Thematic Group 4. Alan, you have the floor.

ALAN GREENBERG: Will it be possible to get the text up on the screen?

UNIDENTIFIED FEMALE: Unfortunately, nobody asked for it.

UNIDENTIFIED FEMALE: Can someone send me this.

WOLF LUDWIG: I just have seen there are copies.

ALAN GREENBERG: Oh, okay, fine. If there's paper, that's good enough.

WOLF LUDWIG: So I think it might make it easier. Wait another two or three minutes
                        until we have distributed it then.

ALAN GREENBERG: Just for clarity, I've got a GNSO public meeting starting at 1:00, which is
                        why I need to get out.

UNIDENTIFIED FEMALE: So TG1 and TG5, do we have your reports yet?

UNIDENTIFIED MALE: Yes, 5 is uploaded.

UNIDENTIFIED FEMALE: 5 is up? Okay. TG1? TG1?

WOLF LUDWIG: It's Evan.

UNIDENTIFIED FEMALE: It's Evan? Sorry.

ALAN GREENBERG: For clarity, there have been some statements made in several groups
                        that what the Thematic Group drafted is inviolate and cannot be

changed. Is that the belief of the overall group or not? If that's the case, we have little to do here.

WOLF LUDWIG: Well, it was my understanding so far, and we also communicated it in this way in Thematic Group 3, to follow the procedure we had in Mexico what I thought was a good one. As a substance, it's delivered by the Thematic Group, but the wording is due to the final drafting team composed by native speakers because in some groups you may have inputs where the wording is not really fit to best English language.

We discussed also in Thematic Group 3 when Jean-Jacques pointed to the fact it must be in a language which is more or less suitable for Board recommendations. Therefore, I think on a wording level, it is not at all untouchable. I trust in the final review team – Evan, you, and Carlton – who had made an excellent job in Mexico City, and we should do it the same way. But we should be careful about touching substance elements.

ALAN GREENBERG: Okay. Are we ready?

WOLF LUDWIG: There was one more question from Christoph in the back, and then.

CHRISTOPH BRUCH: Christoph Bruch, German Civil Liberties Union. All I think we need to make sure of is that the original version that has been agreed by the

various groups is preserved, and then we have the edited version so people can compare. That's all.

WOLF LUDWIG: Alan?

ALAN GREENBERG: Okay. I guess what I'm going to be talking about is a little bit at odds with what you have suggested the path forward be and for two different reasons.

There are two changes that I would recommend over and above pure grammar – although I think the grammar in most cases is pretty good as it is right now. We did a lot of corrections on that already.

In one case, the world has changed since Sunday, and I'll be specific about it. And if we don't make a change, we have a possibility that the ATLAS statement will be at odds with an ALAC statement that is made in parallel with it.

The second one, which I'll go into in a moment, is something that was drafted and made sense at the time, but on review I think is lacking. I'll be specific now.

The first item – let me go into something I have here. Okay, the first item is the definition of accountability. The definition that we ended up with was the responsibility to answer for whether you have achieved what you have committed. Well, the wording of "you" is wrong there. That needs to be fixed up.

We ended up with that because we had a much longer one and deleted a sentence. There was general agreement that sentence needed to be deleted, but I don't believe we reviewed it then to see whether what was left was sufficient. On reviewing it, I believe it is not.

To class accountability as just saying whether you have done what you said you were going to do is not sufficient. Arguably, one of the most important and best outcomes of ATRT-1 is that the Board now does detailed rationales for why they have made decisions. That's a very large part of accountability, and that was omitted in the definition we have.

Moreover, if you propose to do something really stupid, don't justify it, but then you do it, our definition gives you a plus tick mark for doing it because you did what you said you were going to do even though it's not defendable in the public interest.

So I'm proposing a replacement of the responsibility to answer for whether you have achieved what you have committed to be the responsibility to explain and justify all decisions and actions in light of ICANN's responsibility to act in the public interest. I don't know if we can put it up on a screen or something so people can actually see it. I can read it again slowly.

WOLF LUDWIG: Can we enlarge it a little bit? I have heard some people have difficulties to read it on the screen.

ALAN GREENBERG: If what you have onscreen is the wiki, the replacement is in a comment at the bottom.

WOLF LUDWIG: Okay. Scroll down. Down.

ALAN GREENBERG: Okay. Now if we can enlarge that and make it readable by human beings.

WOLF LUDWIG: Yeah. This is okay.

ALAN GREENBERG: Okay, fine. They're pointing out that if you look at the screen in the middle, you might be able to read it. Okay, now scroll down. There we are. No, no. A little bit farther. Okay. The comment that's in the middle of the screen now.

                         What we started with was the responsibility to answer for whether you have achieved what you committed to do, and I'm proposing that we replace it with the responsibility to explain and justify decisions and actions in light of ICANN's responsibility to act in the public interest.

WOLF LUDWIG: Are there any comments from the [CSs] on Alan's suggestions? Yes, Hong.

HONG XUE: Before this substantive discussion, can we make it clear that we can possibly edit the substance contents of the documents? I guess, that's the first thing is we need consensus here, or we have to go back to the group or the documents really been locked [alter] the substance.

I actually agree with Alan, but I suggest to simplify this definition. I have two proposals. One is to delete such a definition. We don't have to define it. Since everybody here is talking about accountability, it has become the keyword of the whole ICANN meeting.

The second proposal is, I guess, it's very important, as Alan suggested, to include the public interest commitment. It is not whatever ICANN committed to do, it is accountable. That would be disastrous. If you scroll further down to the very end, there's my simplified suggestion. At the very, very end. Yes. Accountability is to be responsible for what have been committed to act in public interest. A public interest commitment is ICANN made in the Affirmation of Commitments.

Okay, and I hope we should first agree whether we can change it or not.

WOLF LUDWIG: Before I give the floor to Tijani and Jean-Jacques, as I said before, I think this is our last opportunity. If there are critical points, I think Thematic Group input should be understood as untouchable because there may be details we didn't reflect, consider, etc. We are now in the final drafting round, and this should be a collaborate process, not only for each of the Thematic Groups but for all of us because it will be finally a report from all the five groups.

We have highly experienced people in the room who have done this exercise in Mexico already what was a great success. Therefore, I'm strongly in favor. I'm only the facilitator and moderator, but personally I'm strongly in favor that we must come up, even when we have controversial points, to discuss them here and to approve them together.

This, in my understanding, then is a consolidated version of all the five report but are the substance and essence of the final, all-over report. This is my personal point of view.

Alan, I had Tijani and Jean-Jacques, and I will come back to you.

ALAN GREENBERG: I was going to comment on that.

WOLF LUDWIG: Okay, a short comment on that.

ALAN GREENBERG: Yeah. I would not agree with Hong's suggested change, and I could go into details but I won't right now. I would be quite happy to just delete the section of the definitions.

WOLF LUDWIG: Okay. We can come back to this later. First, I would like to hear Tijani and Jean-Jacques.

TIJANI BEN JEMAA: Yes. I do agree with Wolf that nothing is untouchable. This is the last drafting effort, so we can do everything we agree on. This is the first point. Second point, I agree with Hong that we can delay the definition. But if we have to put it, I agree with the definition of Alan.

WOLF LUDWIG: Okay, thanks. Jean-Jacques and afterwards Thomas.

JEAN-JACQUES SUBRENAT: Thank you. Two things: I would strongly approve of keeping the definitions because, after all, this is what people on the Board and elsewhere in the community are battling about and have been discussing for years.

The second point is just a small thing regarding on TG4, the paper which we have just distributed, the very last point which was Board Oversight. I must remind you that on the Board itself, Board Oversight means we guys on the Board are overseeing everything else. To eliminate any ambiguity, may I suggest that it become Oversight of the Board on Behalf of the Community, or at least at the very least Oversight of the Board.

Thanks.

ALAN GREENBERG: May I suggest we stay on the first topic though right now?

WOLF LUDWIG: Okay, right. The next on is Thomas and then Alan again and Murray afterwards.

THOMAS LOWENHAUPT: Yeah, my comment relates to process. I'm in Group 5, and one of the suggestions that was made in the group was thought to maybe not be perfectly appropriate for that group. How is that moved to another group? Is that possible? If it's more appropriate under another group, the responsibilities, the remit of another group.

