
KATHY SCHNITT:

Good morning, good afternoon, good evening. This is the At-Large Future Challenges Working Group call on Monday, 25th August 2014, at 18:00 UTC. On the call today we have Ron Sherwood, Jean-Jacques Subrenat, Olivier Crépin-Leblond, Alan Greenberg, Fatima Cambrono, Evan Leibovitch, John Laprise, Avri Doria and Narine Khachatyan. We have apologies from Cheryl Langdon-Orr, Carlton Samuels and Beran Gillen.

From staff we have Heidi Ullrich, Ariel Liang, Terri Agnew, and myself, Kathy Schnitt. I'd like to remind all participants to please state your names before speaking for transcription purposes. Back over to you, Evan.

EVAN LEIBOVITCH:

Thanks very much. By way of introduction, my name is Evan Leibovitch. For those that don't know me, I'm a Member of the ALAC from North America, currently serving as Vice Chair until the LA Meeting. Myself and Jean-Jacques Subrenat, between us, are the Co Chairs of this Future Challenges Working Group. I want to thank everybody for coming, especially those of you who were on the ATLAS II TG 4 that dealt with accountability issues. The reason why you're in this group, called Future Challenges, is essentially this is a rule that was assigned by the At-Large.

The Future Challenges Working Group has existed for some time and our goal has effectively been to try to deal with larger issues within ICANN, almost as a think tank environment, with relatively less formal agendas than might be found in other Working Groups. We've produced the first

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

Whitepaper that At-Large has submitted to ICANN. We've been the source of significant amount of input. For the time-being though, essentially this group is being given over to the topic of accountability and transparency within ICANN.

This has become a very hot topic of late. We've a number of people here who've participated heavily in accountability issues. In a moment I'll give the floor over to them as a matter of introduction. Olivier is the Chair of ALAC. He's served on the ATRT 2 that ICANN assembled previously, and in his role as Chair he's also been in frequent consultation with Chairs of other SOs, ACs and Constituency Groups, and can brief us on some of the activity going on in those levels regarding what's happening now on accountability and transparency.

Alan Greenberg was the other Member of the ATRT 2 Committee and can possibly add to that. Avri Doria is our award-winning participant here and was the SME for TG 4 at the At-Large Summit. Perhaps afterwards Avri can help brief us on what the Working Group did, to build upon things. First I'm going to hand the floor over to Olivier to lay the groundwork for what we need to do here as a Working Group going forward.

Our goal here is to come up with feedback for ALAC, ultimately perhaps to go to the public or to the Board with its advice, which it can do. We have very little constraints in terms of what we're able to do. Part of what we need to do is come up with some strategy. Olivier, the floor is yours.

OLIVIER CRÉPIN-LEBLOND: Thank you Evan. Effectively we are where we are here today for a purpose, which started ever since the beginning of ICANN. That's effectively the idea that ICANN could be accountable to only one entity to start with, which was thanks to the contract that ICANN signed with the US Department of Commerce. That's the way that thing started. Effectively there would be no other government that it would be accountable to. This was going to be just a temporary thing in the long-term and it was meant to evolve at some point.

Now, we're not going to go back in history all the way to the beginning of ICANN, but the current way by which ICANN needs to be accountable is described in a document called the Affirmation of Commitments, which was [bound 00:05:06] in 2009. There I a link that I've just put on the chat about this document. It's effectively a contract between ICANN and the US Department of Commerce, which [we'll sign] September 2009 that contains several paragraphs that you can read at your leisure.

The important one, specifically with regards to accountability and transparency is one which is described in Section (9) and (9.1). That's on page two. I'll read through it so you're quite aware of what the actual contract is here. It says, "(9.1) Ensuring accountability and transparency and the interests of global Internet users, ICANN commits to maintain and improve robust mechanisms for public input, accountability and transparency, so as to ensure that the outcomes of its decision making will reflect the public interest and be accountable to all stakeholders by..."

There are a number of sub-sections in there. There's sub-section (A): "Continually assessing and improving ICANN Board of Directors Board

governance, which shall include an ongoing evaluation of Board governance, the Board selection process, the extent to which Board composition meets ICANN's present and future needs and the consideration of an appeal mechanism for Board [unclear 00:06:48]." That's (A).