WOLF LUDWIG: Difficult question. I think at the end of this reviewing and final drafting process, the borders of the Thematic Groups should be somehow [through]. I think the final consideration must be we must come up with a concise report. Whether the one concern is under the part of the Thematic Group as it was before or not shouldn't be very important. I think at the end, we must have an excellent, concise report which doesn't really reflect the original orders or borders of the Thematic Groups, in my opinion.

THOMAS LOWENHAUPT: All right. Thank you.

WOLF LUDWIG: Okay. Now I have Alan on the list and Murray. And there's somebody in the…

UNIDENTIFIED FEMALE: Diego.

WOLF LUDWIG: Huh? Diego? Okay. Alan?

ALAN GREENBERG: Yeah. I believe – and we have other people in from TG4 here, so they can tell me if I'm wrong – I believe the wording I am proposing is in line with the discussion that we had. Clearly, not the final wording we ended up with, but I believe in line with the discussion. But I'm willing to have other people disagree with me. I was not present for all of the discussions because of other conflicts.

WOLF LUDWIG: Okay, thanks. Next, Murray.

MURRAY MCKERCHER: Yes. It's Murray McKercher from NARALO. I just wanted to suggest that the definitions are incredibly important, and I would support leaving the definitions in. I think they're both good definitions, but I would support Alan's original suggestion. Thank you.

WOLF LUDWIG: Okay, Diego?

DIEGO ACOSTA BASTIDAS: Good morning. Excuse me for my English. I represent the free [inaudible] communities, users communities, or open source users

communities. I made a suggestion for the group, and it isn't considered in the report. Okay.

WOLF LUDWIG: Well, I cannot say spontaneously…

DIEGO ACOSTA BASTIDAS: Because my suggestion was made…

WOLF LUDWIG: I remember in the plenary on Saturday evening. We said Saturday evening that we will not go into your motion at the very moment, and we said it will come back today at this meeting. Therefore, I will try to consider it.

The only thing what I can tell you, when we discussed the outlines and the draft for the report Thematic Group 3, there is one small part where we mentioned open source and open standards. So the basic idea that infrastructures should be created, built, developed on the understanding of open source and open standards.

Therefore, I think your concern is included already. I do not know whether at this point it is best to be included or whether there may be another context where it's maybe better, but I think your basic idea is considered already.

DIEGO ACOSTA BASTIDAS: Okay.

WOLF LUDWIG: [inaudible] later, so keep an eye on it. Alan?

ALAN GREENBERG: In that regard, I think we are in a difficult position if we start introducing any new concepts into here which weren't discussed. We need to correct errors in fact. The other one I'm going to discuss is something that's happened since Sunday and the group couldn't have been aware of it and, therefore, we may need to consider it. But brand new ideas, I don't think we can introduce at this point.

WOLF LUDWIG: Okay. Anybody else want to comment? As far as I understood, there is one part of a Thematic Group draft which is among group members not 100% agreed or whatsoever. So we now must come up with such an agreement group by group.

ALAN GREENBERG: I don't know whether we've come to agreement on this definition or not at this point yet. Can we have a ruling of the chair?

WOLF LUDWIG: Well, I would just say you made a concrete suggestion for a modification. As long as there is no objection on your modification, I would consider it as agreed and approved. Okay? I see no objection. Christoph?

CHRISTOPH BRUCH: It's not an objection, but Hong had a suggestion too. So I think we have to formally decide which one to use or neither for the matter. But I think your question kind of just dropped that.

ALAN GREENBERG: Well, I can explain why I have a problem with Hong's, but I guess we can also hear from Hong. But since I have my microphone light is on, I'll explain.

The responsibility for what has been committed to act in the public interest, again, omits the part of it that they need to produce a rationale. They need to explain. Not just, "Trust me. It's in the public interest," but the rationale, the explanation which can go into it.

I think that's a core part of accountability. It's being open with why you are making your decisions and why that you believe this. There are often very difficult choices to make. I think that thought process is a significant part of accountability.

WOLF LUDWIG: Hong, are you okay where this is?

HONG XUE: I'm okay to use Alan's, but I think Alan's definition parallels explain and justify. I [assume] is this very necessary to use two words? Both explain and justify? Can we justify rationale?

ALAN GREENBERG: From my perspective, I think they are sufficiently different that they're important. I'm not going to quibble if everyone says just make one and simply put "provide rationale for" because that's the word we're using right now in the Board decisions. I think this provides a little bit more clarity, but I don't think that's a substantive argument. That's grammar.

WOLF LUDWIG: Hong?

HONG XUE: I guess we don't have time, and we need to move to another more important issue. If this is topic one for group 4, I guess, okay. I can go with Alan if the other – we have the other members from group 4. Will you please comment others if you have additional comments? Anybody disagree with this? You can raise it now and forever.

WOLF LUDWIG: Yes. Thanks, Hong, because I was not part of this group. I didn't follow the discussion process. So the other members Thematic Group 4, this is the last chance to stand up and to say, "But I would like to have…" I see nobody on this part, and Hong said you can more or less agree with Alan's suggestion. Therefore, let me suggest this is approved.

                    Are there any other parts in the draft of Thematic Group 4?

ALAN GREENBERG: Yes. The other one is a bit more complex in that it is changing a recommendation. The Thematic Group 4 had an extensive discussion,

and there was a strong belief that an oversight body for the Board be required. There was a lot of discussion of how that oversight body should be comprised, who should be members of it. There was a strong recommendation that it be an ICANN community body.

However since then, there has been a statement drafted initially in the GNSO, likely to be approved by the ccNSO as I understand it Hong? Yes? Or has it been approved?

HONG XUE: You want me to explain? Yesterday, ccNSO had an Internet governance session and invited GNSO people, IETF, ISOC, ICANN, and [IRI] and [IRR] people, so it's multistakeholder.

One ccTLD, [inaudible].eu raised the issue we need a [peer] mechanism about the Board to really enhance ICANN's accountability. This has been discussed informally in the community for some time, but this is for the first time this proposal surfaced.

It was strongly supported by GNSO. Chung was there. So this new proposal circulated quickly within the community. And ccNSO, we are going to discuss in 2:00. I guess it would be a solution or not in this afternoon. So it has not been officially approved.

But it's very, very important. This is relevant to our last paragraph. This is really the core of the whole proposal. If we don't take into account the latest development, this is totally outdated. And actually, it didn't reflect the full discussion we had. We had a very comprehensive discussion of this oversight.

ALAN GREENBERG: Thank you, Hong.

WOLF LUDWIG: Okay. I think at the point, it was Jean-Jacques before and then you again.

ALAN GREENBERG: Okay.

JEAN-JACQUES SUBRENAT: About the last point, oversight of the Board, two points. One, I will not interfere in the wording because I was not there. I think the point just made by Hong is extremely important. My own observation or remark on this is that I think it is of prime importance that this be kept in one form of another. I defer to Hong, to Alan, and to the other members of TG3 to get the right wording, but you must keep it.

It's in the framework that I suggested earlier and I repeat now that I think that the wording of the title is important as well. I was suggesting oversight of the Board on behalf of the community. You'll certainly find better English wording for that, but keep the idea, please.

Thanks.

WOLF LUDWIG: Okay, Alan again.

ALAN GREENBERG: Yeah. I have to leave in five minutes, so forgive me if I skip the speaking order.

The group, as I said, made a very specific and conscious decision that this oversight group be comprised of community members within the ICANN community – the ACs and SOs, essentially.

The proposal that has been made by the ccNSO and at this point adopted by the registries, registrars, business community, IPC, and perhaps other parts of the GNSO before the day is over explicitly says that this body should not only be an oversight body of the Board but of other parts of ICANN. That is, people should be able to appeal the decisions of the GNSO, for instance, or actions of the GNSO. Therefore, this body be comprised of a group outside of ICANN.

This is very different from what TG4 suggested, but I am suggesting that we make the change. If we could scroll down on the screen, Susie. If we could scroll down on the screen to my suggestion. There. Okay. That instead of "cross-community standing oversight body," we say an "oversight body, possibly cross-community or external to ICANN."

Now that last phrase is different from what the group suggested. But in light of the fact that the ALAC is very likely to approve a very similar statement if not identical to what the other groups have said, we do not want an ATLAS statement being at odds with an ALAC statement.

So although this adds a flavor which was not agreed to by the TG4, it doesn't remove the TG4 option. It just adds another flavor, and I'm suggesting to make that statement.

WOLF LUDWIG: Hong?

HONG XUE: Yes. Will you please scroll down to my – well, up, sorry. Not down. Go up. Going up. Oh, yes. Right. I'm not talking about – yes, exactly. The Board oversight. The last part of this proposal. Please take a look of the last sentence. Membership that is independent of ICANN Board.

I was not in the room when the group was talking about the independence of this oversight body. When I was in the room, all through the discussion it was about independent of ICANN, Inc. – the institution of ICANN. Of course, I didn't join the last part because I was at a ccNSO Council meeting, so I don't understand why it has become only independent of ICANN Board.

That will be some problem. Can it be ICANN staff? If a constituency suggests an ICANN staff to join the oversight body, it is really independent? There's several questions.

Second comment is that I strongly agree we expand the coverage not only overseeing the Board but also the other part. You can see the second paragraph my proposal. This is a broader coverage overseeing not only the Board but also the staff and the [inaudible] of ICANN. I mean the SOs and ACs. Right.

Also, for the name, naming is important. Now the name that is being circulated and that seems is consensus is independent accountability committee or body. Do we need to use ours or adopt that one?

WOLF LUDWIG: I've noted Christoph and Tijani, but Alan has to leave now; therefore, I have to take him first, please.

ALAN GREENBERG: Thank you. Hong, the discussion earlier on may well have been outside of ICANN, but by the time it was finalized there was no doubt that the community's belief was that it should be a group comprised of representatives of the various constituent ICANN bodies, excluding the Board. That was a conscience decision, and I'm reluctant to change that. But by adding this other flavor, it makes it not inconsistent with the more generic statement.

In terms of whether it can be ICANN staff, let's face it. How this body is comprised and put together is going to be subject to a lot of discussion. I think we're both agreeing both the ccNSO/GNSO statement and the Thematic Group statement says an oversight body is necessary. One of them makes it wider than just the Board and has a different composition, but the general intent is the same.

I think that's the important message we need to provide. The difference in whether it's outside of the Board or outside of ICANN was discussed a lot in the working group, and we can't change what they said. But I'm suggesting we add to it a little bit in the wording I had.

I'm going to have to leave you now, I'm afraid. I'm off the stage at 3:00. If this meeting is still running then, I will come back.

WOLF LUDWIG: I hope not. I hope not, please.

ALAN GREENBERG: Okay.

WOLF LUDWIG: Quickly, Hong.

ALAN GREENBERG: If you want to get ahold of me on Skype, I will try to keep an eye on the Skype.

WOLF LUDWIG: The last question I need to be clear before you leave. When we have consolidated and discussed this, you will be part of the final drafting team. So all what is approved or changed here after this discussion, you have to take care that it is considered in the final version.

HEIDI ULLRICH: Just a question for logistics: when is this final drafting team going to get together, and do you need a meeting room?

WOLF LUDWIG: We have to decide and discuss at the end, I would say. Okay, are you understood? You try to stay in touch with us?

ALAN GREENBERG: I will do my best. If necessary, go into the GNSO room and tap me on my shoulder.

WOLF LUDWIG: Okay. Okay. I promised to have Christoph and Tijani first, and then I will come back to you, Hong.

CHRISTOPH BRUCH: In the meeting, and I had a major part in discussing exactly the point we're talking about now, I think we had a consensus that the people who should be on that control body need to understand the intricate workings of ICANN in order to perform their job, which suggest they're part of that community that is supposed to be controlled.

Because of that, we said that we need to have a mechanism that assures an independence of the people and the body. The idea was to have a sort of a grace period so that people who held an office – be a Board member or whatever, that would need to be defined – could not join the control body for maybe five years. That was the idea of the independence.

We also talked about the option to have outside support from whatever, a company that's specializing in auditing. We also talked about that, but we could not get in too much details in this respect.

WOLF LUDWIG: Okay, thanks, Christoph. And Tijani?

TIJANI BEN JEMAA: Who is taking decision in ICANN? It is the Board. So even if the GNSO or any other SO develop policy, this policy is not effective if the Board

don't agree on it. The staff is applying the decisions of the Board too. So I think that the oversight should be on the Board. No need to – if you try to make the scope very broad, I think it will be, I don't know, it will be difficult to implement.

WOLF LUDWIG: Okay, thanks, Tijani. Back to Hong.

HONG XUE: Okay.

WOLF LUDWIG: Can you try to respond also to Christoph. Oh, yeah. It's fine. I confirm what Christoph talked about. This was very true. We did have a discussion. It was not reflected here. This was, and we understood, that this is a first draft and is still subject to further discussion and modification. But we don't have time for that. It is unfortunate. And we don't have the process.

I want to follow what Tijani said. This is a very important point. Just now I mentioned three points. The first one is: should it be independent of the Board or independent of ICANN? The second one is whether we want to expand the scope of oversight. The third one is naming. The third one is not important. Whatever name we're going to adopt, that's subject to our consensus.

The first two are actually related. Think about it. If, as Alan suggested, we expand the coverage, we cannot only be independent of the Board. Otherwise, that's conflicting with each other. Because Alan's suggesting

we are expanding the scope of our side. It will be overseeing, for example, SOs and ACs but it's not independent of the SOs and ACs. That's really a big problem.

But as Tijani said, if we are limited, we're not expanding the scope, original scope, we're only overseeing the Board, then okay. Possibly the current one can still work. We need to think about the logic behind all this.

Yes, I agree with Tijani. In all through the discussion, we think about now the current accountability mechanism or below the Board. Now we think about something above the Board, so that's something new. This should be our focus.

WOLF LUDWIG: Okay. Now it becomes more or less a question of procedures. Alan is out, has to leave the meeting, so my pragmatic suggestion is that you try with Alan, including Christoph and whoever wants to make a point on this, to come up with a final formulation on this point where the drafting team can rely on and more or less knows that this is your approved input.

Because we cannot sort our [inaudible] in the bigger group, and I think this would be the best if you would have until this afternoon – let's say 5:00 – an agreed version among you. Okay?

HONG XUE: We're going to use the wiki. That is open to everyone, so anyone can edit and comment on it so it's totally transparent.

WOLF LUDWIG: Okay, but we have to define a deadline this afternoon until when such final comments can be made for the final drafting team to be considered. In my opinion, this will be a deadline around 5:00 or 6:00. Whatever has been submitted until this deadline can be considered by the final report drafting team. Okay?

Are there any other points? Tijani?

TIJANI BEN JEMAA: Thank you. I agree with your approach, Wolf. Yes, it is better that you draft it, but you draft it according to the discussion made here. We have to get consensus here so the idea is clear, and then they will draft it.

WOLF LUDWIG: I think that this is understood, huh, Hong? I think also I trust that Alan understood that comments which have been made here need to be considered for the final wording.

HONG XUE: Yeah. So the people that's right here, any comments on this Board oversight, you can raise your comment right here so it will be considered in the drafting process. Yeah?

WOLF LUDWIG: Okay. Please, further comments, let me suggest added in the wiki or tallied to Hong or tallied to Alan. They must come up with a consolidated draft version from your group.

If there are no other parts in the draft report from Thematic Group 4, is there anything else what needs to be discussed, etc.? If this is not the case because otherwise we will terribly run short of time, I would like to go to our next group. Anything else what needs, wants to be added to the draft version of Thematic Group 4?

I do not see hands raised; therefore, it's a point we discussed here you need to sort out in the afternoon, etc., and to come up with your approved wording. Okay? Thanks a lot, Hong, and Alan. I think we will have [them] again.

Is there anybody else in the room who needs to leave earlier that I have to consider his draft version? Otherwise, I would say let's start with Thematic Group 1. Evan?

EVAN LEIBOVITCH: Hi, Wolf. We were a little caught off guard by the change in timing for this meeting, so we're just putting some of the final polish. I'd say right now, it's about 85% done.