"(B) Assessing the role and effectiveness of the GAC and its interaction with the Board and making recommendations for improvement, to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS. (C) Continually assessing and improving the processes by which ICANN receives public input." These are all the various different ways that I guess At-Large [unclear 00:07:19] public comment process, etcetera, which [unclear].

"(D) Continually assessing the extent to which ICANN's decisions are embraced, supported and accepted by the public and the Internet community." Another big section here. "(E) Assessing the policy development process to facilitate and enhance cross-community deliberation and effective and timely policy development." The rest of that paragraph talks about the review of those works.

What it does is explain what the ATRT's work is, the review of this section being a sizeable chunk of the ATRT's activities, and of course the ATRT 2, the second cycle, looks at the implementation of the recommendations of the first cycle, and also looks at any real issues that came out and whether ICANN could still improve on these things. That's the basis for ICANN's accountability review, and you'll note that it is... It says, "Ensuring accountability and transparency and the interests of global Internet users."

As ALAC is the home for Internet end users, I think we're quite concerned and really we have to take a very important part of this whole discussion and whole process. The ATRT 2 finished with a huge number of recommendations, and I don't know whether my colleagues, who were on the ATRT 2 and are also present on this call – both Avri and Alan – might wish to add to this and speak about the ATRT 2 outcomes?

Those recommendations have now been agreed on by the Board, who've published in London a motion, a resolution, where they adopted all of these and have passed them onto staff for implementation. Aside from this we now also have another process that's started, and that was triggered by the US Government's announcement of the transfer of stewardship of the IANA functions. These are the operational functions that deal with protocols, with IP addresses, and with domain names.

This is an operational thing where the US Government had an oversight over those functions to make sure everything was running according to plan. Their government will now take a step back and therefore there is a discussion that's been launched to come up with an alternative plan, where the US Government will be the appeal of last resort, or whatever it is.

Very tightly linked to this is an accountability mechanism. There is a lack of an accountability mechanism as soon as the US Government steps out of the room. Therefore there is an accountability thread that has to be launched simultaneously. Some say that it's very late in the launch, and these are just personal views that I've heard from many in ICANN, in other SOs and ACs. There is a real concern that while the NTIA stewardship transition process seems to have been flying forward at full

speed, the accountability process has not so far been moving fast enough.

So far, this process has primarily been Board or staff led and not yet something led by the community. This is some of the concern that's been brought forward. The very fact we're having this call today, with very little information as to where we are going with this so far is a testament to the fact that to the moment there is very little information and the process seems to be running very slowly. There are conflicting views on whether ICANN needs to be fully accountable before the NTIA stewardship transition should take place.

There should be a replacement accountability process in place in ICANN, or not. We are at a position where we've just started the discussions and already we can hear very different views out there, and even very different views with regards to how the discussion is going to take place. ICANN has recently sent an announcement with regards to the accountability process. One of the things it's done is set up several groups. They're going to have on the one hand a group that will be made up by Members of ACs and SOs – so the ICANN community on the one hand.

Then another group of experts will be inserted into a smaller third group, and they'll finally take all the decisions as to what the final report will be. There's been some discussion as to how these experts will be chosen and whether there should be experts. ICANN has recently made a press release. The Public Experts Group, the seven advisors, would be selected by four public experts who are in theory independent of ICANN.

They're not part of the ICANN Board or staff. They'd be making the selections on these people.

Then you've got the overall proposed process – enhancing accountability and governance; process and next steps. I invite you to look at this table as well. This one has a link to the overall process and next steps for the accountability. This is just a press release. Somewhere in there you'll see an overall diagram of how the proposed solution is going to be... This is not satisfying everyone. I've shared this in the past with the ALAC mailing list so you'll find that.

Have we put a copy of this in the FCWG front page? It would be a good idea to have a link to it. That would give you an idea of the proposed structure as it is at the moment. Where are we? Well, we had to start the process of discussing accountability on our side. We've got the Selection Committee for the IANA stewardship transition, that's selected our two representatives on the IANA Coordination Group.

That is still in place. All Members of the Selection Committee who wanted to apply for being selected to be on this ICANN-wide Accountability Working Group have now stood down. They're going to be replaced very imminently by asking the RALOs to provide names for their replacement, but that Selection Committee is ready to receive expressions of interest from people in our community who wish to be on whatever group gets created by ICANN. As I said, it seems that the proposal that was made a few days ago by ICANN will be the one that stands.