WOLF LUDWIG: Do you want half an hour more? Then I continue with another group.

EVAN LEIBOVITCH: I don't even think we'll need half an hour, but yes.

WOLF LUDWIG: Okay. Let me put this question in another way. Is there a group in the
                       room who has a final version of a report? Yes?

UNIDENTIFIED MALE: I think we're prepared to discuss our final report.

WOLF LUDWIG: You are group? Sorry.

UNIDENTIFIED MALE: 2.

WOLF LUDWIG: 2? Okay, so let's suggest to continue with Group 2. You have the floor,
                       please, for presentation. The question was raised whether we have a
                       paper version copy of the draft of Thematic Group 2.

SETH REISS: We have to wait for Heidi to return in order to display the draft.

WOLF LUDWIG: Okay.

SETH REISS: But if everybody has it in front of them, we can just begin.

TIJANI BEN JEMAA: It is on the wiki.

SETH REISS: You can look at it on the wiki.

TIJANI BEN JEMAA: It is on the wiki.

WOLF LUDWIG: It should be on the wiki, yes.

UNIDENTIFIED FEMALE: Heidi has printed copies.

WOLF LUDWIG: No, this is Thematic Group 3.

UNIDENTIFIED FEMALE: Yeah, we have Thematic Group 2.

WOLF LUDWIG: This is not 2.

SETH REISS: Okay, just taking you through the report, and the report was compiled primarily by Carlton and Lance. And, Wolfgang, if appropriate, I'd like Lance to be noted as a co-reporter in the final draft.

WOLF LUDWIG: Yes. No problem from my side.

SETH REISS: All right. The questions were prepared by Cheryl. They raise five points: inclusion and diversity, equal global multistakeholder model, constitutional and legal mechanisms, accountability, and operational matters. We discussed four of the five in fair depth. We were running out of time, so we basically skipped the second question.

Going to the draft report, the first section of the report simply explains the five issues that were taken up by the group. In the findings and recommendations, the first section is inclusion and diversity.

We noted the problems of uneven geographic representation and participation and noted that they seem to be the result of lack of awareness and education in certain parts of the world, unresponsiveness on the part of policymakers within ICANN, lack of equity among stakeholders, and a perception by some that their voice would not be heard within ICANN.

We thought that the disparity – the experts showed us that there was a great disparity in the geographic regions in terms of their participation. We concluded that was substantially a result of cultural, structural, and political issues, and also language issues, both in terms of live presentations and published documents.

In this first section of inclusion an diversity, we had several recommendations. One was continuing to extend staff to various regions of the world, continuing that process. Continuing to provide better translational services and interpretational services. Trying to get

the non-English language documents published more quickly so they don't lag behind the English-language documents, so that in the policy development process, the commenting process, non-English speakers are not disadvantaged by having less time to comment.

There were some specific suggestions that people from user groups in other nations could assist in the translation process, recognizing that translation is expensive and it's a budget item.

UNIDENTIFIED MALE: I can't read [inaudible] I don't have a hard copy. Could I get the link to the Adobe Connect so I can actually read it?

SETH REISS: I'm not operating it. I think we're reading…

WOLF LUDWIG: It was sent by mail, so check. I can tell you this was sent today at 10:22 my time. It is called ALAC ATLAS II Thematic Group on the Globalization of ICANN. There you have the link to the wiki. This is what I have in front of me, and I guess it's a final version, this.

SETH REISS: The last two areas in this issue were addressing disabled communities and gender inequality. We skipped the second issue because we didn't have time and we felt it was less important than the other issues.

The third issue is equal global multistakeholder model. Again, there was unequal representation among geographic regions and cultures. The

solutions that were suggested were education and awareness, revising the internal balance of stakeholder representation so that appropriate consideration is given to all views proportionally to their scope and relevance.

The fourth question was perhaps the most interesting and we did spend a lot of time on that, which is the constitutional and legal mechanisms. Our experts provided some information regarding the bylaws, and it was concluded the bylaws are not inconsistent with international laws or the laws of other nations but, at the same time, don't have any provisions to protect against conflicts of international law and national laws.

There was substantial evidence given by [Michele] that registrars were being required to act in contravention of their national laws and that the waiver provision in the RAA contract was inefficient and was being applied on a case-by-case basis.

That led the group to suggest that these issues be addressed, particularly that there be consideration to revising the bylaws or the nature of ICANN, the corporation, so that it is more sensitive to international law and the laws of other nations and that a better solution be looked into so that the contracting parties are not put in a position that they have to operate in violation of the law of the nations in which they're located. I think that this issue is fairly compelling to the group.

The second-to-last area is accountability. We noted that the main mechanism for accountability currently is the AoCs, and the AoCs are expected to expire with the transition of the IANA function. That some

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other mechanism needs to be put in place. That the AoCs are not an accountability tool that can be used by all the multistakeholders. It's primarily there for accountability to the U.S. government, so it doesn't really serve the global community at all, even though the provisions are constructive and neutral.

There was a recognition for a need of an accountability tool or mechanisms that can be used by stakeholders globally, which is not existing now apart from the independent review process, which is an internal process. There was some feeling that would be insufficient to provide sufficient accountability to stakeholders globally.

The last area, and this was also a big area, operational matters. There was a strong consensus among everybody in the group that ICANN is not addressing providing its services equally and globally. That its services are not equally accessible by all those globally.

There was a number of specific suggestions. One was to deploy more support staff and offices but to do so carefully and not indiscriminately because there are limited resources, so the placement of staff and offices need to be done with study and consideration.

There was some comment about the website could be more accessible, easier to use, and have more foreign language documents. That many of the documents are not translated. That the ICANN can be more accessible directly by having people answer the phone 24 hours. I think that's something interestingly that Fadi mentioned in the opening is already being done, which our group was not aware of at the time we discussed it.

It was mentioned that the social media campaign that ICANN's involved in and that [ALAC] is involved in does not take into consideration the fact that in many foreign countries or in some foreign countries social media is being blocked, so that's not going to be as an effective way of reaching people in those countries.

It was also noted, and I found this interesting, that because ICANN is a U.S. corporation located in California, it's obliged to respect trade sanctions that the U.S. government issues and that prevents ICANN from getting support money to certain people in the countries being targeted in order to support initiatives or bring them to ICANN meetings.

WOLF LUDWIG: Seth, I have to speed up a little bit. Not going in all the details. What is finally essentially here? Is there any part in your draft report which is somehow controversial, etc., in your group? I see Roberto's hand raised, and I would like to give Roberto the floor.

SETH REISS: That's fine.

ROBERTO GAETANO: I have a proposal to the organizers. Next time that we have a meeting, can we have the microphones always of the same type so you understand which touch where you have to.

No disagreement, but I have a comment and a couple of friendly amendments to the text.

The first is I would like to qualify the statement that we didn't discuss question two. As a matter of fact, what happened is that in the discussion of question one, we realized that most of the points of question two were covered by the wide discussion of question one. In fact, the report shows that we have some recommendations for question two as well. I'm just saying this for the record.

Then I have a few friendly amendments, if you can bear with me, in the text. The first is related to inclusion and diversity, II.1, inclusion and diversity. On the screen, it's a little bit further down. The third bullet point. Can somebody move the screen up to go? We see at the bottom of the screen we see – perfect.

The third bullet point says: "There continues to be a challenge with effective language interpretation and translation, both for the spoken word and published documents." I think that we have noted that while there was good progress on interpretation, there's substantial room for improvement for the written documents that are often the output of an automatic translation.

I would not say "both for the spoken word and published documents," but I would say "for the spoken word but mainly for published documents."

SETH REISS: Just a point of order. Can we do this on the screen so that we accomplish these amendments?

ROBERTO GAETANO: Yeah, I would like first to make sure that what I'm saying does not raise objections from the other people of the team, and then maybe we can do the wordsmithing even offline. But is there any objection to say this? To stress more the translated documents than the…

SETH REISS: No objection.

ROBERTO GAETANO: Okay. Consensus?

Going farther down, there's another series of bullet points. No, no. Too much, too much. Up, up, up. Yeah. Those. Excellent.