You never know though, because the discussion is still ongoing, and there's been absolutely no feedback so far as to what timelines we have with regards to the selection of those people and when the first meeting of the ICANN-wide Accountability Working Group is going to take place. We don't really know when this will all start. Maybe others have more information this call. At the moment it's all really playing in the dark.

The only thing though is we do need to be absolutely aware of what's going on and ready to act. As we know from history, certainly when things start moving in ICANN they move very quickly. That's all from my summary for the time being. Maybe others would like to add to this.

EVAN LEIBOVITCH:

Thanks Olivier. We have two people with their hands up. Jean-Jacques?

JEAN-JACQUES SUBRENAT:

Thanks Evan. I'd like to complete what Olivier has given us – a very good introduction about accountability – and I have two remarks. The first is that for the sake of historic accuracy I'd like to remind us that the preparation of the AOC did not go smoothly at first because there was a feeling that it was unnecessary to underline certain notions because they were floating around and included, such as the global public interest and the interests of the global Internet users.

A small number of us on the Board of ICANN at that time had to insist very strongly to convince our colleagues that that was absolutely necessary. I mentioned Roberto was one of those who for several years had done that, and me too. That's my first point. My second point is

that after Olivier's description I think we really have to be aware of the fact that it's now an exceptionally important and opportune moment for the ALAC to use this opportunity of a renewed interest in accountability.

It should insist once again on what we see as the content of accountability, which is accountability of course to structures, for the time being the US Government and hopefully later on too a wider body. Also, two principles; adhering to and defending principles, such as the notion of the global public interest. This is very visible in the forming weeks of the Transition of Stewardship Coordination Group, of which I'm one of the two representatives of the ALAC.

There again, it was quite difficult in the early stages to have the notion of the global public interest and the user perspective, really taken into account. We didn't really manage, but we have to continue hammering down this theme. This is really my message at this stage. Now or never. This is the time for ALAC to insist on that aspect. Thanks.

EVAN LEIBOVITCH:

Thanks Jean-Jacques. I have Alan in the queue and Avri, if you can – since Holly, who is the coordinator, is not on the call – if you could also add some comments after Alan, as well as talking a little bit about the ATLAS work on TG 4, that would be great. First Alan, go ahead.

ALAN GREENBERG:

Thank you very much. Regarding timing, according to the FAQ there's an intent to hold the first Cross-Community Working Group meeting on the 15th of September. I don't know if that's formally been scheduled but

they talk about that date and they also use that date as the target for the ACs and SOs submitting their candidate or candidates for the Coordination Group.

EVAN LEIBOVITCH:

Alan, you're saying At-Large has to be ready and able to have candidates selected well in advance enough for people to be picked and being able to make travel arrangements in two weeks?

ALAN GREENBERG:

No, it's a virtual meeting, a teleconference. The intent is that the Coordination Group will meet in LA. One of the questions I had was, there was a level of confusion that said that the ACs and SOs select their Members for the Coordination Group, but the Coordination Group is appointed by the Cross-Community Group. Essentially, apparently that is a ratification, assuming there is only one Member. If the AC/SO provides more than one then the Cross-Community Group must figure out how to select which one. In any case, that's just the mechanics.

I'd like to talk a little bit about accountability and transparency in general. These are terms that often don't mean a lot to people. When you start saying, "How do you verify that someone is transparent or accountable?" the transparency tends to come in the form of dumping huge amounts of data and information, some of which is useful, some not. Accountability essentially says, "How do I fix a problem when there is one?" It's the means of reconsideration and things like that.

I'd like to look at it from a completely different point of view, go back and say, "Why do we need accountability and transparency?" From my perspective it really comes down to ICANN needs to be trusted. It has responsibility for some key resources associated with the Internet – perhaps a more independent responsibility with the NTIA transition – and the question is, are they going to be trusted? Are they going to be trusted by the users, by the various parts of the Internet infrastructure and by governments?

Instead of trying to look at accountability and transparency mechanisms, I think we need to focus on the why and the trust issues, and what are the issues where trust is not there, and how can we generate a level of comfort and trust? I think the other things fall out as a matter of course from those. One of the problems I've seen in the ATRT is because it's focused on very specific words that Olivier read out, it's constrained by those words as well.