The second bullet point in the middle of the screen, the last sentence is something in parentheses: "Research has indicated that scribing is several times more expensive than interpretation." I'm not sure that this is appropriate, and I don't feel that it has been discussed. I'm surprised by the fact that it costs so much. I don't know. Do we really want to put this?

SETH REISS: I think it was mentioned in our discussion, but I'm not sure where that information came from and I don't know if it's accurate. So I would be in favor of taking it out.

CARLTON SAMUELS: The issue came up, and the question was – if you notice from the notes – whether or not we shouldn't get some estimate of what it costs for

scribing. So I called Christina and I said to her, "What is the estimate for scribing?" What she said was this. She says, "For all of the translators here, for all of the translators translating all of the languages, it costs six times as much to get the transcription into one language for the public meeting, the Board meetings and – which other one was it?

UNIDENTIFIED MALE: The public forum.

CARLTON SAMUELS: The public forum – three of them. She said it was six times as costly. There was a request to find out what would [inaudible] scribing, so that is why we put it there.

ROBERTO GAETANO: Thank you. I'm happy. My question was: if we make a statement, we have to make sure that we have the good source for the statement. That's it. Okay.

CARLTON SAMUELS: Yeah, we didn't put the details, but this is directly from Christina who is the language services manager. [inaudible]

SETH REISS: I'm satisfied. If you folks want to agree as to how you'd like it to come out, that's fine. In other words, we can either delete or leave it in if Roberto is satisfied.

ROBERTO GAETANO: No, no. I just wanted to make sure that it if we are questioned on that, we can say, "Okay, this was the official statement." So I withdraw my comment.

SETH REISS: Why don't we take it out of parentheses then?

ROBERTO GAETANO: Yeah, well, then it's text editing the parentheses.

SETH REISS: All right, fine.

WOLF LUDWIG: Okay.

ROBERTO GAETANO: Then if you go a little bit further down, it's on that page, you see that we have some indenting problem. I know it – fine, fine, fine. We have something that is 1.III. I think that it doesn't fit with the question. That should be in fact – I mean, I can talk to an editor later on. This is the second question, and it appears here like the third question because the first question was marked II.1. Anyway, it's an editing problem.

UNIDENTIFIED MALE: It's a different sections. We didn't treat it like we are addressing the questions.

UNIDENTIFIED MALE: It's under Findings and Recommendations.

ROBERTO GAETANO: But Findings and Recommendations is II. Then the first Inclusion and Diversity is a subset of II.

UNIDENTIFIED MALE: 1.

ROBERTO GAETANO: So it should continue.

UNIDENTIFIED MALE: II.1, II…yes. II.1, II.2.

ROBERTO GAETANO: If II.1 is Inclusion and Diversity, then Equal Global MSM should be II…

UNIDENTIFIED MALE: 3.

ROBERTO GAETANO: No. It should be II.2.

WOLF LUDWIG: May I just step in at this moment? I think this is an internal exercise now of the Thematic Group.

ROBERTO GAETANO: Yeah, exactly.

WOLF LUDWIG: What is not very exciting for the other teams.

ROBERTO GAETANO: That's why I'm saying I can solve that offline. Then another comment if we go down…

WOLF LUDWIG: No, Roberto. What I was trying to say, can you get together your team and sort out these counting problems in your team? Because this doesn't have to make here in this [inaudible]. We have so many other things to do.

ROBERTO GAETANO: Fine, fine. I was just doing what I thought that the previous team has done.

WOLF LUDWIG: Yes. No. Yeah, okay, but we still have three more teams ahead, and we have a limited schedule of time. Therefore, my question is if there – it

was my observation and feeling – no controversial points in your group. So all what needs to be done is now the final enumeration and final editing, etc., what can be done in your internal group. So we can consider it as more or less approved. You need to come up until 5:00 or 6:00 this afternoon with the last version of your Thematic Group draft. Okay?

SETH REISS: That's fine. I just want to clarify. I'd like to invite Roberto, Lance, and Carlton to let me know if there are other substantive points that you'd like to discuss before we go into final editing.

ROBERTO GAETANO: I think Wolf is right. This is just a sort of small editing, and I'll send the text around in our mailing list.

SETH REISS: Okay, so then I just ask if there's anybody else who has any concern before we do the final editing.

WOLF LUDWIG: Yes. Last opportunity to make comments or ask questions regarding the draft of Thematic Group 2. Yeah, okay. This was not referring to Thematic Groups? This was a general remark or question you had? Huh?

UNIDENTIFIED MALE: It is a general remark that I have.

WOLF LUDWIG: Okay, and that has something very specific to this group? And you as well? Okay, [Dev] and [Glenn].

DEV ANAND TEELUCKSINGH: Thank you. I was noting some of the comments related to engagement in Thematic Group 2, which I think some of the recommendations could easily have fallen under Thematic Group 5. I guess my question is, we haven't explicitly listed those recommendations related to specifically to engagement there. I guess the question is: do we then harmonize, I don't know what's the word, harmonize the recommendations between the groups?

WOLF LUDWIG: We said this before. This is the last editing effort of the drafting team. It must make sense in a coherent way. Whether it was originally a part of another Thematic Group, at the end it must have one logic. I leave this up to the final drafting team to come up and see where best it fits in.

                               Glenn?

[GLENN McKNIGHT]:   I'll address my question to Seth. When you were talking earlier, there were two points that struck me. One was the issue of expanding, I guess, the linguistic accessibility, more of a democratic process.

                               Now but further down, you had really only gender equity. I was just curious if you had a discussion where you talked – I assume it because

of representation for gender balance and equity – were you guys discussing maybe the issue of more representation from the East, like say Russia or India or Africa?

I'm just saying that because you brought up the issue of an equity group, meaning gender balance, was that also something that was a topic?

SETH REISS: Yes. There was actually a lot more discussion of the geographic and cultural inequity than there was of gender inequity. Our subject matter experts brought in slides from – I believe it was, the ATRT and just the general constituency – but I think it was the ATRT showing the participation in the PDP by geographic groups and by gender, and there were striking disparities. So this report is supposed to address all of those.

But actually I think gender was less discussed – not necessarily less important, but less discussed – than the other areas because the other areas had more complexity in terms of raising issues of politics, culture, and education.

WOLF LUDWIG: Okay, thanks. Tijani?

TIJANI BEN JEMAA: All we did, it was about moving barriers. So that's why, as he said, for gender there wasn't a lot of discussion.

WOLF LUDWIG: Okay, I think removing barriers was a concern which was expressed to my knowledge almost in all of the Thematic Groups. It comes up, popped up, in different contexts. So it will be addressed. The final point is we do not have to address it three to five times. If it's addressed once, the point is covered.

If there is no immediate comments and questions regarding the draft report input from Thematic Group 2, I think we made it clear that the final cleaning and fine tuning will be done by the [session] reporter with Roberto, etc., until 5:00 this afternoon.

I think we can now conclude this part. There is no controversial points. I'm only here to check out and to find if there are any like it was in Hong's and Alan's group some political discussions. This is now what we have to sort out here. Language issue is not our business any longer. This is part of now your group and then afterwards the final drafting team.

Therefore, let me suggest the next one is Thematic Group 3. We have a printed version of…

UNIDENTIFIED FEMALE: No, no. We changed it slightly [inaudible].

WOLF LUDWIG: Yeah, but you can afterwards say…

UNIDENTIFIED FEMALE: It's up on the wiki [inaudible].

WOLF LUDWIG: Okay, fine.

UNIDENTIFIED FEMALE: [inaudible] The correct version is up on the wiki. There's slight changes from the printed version. Sorry about that.

WOLF LUDWIG: Okay. If it's on the wiki, can it be…

UNIDENTIFIED FEMALE: Displayed.

WOLF LUDWIG: Displayed? Let's make it brief. My question is: is there any dissent in your Thematic Group about these final changes?

UNIDENTIFIED FEMALE: Well, she's pulling it up now.

WOLF LUDWIG: Okay. Jean-Jacques?

JEAN-JACQUES SUBRENAT: Thank you. I have a problem with my computer, but I have seen the corrections on someone else's screen over the past half hour, so I'm satisfied with this.

My concern at this stage, allow me to make a general comment.

WOLF LUDWIG: Hello. Hello in the back. Fatima? Sorry. We are here in a meeting, so if you have a side meeting, look for another room.

JEAN-JACQUES SUBRENAT: Excuse me. I'll start again. It's about Thematic Group 3. You were asking me if I agreed with the text. I was not able to open it on my computer, but I saw it on someone else's and now it's on the screen there. As far as I can see, I agree with the whole thing.

May I make a general remark, not about TG3 but for everyone, actually? My gravest concern is that we don't – or rather, I'll put it in a positive light. My dearest wish is to have only one document which doesn't even talk about Thematic Groups. We don't give a damn and if we don't give a damn, you can bet that the Board will give even less of a damn. What they want is one document from the whole of ATLAS III.

WOLF LUDWIG: Sorry. Sorry, Jean-Jacques. I think that…

JEAN-JACQUES SUBRENAT: Do we agree on that? We agree on that, do we? Okay.

WOLF LUDWIG: I [inaudible] repeatedly said in my introductory remarks, there will not be five reports from the Thematic Groups. There will be one final report reflecting the themes of the Thematic Groups and not the groups.

JEAN-JACQUES SUBRENAT: Good. I'm sorry to have had you repeat it, but I thank you for it. I feel more comfortable with that now. So in brief, yes, I agree with what you see on the screen if you can see it.

WWOLF LUDWIG: Okay. Are there any questions or comments regarding what is on the screen? I understood that the group itself, Thematic Group 3, has agreement on its input. If there are not questions, comments, objections from others here in the room? Yes?

HEIDI ULLRICH: Wolf, if I could just ask whether those changes have been sent to TG3 on e-mail? Because again, the earlier version that staff posted was the one that Gunela sent to the TG. So if there have been changes that have not been indicated to that group, then they're out of the loop. Thank you.

UNIDENTIFIED MALE: Judith? Judith? You just did some revisions with RJ's.

JUDITH: Yeah.

UNIDENTIFIED MALE: Has that been e-mailed?

JUDITH: Yeah. No.

UNIDENTIFIED MALE: Yes? No? What? Yes or no?

JUDITH: RJ's comments have been integrated into the document.

UNIDENTIFIED MALE: So to answer Heidi's question, that's all [included].

HEIDI ULLRICH: Judith, have those changes been sent clearly to TG3 on their e-mail, and could that be done if they have not just so they're all in the loop?

JUDITH: Yeah. Do I send it to the ATLAS III list?

HEIDI ULLRICH: Correct.

JUDITH: I just wasn't clear on how to do that.

HEIDI ULLRICH:	Again, my concern is that the last thing they have seen is Gunela's document that's, "Here's the final draft." So if there have been changes now that have not been…
JUDITH:	Okay, so I'll just send it out to the ATLAS III list.
HEIDI ULLRICH:	Correct.
JUDITH:	And the point them to the wiki.
HEIDI ULLRICH:	Correct. And if you might just point out what those changes are, who has made them, etc., just so there's transparency.
JUDITH:	Oh, okay. I thought they would get them from the Confluence because I get everyone's changes on Confluence.
HEIDI ULLRICH:	Okay, again, it might just be easier to just get them on a new Word document.

WOLF LUDWIG: And please name it Final Version or Approved Version or anything else what makes it…

JUDITH: I indicated it was Draft Report, Version 3, because we're discussing it now.

WOLF LUDWIG: When you name it Version 3, you don't know whether there was a Version 4 or 5, etc. Just call it Final Version. So if we have – and this counts now for all reporters from all groups – or the Consolidated Version, but make it somehow clear in a bracket set this is a Final Version and not an interim version from five hours ago.

HEIDI ULLRICH: Again, Judith, on the wiki it says Second Draft. So now this is the second draft, and that's the current draft.

JUDITH: Right. I didn't know how to differentiate, so we wrote Second Draft because it said First Draft before.

SUSIE JOHNSON: Judith, I received an e-mail from Gunela who says Third Version. She just sent another draft that says Third Version.

JUDITH: Gunela is not here. We asked her to come. She has not come.

HEIDI ULLRICH: She had the APRALO general assembly.

JUDITH: Right. That finished at 1:00.

HEIDI ULLRICH: That's finished, so they're on their way, I believe.

JUDITH: It's now 1:40.

WOLF LUDWIG: Okay. As [she] said with other groups before, you have a time until 5:00 to sort out and to come up with…

UNIDENTIFIED MALE: Thank you for everyone's patience and to the Chair's patience. There is a communication problem. I suggest that those who are in this hall be given an opportunity, Wolf, to look at the thing here as it stands before you on the screen. If you have substantial comments or even important wording comments, make them now. They will be taken into account. I don't see any other method.

WOLF LUDWIG: Yeah, that's what I was already asking for, and I think nobody in the room has a problem with the text what is on the screen now. Therefore,

it's only a matter of coming with a final version from Thematic Group 3. Then call it when Gunela, etc., is okay, but we need something finalized, consolidated in the afternoon.

So I can say Thematic Group 3 is now more or less reviewed and agreed except some final clarifications inside the group.

If there is no more questions or comment, let me suggest to continue with the draft from the Thematic Group 1. Evan, you are almost done? Can we take Thematic Group 5 first? Hello? Reporter from Thematic Group 5 is Dev. Okay.

DEV ANAND TEELUCKSINGH: Thanks. Yeah, this is Dev Anand Teelucksingh, moderator for Thematic Group 5. We have posted our document up on the wiki. Susie, if you could just pull that file, and we'll show it onscreen.

UNIDENTIFIED FEMALE: Copies are on their way.

WOLF LUDWIG: Copies on the way for Thematic Group 5. So this will be then the next one.

DEV ANAND TEELUCKSINGH: Sorry. Well, I can talk about it, but it's not up onscreen.

WOLF LUDWIG: Please start, Dev.

DEV ANAND TEELUCKSINGH: Okay, but it's not up yet on the screen, but okay. So the Thematic Group 5 topic At-Large Community Engagement in ICANN. Over the past [two] days, members of the group discussed the issue and came up with we've documented several issues and recommendations. There are 10 issues noted and several recommendations afterwards.

The document goes through each of the issues and highlights several recommendations, some for ICANN, some for the ICANN At-Large community.   Wolf, do you want me to go through each of the recommendations and issues?

WOLF LUDWIG: Sorry. I would say this is not really necessary. Just once we have it, the question will be: is there any problem in your group?

DEV ANAND TEELUCKSINGH: Well, yes, there is one issue in the group. There was a recommendation by one of our Thematic Group 5 members, Thomas, regarding ccTLDs and how the end users within those cities should be engaged. Some of us feel that this is not relevant. This is not pertinent to the topic of ICANN At-Large engagement, and Thomas disagrees. That has been really the one key issue.

WOLF LUDWIG: Okay. Is there a way to sort this out here and now and to come to an agreement in your Thematic Group?

DEV ANAND TEELUCKSINGH: If Thomas wants to take the floor and just say what his issue is.

WOLF LUDWIG: Please.

[THOMAS LOWENHAUPT]:   As I understood, the objection from the group was that it didn't fit tightly within the category. I'm not thoroughly convinced of that, as it would increase the participation in the At-Large. It would create opportunities. It would create a mechanism that would, essentially, force the development of At-Large Structures in cities that were applying for top-level domains in the future.

I think that it fits within the remit of the group, and there's some question about that. I think we're still discussing it. I'm not sure how it gets resolved at this point, but it seems like it's a timely issue as this document will stand for the next few years and the process that we're referring to that can engage far more At-Large individual Internet users in the process can be included in this document.

WWOLF LUDWIG: Well, I think this is a question we also had in other Thematic Groups, to what level of detail we should go. I must admit, I tentatively would argue we shouldn't go to all levels of details. We should try to come to the level of principles.

So in the level of principles, if you see problems, then have a closer look. If you can somehow formulate it in the sort of a policy recommendation, formulate it as a matter of a principle, etc.

But if we would try to cover all the details which have been suggested during the nine hours of discussion in all the five groups, we would come up with a paper of at least 150 pages. This cannot be the goal of the exercise. Therefore, in my opinion, the final report should be as concise and precise as possible.