Therefore, there were discussions within the ATRT group. Essentially, we think this is important, but it's not part of the AOC and therefore we can't look at it. I think we have to go out of that mode and go into the root cause of what are we looking for to make sure that ICANN can be trusted by the various stakeholders around the world. Thank you.

EVAN LEIBOVITCH:

Alan, just one quick follow up question before moving on. When you talk about the constraints of the AOC and others, in the experience of the people that have been on the ATRT – and Olivier, if you could add into this – are there any constraints that you can see being brought into

the upcoming groups that are going to limit it in the same way that Alan's just described?

ALAN GREENBERG:

Evan, if I may answer first? I hope the difference is that we're not constrained. That of course means there's more opportunity to go off on tangents. I also recall that the ATRT, because of the timeline focus, has very limited time. This group's going to have limited time also, but hopefully we can focus on what are perceived to be the important things, not a huge laundry list. Thank you.

EVAN LEIBOVITCH:

Thanks Alan. Jean-Jacques, did you want to say something?

JEAN-JACQUES SUBRENAT:

Sorry, I spoke out of turn. It was to answer very briefly about Alan's query about will the ICG meet in LA. If that was his question then the answer is yes.

EVAN LEIBOVITCH:

Thanks Jean-Jacques. Avri, if you've got a moment, please say anything about not only anything you've heard so far, but to add onto that about the activity of the At-Large Thematic Group on accountability that was held in London. Thanks.

AVRI DORIA: Thanks. First of all I'm going to have to say that I've very little to say about the ATLAS. Whilst I was part of the subject matter experts before, I was totally conflicted with other schedule in London and therefore didn't participate. For that I'm heartily sorry but it came out that way. In the document there was an ICANN accountability and transparency statement, which had four recommendations, which seemed like good recommendations in terms of the general public being able to participate in ICANN on an issue-by-issue basis.

"Information on the ICANN website should where practical be clear and non-technical language." Of course... "Roles and jurisdiction the Ombudsman should be expanded." Yes, and indeed that was part of ATRT's recommendations and it's something I want to come back to as I'm talking a little. "Both the areas of Ombudsman and contractual [unclear 00:27:35] on the complaints they receive through [unclear]." I think that's a fine one and that's part of the mechanics of it all.

EVAN LEIBOVITCH: Sorry, could you slow down a bit? We have some non-native English speakers on the call.

AVRI DORIA: I'm so sorry. I didn't realize we had translation. Then the last recommendation was to enhance ICANN's community efforts on building a culture of accountability and transparency, as called for in the recommendations of the ATRT 2. The most important statement on it perhaps: "Oversight of the Board's decision now requires an effective

mechanism of checks and balances, capable of providing true multistakeholder oversight and effective remedies.”

That sentence points back to a lot of what’s already been said on this call. It points back also in a way to what Alan’s saying – when we say that oversight of the Board now requires... What we’re looking at is what would it take for us to trust the Board to trust – and we as a global community. One of the issues we have to deal with also is the accountability within ICANN to the microcosm of global community that exists inside it, but also to the much wider outside community of users and others – those who’ve yet to become users, for example – of ICANN’s actions. Can it be trusted?

It occupies a very distinctive and unique role. Its task is within this Internet ecosystem. I’ll come back and hopefully other people can answer this to a question I’ve got. Coming out of ATRT 2, we recommended that the community be gathered together to work on some of these accountability issues of accessible remedies of external oversight mechanisms, of internal whistle-blowing capabilities for staff – all sorts of accountability mechanisms.

We threw a bunch of these in and said, “...And Board will create and initiate a process at a community-wide level to get these done.” To what extent are these things now also part of the subject of the new accountability effort? It’s something I’m not quite clear on. I haven’t been in an environment to ask that question directly yet. I’m assuming yes, because also I’m assuming yes in that to answer Alan’s question of how do we learn to trust and how does that trust get maintained over the long run?

Those are the things that are running around my head at the moment – looking at how we can best use this accountability group that’s coming up, how we can best work with its community group, etcetera. These are things I’m hoping we can really delve into – the practical stuff –, of not only what do we need to get out of this but how we’re going to do it. That’s about it for me. Thanks.

EVAN LEIBOVITCH: Thanks Avri. Olivier, I saw your hand up.

OLIVIER CRÉPIN-LEBLOND: Thank you Evan. It was just to answer a couple of things. Firstly, I think it was Alan that asked the question on the constraints, on do we see any constraints today that might affect the current accountability process, as such. I think the concern today is primarily borne out of the fact, looking at the actual diagram of the process as it is, the concern is that the accountability and government’s Public Experts Group, those seven advisors that would be appointed by four respected individuals...

This is interesting. There are four respected individuals that will appoint seven advisors who will provide best practices from global institutions, engage with a broader network of public accountability and government experts and support their work with expert advice and research. The concern is that these experts will take a front row into the accountability process, and so you’ll have an ICANN Accountability and Governance Coordination Group that will be primarily controlled by the experts.

This is where you control the agenda and you're able to control some of the outcomes, to some extent... To give you an idea, the ATRT 2 itself was constrained by the AOC and that's why I read this to you. There are a number of topics that the ATRT 2 looks into. We actually even had a confidential line where people could bring forward some points, some views, that they thought needed to be looked at. Unfortunately, because we were bound by the terms of the AOC we were not able to look into these things.

I don't know about any of my colleagues here, and wearing my other hat of ALAC Chair, those colleagues, whether anyone would be interested in expanding further than the ATRT 2 Mandate in turning every rock with regards to accountability or whether some rocks will be left unturned. That somehow also goes along with the question Avri asked, which was, "How many things can we look at with this accountability process?"

Therefore, having those external experts, would that just be experts that would be there to keep the community in check, in case anyone wants to leave a stone unturned that should remain unturned? That's all in a very clinical tone. Thanks.

EVAN LEIBOVITCH: Thanks Olivier. Alan?

ALAN GREENBERG: Just a small point. Olivier was talking about the seven advisors on our new Coordination Group. Olivier, I think you used words like it would be "controlled" by the advisors. I think that has a lot to do with how

strongly the group decides to do what they want, and advisors should be just that – advisors. They should not be controlling the agenda. They should not be deciding what the outcomes are, but they should be lending their wisdom and experience to the process.

If that turns out not to be how it happens, I think that's a fault of the group, not necessarily of the advisors or the structure. I think we have to be a little careful here. In terms of the ATRT and how it was bound, I suspect if the ATRT had chosen to go into an area that was not distinctly in the area of the AOC it could well have done that. There might have been some pushback from the people on the ATRT who wrote the AOC, but other than that it may well have. We communally decided not to go straight into those other areas.

Hopefully this new group has no such constraints and will try to identify, of the near infinite number of things it could look at, the things that could be key to ICANN being trusted, and to presume and ensure there are mechanisms by which if there is a belief that ICANN is not going in the right direction to meet the overall good that there are remedies for it. I think that comes down to the real crunch of where we're going. Thank you.

EVAN LEIBOVITCH:

Thanks Alan. I see Avri's hand in the queue and also Jean-Jacques. Alan, while you have the floor, could you say a word or two about TG 4?

ALAN GREENBERG:

What I'll say is not so much a comment on what came out of it but like every other group that we're talking about, they were time constrained. We spent an awful lot of the time getting people up to some level of level set, because the people going into this had very different perspectives, in some cases even of what we were talking about. It wasn't clear to many of the participants at the outset and – to be honest – at the end, that we were talking about ICANN's accountability and transparency as opposed to ALAC's or At-Large's.

There were vast issues of level set. The four recommendations that came out of it were the four recommendations that came out of it. There was no claim that these were the be all and end all of all that needs to be said, but it's the ones we could agree with before the time ran out. One of those recommendations got reworded, partly by me, in the editing process, and there was some severe criticism from at least one of the group members saying, "That's not what I meant, you got it all wrong."

I think anything like that needs to be taken not with a grain of salt, but understanding where it came from. It wasn't meant as the definitive At-Large statement on accountability and transparency. Thank you.

EVAN LEIBOVITCH:

Understood. I have Jean-Jacques and Avri. Afterwards, Robin, thank you for being on the call. If possible, I wouldn't mind having you expand on what you wrote in the chat, but first Jean-Jacques and then Avri.

JEAN-JACQUES SUBRENAT: I would defer to Avri if she's answering to that question.

AVRI DORIA: I was going to comment on the nature of advisors, but it looks like it's becoming a rat hole so I figure I'll just say that they're part of the group, they're no more or no less more controlling than any other part of the group, and we'll have to see what happens. Other than that I don't want to go down the rats' nest.