If you want to reach something like this, you cannot deal with all sorts of details. This would be my recommendation for your group. Olivier?

OLIVIER CRÉPIN-LEBLOND: Yes, thank you, Wolf. I think one of the concerns I personally had was that if we were going to deal with…

WOLF LUDWIG: Have to go closer to the mic?

OLIVIER CRÉPIN-LEBLOND: Okay, sorry. One of the concerns I personally had was if we're going to deal with that level of detail, we're going to go into ccTLDs, then what happens with region TLDs or, in fact, with all geographic TLDs. Then the concern is if we start looking at this, then do we have to look at other classes of TLDs like, for example, brand TLDs?

I have a concern. The Applicant Guidebook has been finished, and what we're asking for here is something which is very likely to get rejected

due the Board just saying, "Well, look, you should have put that a few years ago in the Applicant Guidebook as such or insisted on this happening when people apply for such type of top-level domains."

Now if it does come to a recommendation for the next round, perhaps at that point what I would suggest is that this gets banked, gets put on the side.

As we know, we will be commenting – and the ALAC has already said that we will be commenting – on a number of improvements to the process for the next round of TLDs, in which case geographic and ccTLDs and so on would definitely be the remit of some of the recommendations we could be making for the next round.

WOLF LUDWIG: Okay. Just a quick comment on I have now seen the printed version of your draft, and there may be an issue of proportionality because there are some working groups which have summary of two pages, etc. You have eight pages. It seems to me your level of detail is already quite considerable. I would like to argue in favor of reducing a little bit the amount of recommendation instead of going into even more details. Dev, you want to comment?

KONSTANTIN KALAITZIDIS: I'm the assistant recorder for Thematic Group 5. My question was it would probably be very helpful if we had some type of a consistent format so that all the Thematic Groups perhaps could make their statements more consistent. But in this case, we have about several

pages of details. Do you recommend any number of pages or any specific format?

WOLF LUDWIG: No. Well, we didn't have recommendation of the number of pages but, of course, we showed a reference document what was a final declaration for Mexico City. This was suggested before ATLAS II in London to the session reporters. Please, have a look on the final declaration of Mexico City because there you have an idea what the format is like and should be like now for the report from ATLAS II.

KONSTANTIN KALAITZIDIS: Yeah, we did that, and we'll probably go back and review it again and make it more along those lines. Dev?

WOLF LUDWIG: I don't want to discuss now about the content of your report. What is important to know, besides the point you mentioned already whether to include the aspect of Thomas or not. Otherwise, are there no other controversial points in your draft? Then we can declare it as approved. Are there questions from other Thematic Group representatives?

If this is not the case, I would say, okay, sort it out with Thomas. I agree, tentatively, with the arguments put forward by Olivier. If you mention one example, why not five other comparable cases or examples, etc. Yeah, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Wolf. So that we don't lose this recommendation, what I would suggest then is amending the recommendation so that it is sent to the ALAC for action and therefore asking the ALAC to consider this recommendation. That will therefore put it on the ALAC recommendation agenda.

JEAN-JACQUES SUBRENAT: You mean separately from ATLAS II, is it?

OLIVIER CRÉPIN-LEBLOND: Yes, thank you, Jean-Jacques. I would say recognizing that this was something that came up during ATLAS II and basically having it as a recommendation that is there and saying recognizing that this has come up but not befitting the format, this recommendation is aimed at the ALAC.

WOLF LUDWIG: Sounds like a real good [Swiss] compromise. I hope you can live with it. I think it's a very good point, so we can consider the version from Thematic Group 5 as more or less approved here.

The last one on my list the draft Thematic Group 1.

EVAN LEIBOVITCH: Well, since I last talked to you, we've gone from 85% to 97% done. I've got a couple people. We've got five people working on a Google document simultaneously. It should be done any moment now.

WOLF LUDWIG: Okay. Just my question is: is there any controversial part in your draft?

EVAN LEIBOVITCH: Not really. We have consensus within the group amongst the points made. We're basically just now going over style and making sure things are complete. Within the group, there was not a lot of controversy in terms of elements of the report that some people agreed with and some disagreed with. That was not really the case for us.

WOLF LUDWIG: Okay, this sounds to me you are in a rather progressed work model – clean up more or less – to come up with the final worded version already. If there are no controversial points in your, I do not see…

EVAN LEIBOVITCH: We're five minutes away.

WOLF LUDWIG: Okay. Jean-Jacques?

JEAN-JACQUES SUBRENAT: I just had a question to Evan. Can you give an indication of the length?

EVAN LEIBOVITCH: Jean-Jacques, you know my style of writing. This is not going to be a long document. The target given to the group was to be less than two pages. We are well within that.

WOLF LUDWIG: Okay, sounds good to me. At least we can now see that there is nothing critical in the draft versions from the five groups. [inaudible] what for me is already a good news to know that we can come up with more or less agreed versions, inputs from all the five teams what will be the substance for the final report. I see Tijani's hand raised and Dev afterwards.

TIJANI BEN JEMAA: While Evan is finishing his report, why don't we discuss the next steps now that we have the five reports.

WOLF LUDWIG: Okay. Tijani thinks we are just on the move to go to the next step, but the next intervention from Dev.

DEV ANAND TEELUCKSINGH: Hi. Thanks. We just went back and looked at the summit declaration, and I think we followed how the summit declaration was presented. We identified the issue and listed the recommendation. We just came up with 10 issues and several recommendations there. So I'm not sure what you mean by altering the format of our submission.

WOLF LUDWIG: Okay. Good question. Heidi just put up the Mexico declaration on the screen. As we discussed before in the prep process for ATLAS II and what should reporting look like. And when we said reporting is not

minute-taking from each Thematic Group but listening and coming to conclusions, recommendations, etc., to have some substance for the final report.

I think we agreed in the prep process on this the Mexico declaration proved to be a good format. We were in a similar situation three days, two days before the end of the ATLAS I where we had piles of paper and notes at the time.

Then the difficult job – which was done by Evan, Carlton, and Alan – to, out of these different formats, etc., and different styles, to collect inputs, ideas, etc., and also divide the highly relevant from the less relevant. Not saying, "Okay, there should be toilet paper at each ICANN meeting in sufficient quantity," etc.

Luckily, we reached this final version in half a day in Mexico, and this is now the next step. We have the consolidated versions now I hope until 5:00 from all teams. We must make sure that the drafting team has not five different versions from each group but the last consolidated one. So just throw away any previous version.

So we have five documents serving as a basis for the final drafting team to come up with a report similar to this format. It doesn't need to be identical the format, but it was a successful format. It reached broad recognition and approval in Mexico, and therefore I think we shouldn't do something completely different. It must not be identical but similar.

I have full confidence, as I had for ATLAS II 2009 in Mexico, in our professional guys – Evan, Carlton, Alan – and I suggest we give them our

confidence. They are all native speakers, so I cannot even discuss with them fine tuning or formulation, etc.

Jean-Jacques, if you are interested from your Board background and your political/diplomatic career, etc., to have a look via their shoulders to say, "I would suggest to formulate this the other way around; it may become stronger," etc., I think you would be an excellent complement for this group.

UNIDENTIFIED SPEAKER: [inaudible]

Well, this is now the question. I cannot impose it. Heidi raised a question, well, we are short of meeting rooms. As far as I can see, this is a group of Olivier as a boss of our advisory committee should also be somehow part or present in this.

My suggestion is the final group consists of Alan Greenberg, Evan Leibovitch, Carlton, Olivier, and Jean-Jacques Subrenat. These five people get the mandate to come up with the pre-final version, what will be presented tomorrow morning to the community before it will be presented in the afternoon to the Board.

So they have our mandate and our confidence to come up with this final version to be presented tomorrow morning to the community that we can at the last opportunity discuss it, present it to the community before we present it to the Board. This is as far as I can see it is a logical procedure. Jean-Jacques?