EVAN LEIBOVITCH: If I'm hearing what you're saying correctly Avri, it's that as long as we're vigilant and we don't allow too much overstepping to happen, we may be able to contain the advisors to do what the advisors are there to do and not what Robin has said, that they'll actually take things over?

AVRI DORIA: It's basically there'll be group dynamics, and they are participants the same as other participants. This looks like it's going to be working on consensus mode. The notion of control, I think, is actually almost a spurious element to talk about. Certainly they could come in and dominate. Certainly the people sent by gNSO or sent by GAC could come in and dominate. That's a group dynamic that hasn't happened yet so it's difficult to predict. In point, they are just participants who are to bring what they bring to the discussions. With them it's expertise.

With the rest of that group it's also going to be expertise. They're going to bring [representivity 00:40:50] to some extent as well, but it's a group to interact, to develop solutions, to interact some more, to develop

solutions, interact some more, and eventually make some recommendations. I think the notion of control by the seven experts is sort of [faddish 00:41:13]. Thanks.

EVAN LEIBOVITCH: Go ahead Jean-Jacques.

JEAN-JACQUES SUBRENAT: Two points. First, I agree with Avri's last statement. The second point is I think all this discussion is occurring in the framework of our Future Challenges Working Group of the ALAC. I would say I'd be very tempted to suggest that we take it as we have already done in this Working Group, which is to keep it wide open and not to bind ourselves to any pre-conceived results. I think we should keep our complete liberty and consider experts as just experts among other experts. Everyone is an expert in this matter of transparency.

We should not give or recognize superior expertise to people who happen to have been designated experts. The whole point about this FCWG is an independent mind and a forward-looking attitude. That's why we call it the Future Challenges Working Group. I take the analogy of the first ALAC Whitepaper that Evan referred to at the beginning of this meeting, which was making a highly responsive, relevant and respected... Our point of [juncture 00:42:53] was not to be bound by any ongoing work in ALAC.

It was an open view on the future of what really needed to be done to bring ICANN up to speed with its commitments, but also with the

expectations of the user community. That's why it was read, in some quarters, rather carefully. I suggest that when we come down to that – in other words, the Action Items out of this meeting we're holding now – I would suggest we keep an open mind and prepare to make a statement or a paper that would not be constrained only by the possible contribution of the designated experts. Thanks.

EVAN LEIBOVITCH:

Thanks Jean-Jacques. Alan, you've got the floor and then we've got ten minutes left in the call so we need to start talking about... I know there's only two minutes granted to next steps in the Agenda, but we don't have a big population of people here in this call right now, and we need to figure out how to move forward with this. Alan?

ALAN GREENBERG:

Thank you. There are a number of statements being made in the chat that I'm not sure are facts, but are very much opinions. The ATRT 2 decided that although there were two members that were named as experts, and they weren't advisors but were deemed to be experts, the ATRT 2 decided they would participate as equal members of the group – period. That is a decision they made. It's not necessarily a decision in my mind that this future group will make regarding their advisors.

The word “advisors” is very much someone who... The ALAC is an Advisory Committee. It's not a Committee that has to be listened to, but presumably the ALAC may have something interesting to say and the Board should listen to them and then make a decision. I think advisors

to this new Coordination Group should be taken in that mode and not deemed to be equals among others, or leaders.

Therefore, if they're going to be picked because they have experience, academic or otherwise, in this area, then there's someone to listen to – not necessarily to [direct 00:45:20] group. If the group decides in their wisdom that the advisors are simply part of the group or other leaders of the group, that will map to that mode of operation. I don't think it should be taken as a default that they will either control or even be equals. That's a decision. Thank you.

EVAN LEIBOVITCH:

Thank you Alan. We have nine minutes left in the call. Based on some of the conversations I want to make sure we're ready for moving forward on a couple of things. First of all, it's been mentioned that we're going to have to be in a situation of being ready to pick people for the Coordination Group on Accountability.

Olivier, if I heard you properly, there was already a process that was put in place to pick people for the IANA Transition Group. You're suggesting to reconstitute it to pick people for an Accountability and Transparency Group? Can we do this in time if the group is supposed to meet for the 15th? Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND:

Thank you Evan. Yes, the last ALAC call gave the green light for the Selection Committee to be able to make the selections for the accountability thread. Now we have a better idea of how many people

we need to select. What I can do is to go back and obtain exact clarification of how many people we need to appoint, and then we can start the process of asking for expressions of interest to be sent to staff as they have been in the past.

We can leave that open for a week, 15 days. Then the Selection Committee will take about a week to go through the listing and make its decision. It really depends on how many positions we have to fill and how many people we have sending their expressions of interest forward. You're quite right to ask the question now.

EVAN LEIBOVITCH:

Olivier, counting forward, what you said right now, giving 15 days to do collection and then giving the group one week to do its work will take us past September 15th.

OLIVIER CRÉPIN-LEBLOND:

Seven days for expressions of interest. There are a lot of people that have already said they're ready to send in an expression of interest. We could open the process for seven days for people to send in EOIs, and then we'll give the group a week to make a selection. Actually, seven days takes us to the 1st of September and then we have two weeks until the 15th.

EVAN LEIBOVITCH:

Okay. Who's taking that Action Item, to pass that to the Selection Group? Is that staff or is that you, Olivier?

OLIVIER CRÉPIN-LEBLOND: I could take that AI if you want, but you're chairing this call, so you'd be making an AI for this group to ask me to proceed forward with the Selection Committee and enquire how many seats we have to fill and then send out EOIs.

EVAN LEIBOVITCH: Right. I just want to make sure the topic is owned and doesn't get let through – whether it's you, me, or somebody else. Who's the Chair of the Selection Committee right now?

OLIVIER CRÉPIN-LEBLOND: Me.

EVAN LEIBOVITCH: Okay, so that communication can happen easily.

OLIVIER CRÉPIN-LEBLOND: I'll tell him!

EVAN LEIBOVITCH: Send yourself an email.

OLIVIER CRÉPIN-LEBLOND: I will, and I'll copy you in as well.

EVAN LEIBOVITCH:

Okay. That's one AI. Now, I'd like to get a sense of the group right now regarding the comment Alan made earlier about trust and a number of people added into. Going forward with what Jean-Jacques said, very correctly, our group, the FTWG, is not constrained by any bounds that either the ATRT or the AOC or any future Accountability Coordination Group at a higher level, decides to set for itself – either explicitly or by self-censorship.

Is there an interest in going forward at the level of this group in trying to focus on a larger issue of taking accountability and transparency and dealing with the issue of trust, and making that a theme that we need to deal with at the level of the FCWG going forward? Is that a reasonable plan of action, going forward, for us? I have a checkmark from Jean-Jacques. Does anyone have any comments, complaints, agreements on this?

To me it seems to be a very reasonable course of action. Tackling this from a higher level of trust is exactly the kind of the thing this group is meant to do, especially considering the fact that we do not have the bounds that other groups will set for themselves. Any comments? Questions? Alan, you mentioned the issue of trust. Are you okay with that plan of moving forward?

ALAN GREENBERG:

Whether that's the right way to move forward is going to depend on how the Cross-Community Working Group and the Coordination Group decide to act. They may choose, in their wisdom, to do what the ATRT

did, of start coming up with laundry lists of accountability mechanisms and transparency mechanisms, and not look at what I believe to be the root cause, but the tools. I think that would be misdirected, but we don't know how they're going to be operating so we're going to have to be a little bit flexible to make sure that what we do has some meaning in their context.

EVAN LEIBOVITCH: Okay. Jean-Jacques, go ahead.

JEAN-JACQUES SUBRENAT: Thank you. Yes, to pursue what I suggested earlier, I think that we should, in this Working Group, at least remain mobilized on this question. In other words, let's be prepared in the coming weeks to take up this subject as a genuine working subject – that means something that we would do research on, in view of making a statement or a paper, a document, which would give our own collective views on the links between trust and accountability and transparency – irrespective of what other groups are doing or will end up doing.

In other words, I'm not suggesting that we start that work immediately, because I realize from today's conference – and I knew that things were happening elsewhere – we should give a little time; something like two or three weeks, to have a much clearer idea of what is starting or what's already being done elsewhere. Then if necessary the FCWG can start on a document that would be independent of that, and address it in a more long term and broader framework. Thanks.

EVAN LEIBOVITCH: Okay. Alan?