JEAN-JACQUES SUBRENAT: Thank you, Wolf. Since you propose associating me with this final drafting team's work, I'd be very glad to respond. Would it be possible for staff to send in – what's the word – PDF format or something like that all five in more or less the same presentation so that I can go through the thing whilst we wait for that final meeting? Otherwise, I will be working on some versions are older than others. I mean, we get lost. Thanks very much.

WOLF LUDWIG: Heidi?

HEIDI ULLRICH: Hi, Jean-Jacques. What we can do is put all of the final versions together in one document, but staff does not have the bandwidth to format those in a common way.

WOLF LUDWIG: I would say this is even more productive, less confusing, etc., than anything else. So, Heidi, you will care for this?

HEIDI ULLRICH: Jean-Jacques, sorry. Do you want a PDF or a Word document.

UNIDENTIFIED SPEAKER: It's Word.

EN

JEAN-JACQUES SUBRENAT: Well, something that can be read by – I have a Mac laptop, so whatever goes in there.

WOLF LUDWIG: So make a Word and a PDF format, depending on what people prefer to work on it. As we said, the last deadline for the Thematic Groups is 5:00, or shall we say 6:00? 5:00? Okay. Then after 5:00 – yes, Tijani, please.

TTIJANI BEN JEMAA: Wolf, I am really concerned because the time left for those five people is very short.

WOLF LUDWIG: Yes.

TIJANI BEN JEMAA: And those five people will not only make the wording. They will compile. It is not an easy job.

WOLF LUDWIG: I know.

TIJANI BEN JEMAA: I think that this change in the schedule really made us in a very bad situation.

WOLF LUDWIG: Yeah. Well, okay, but if it's, say, 5:00 so they have more or less the rest after 5:00 and a lot of this final compilation is also copy-paste type of work. I remember how professionally they did it, so it's not the first time. Well, as I said, I made a clear proposal on the further procedure. I didn't see any objections or modification.

Therefore, I think we can consider the suggested next steps: 5:00 – last deadline for the group modifications. Then the inputs will be considered as consolidated final version going to the five-people drafting team to compile the final version what is still in a draft [modus] for the meeting tomorrow when it will be presented to the community. After it was presented to the community tomorrow morning, then it is more or less declared community approved and will be presented in the afternoon by Olivier to the Board.

Okay, Eduardo, yes?

EDUARDO DIAZ: Just so I know: which ones are the five people? I heard Evan [inaudible].

WOLF LUDWIG: Alan Greenberg, Evan Leibovitch, Carlton, Jean-Jacques, and Olivier. You are the final drafting team, and you've got – as I suggested here – our confidence to do the final wordsmithing, etc., fine tuning, anything. You did an excellent job in Mexico, and you will do it again. Please? Yes? Any objection?

EVAN LEIBOVITCH: I appreciate the confidence, Wolf. I just wanted to mention, I've just e-mailed the TG1 statement to you and to Heidi, so you have it in your mailbox right now.

WOLF LUDWIG: Me?

EVAN LEIBOVITCH: Yes.

WOLF LUDWIG: Well, I'm not part of the final team.

EVAN LEIBOVITCH: Who do I have to send it to to get it on?

WOLF LUDWIG: To Heidi.

EVAN LEIBOVITCH: I've sent it to Heidi and to Susie.

WOLF LUDWIG: Heidi and Susie, and then [inaudible].

EVAN LEIBOVITCH: Do you have it?

WOLF LUDWIG: With the mentioning it's a final version?

EVAN LEIBOVITCH: Yes.

WOLF LUDWIG: Okay. So Heidi collects it and Heidi puts it together, etc., and sends it afterwards to the five people. I do not need to get a copy of it. I'm not part of the drafting team, since it's now on the table and duty of our final drafters.

                                  Any further comments, questions? Yes, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Wolf. So I think we're repeating our question. What is the format? It's gone off the screen.

WOLF LUDWIG: Well, the format is more or less this example, the Mexico declaration. No need to make something identical but similar.

OLIVIER CRÉPIN-LEBLOND: Okay. Can we have a look at it because our format is that format. This is where the concern is in my working group in that the format we've used is what's there so [inaudible].

WOLF LUDWIG: It was on the screen until two minutes ago. So have a look on it again.

OLIVIER CRÉPIN-LEBLOND: Can we go through it so everyone is aware of this format?

WOLF LUDWIG: It was on the screen.

OLIVIER CRÉPIN-LEBLOND: We're aware of it, but these recommendations that we see from other groups don't appear to be following that format. That's the concern we have.

WOLF LUDWIG: Well, this was recommended at the beginning. They should have followed and could have followed, but some of them didn't, so just transfer it. This is now, you have the text elements, and you just have to reformat them the way they apply to the Mexico format. Yeah?

OLIVIER CRÉPIN-LEBLOND: I think that our contribution will be – how many pages?

WOLF LUDWIG: Eight or ten. I counted.

OLIVIER CRÉPIN-LEBLOND: Yeah, eight or ten pages.

WOLF LUDWIG: Okay. Okay.

UNIDENTIFIED MALE: In the editing, I think if you just take out the group IDs, if you make it just one document rather than five separate documents, I think it will be a lot easier and a lot more manageable than making it seem like one group contributed one page, another group only a page and a half and the fifth group had nine pages. It just doesn't look appropriate, and I think the formatting will go a lot easier if you take out those group designations. [inaudible].

WOLF LUDWIG: Yes. I think we said this before. This will not be five chapters in the declaration from five Thematic Groups. The final report is based on the content parts but not exactly on the groups.

In the final version, you may realize that three groups had the same concerns about access and accessibility, so no need to mention it five times. No need to underline where it was discussed in which Thematic Group, etc. Just come up with the conclusions and policy recommendations regarding the subject Access/Accessibility, and aspect on Accountability what was surely mentioned in other parts, etc. Please?

OLIVIER CRÉPIN-LEBLOND: Thank you, Wolf. Thank you for clarifying this. The ATLAS I report does not follow that format. It actually keeps the different working groups.

But if there's consensus here that we take away the sublevels of working groups and then if we see the same recommendation in two working groups to bring them together, then that's certainly clear. If there's consensus for that, I'm…

WOLF LUDWIG: Well, in my opinion, a declaration is a policy document, and a policy document should concentrate on substance and content and not on the way this was produced, the procedures, that there were five working groups. I think this is for history not so relevant anymore. For history it's relevant what stands and what substance is suggested for the Board that it really proves to be a political document and not just anything else. Jean-Jacques?

JEAN-JACQUES SUBRENAT: I think I sense a question or a preoccupation which is that the people who have engaged in this very valuable work would not like to see some of what they consider very important points some simply being deleted.

So I think we can assure them that in various ways there will be a trace of this. I don't know how yet. I haven't thought about it, but there will be, there should be a trace of all this in perhaps the ALAC. I don't know how to do that.

So we would have, in fact, two things. One is a record, as it were, of the work and the TG-by-TG separate reports, but that is reporting. As Wolf so rightly pointed out, I think what we want is a policy statement, so it has to be consolidated, of course. Thank you.

WOLF LUDWIG:	Well, we will have the wiki pages from each Thematic Group for the archive. The wiki pages will stay, etc., and can be consulted afterwards. But we cannot present wiki pages to the Board. Therefore, we have to make a compilation of the results from all these five pages, bring it together to the final report.

This is a policy document, and anybody who wants afterwards what we discussed yesterday afternoon shortly whether some of the Thematic Groups can be incorporated in standing ALAC working groups or in ad hoc working groups, we shortly raised this question yesterday afternoon. This is something that needs to be discussed, follow up after ATLAS II.

Of course, there was a lot of initiative here and input and brain invested in this ATLAS II preparation and we, of course, should try to take as much as possible into the future ALAC work. Therefore, this, Olivier, as far as I understood, it was agreed yesterday we will look afterwards to what extent the five groups can be incorporated in existing one or perhaps accomplished by a new one.

So this is on the procedural follow up level even beyond London and ATLAS II, and I think all the points we needed to know for tomorrow were raised, were discussed, and to my understanding approved. The group has a mandate now, and I think we can close this meeting.

Thanks a lot to all of you for your input and contributions. And pleased to see you tomorrow when the final report will be presented to the community. Okay? Thanks, and have a nice afternoon.

[END OF TRANSCRIPTION]