ALAN GREENBERG: Just a comment that Jean-Jacques made, he used the term “research”. I’m reminded of some statements that were made in the ATRT 2. We were under the direction that we should not be talking about opinions but our recommendations should be based on fact. As it turns out – and I think Avri and Olivier will not disagree with me – fact ends up being somebody said it. Most of what we’re talking about is not necessarily fact, but were simply opinions and they were said to us and therefore we could treat them as facts.

A lot of what we’re talking about here is perceptions, and perceptions, and perceptions matter. Although I don’t disagree with the concept of research, we’re going to have to remember that almost everything we’re talking about, in terms of indeed if we’re looking at trust, is a perception of trust. Thank you.

EVAN LEIBOVITCH: Alan, if I can follow up on what you're saying? I agree with you fully that we should not be drilling down into the details. We’ve got lots of other groups that are doing that. Within what this group is able to do, and what it can be spending its limited resources on doing, do I hear you right that we should be focusing on high-level definition of what ICANN needs to do to build back its trust?

ALAN GREENBERG: I don't know, Evan. One of the problems is among some senior ICANN people, and people who are deemed to be our "fathers", do not believe there's a trust problem. They don't see that there's a lack of trust, and some of us see there's a huge lack of trust. It's not necessarily in important things, but as soon as you see gaps in the trust matrix, you don't know what else you can believe or disbelieve. I'm not sure what the answer is, to be honest. I don't know how we're going to go about this.

EVAN LEIBOVITCH: You've just said something very telling Alan, and that is that if one of the things we can do is bring to the attention of the rest of the ICANN community, or those that do not believe that there's an issue of trust, if we're capable of saying – loudly and clearly – that there is one, is that not a reasonable function for us to do, right from the outset?

ALAN GREENBERG: Perhaps. The problem is, the easy ones to find are the ones that truly aren't very important. We can point to gaps in the Constituency Travel support that show a clear lack of accountability and transparency, but ultimately they're not really important, and when we use those examples we lose credibility. It's a difficult problem.

EVAN LEIBOVITCH: Okay. If it were easy it would have been done by now. Okay, so going forward – we are at the top of the hour and I didn't want to run very long – we have one AI that Olivier is going to set up a process for picking

people to the high level ICANN accountability and transparency groups. Since Jean-Jacques has indicated his agreement, both in speaking and in messages on the group, he and I will confer after this meeting, before setting up the next Future Challenges meeting.

Keep in mind what's been said here about the possibility of using the Future Challenges Group to try to address, identify and put forward the concept of trust and lack thereof. If it's a matter of alerting the ICANN community that there's a problem, that's one thing. Then if it's a matter of trying to do it in such a way that doesn't sound petty – also, Alan, in the way that you were saying.

If we can generalize this and show a lack of trust and accountability that doesn't say, "Well, you're not doing our travel well," no, that sounds like a whiny complaint. If we can do this in such a way that draws attention to the accountability in a way that impacts public trust, that's only useful for us to do. I would say it's necessary. If everyone's okay with that then Jean-Jacques and myself, as Co Chairs, we can basically go from there. Jean-Jacques, go ahead.

JEAN-JACQUES SUBRENAT: Thanks Evan. Yes, I'd like staff to write this among the Action Items, that you and I will get together in the coming days to sort out something and propose something in written form about how we should remain aware and mobilized about this so that we can start work on this. Along the lines that have been discussed over the past ten or fifteen minutes I completely agree. Thanks.

EVAN LEIBOVITCH:

Okay, so almost a Sub-Charter of the Future Challenges Group on the approach we're going to take on accountability and transparency. That works well and I'm quite happy with that. Okay, it's four minutes past the hour. I'd like to finish close to on time. Does anyone have any other comments or concerns? Speak now. Robin, if you've got something to say in the chat please say so now. Otherwise we will adjourn now and set up a meeting before the LA meeting and take this further.

Any other last comments? Jean-Jacques, is your hand up again or is that an old hand? Okay. Last comments, going once, twice... Okay, thank you all for coming. I know this was on incredibly short notice in the middle of, at least here in Eastern Canada, a very hot Monday afternoon. Thank you for giving your time on very short notice to come here. This is a very important topic and I look forward to working with you going further on this. Thank you everybody.

JEAN-JACQUES SUBRENAT:

Thank you all. Bye-bye.

KATHY SCHNITT:

This meeting has adjourned.

[END OF TRANSCRIPTION]