ICANN

Moderator: Gisella Gruber-White
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11:30 am CT

(Robert):   Excuse me everybody, pardon me, hello. I don't have any gavel to bang. I was asking Steve in his new position for a gavel but he didn't bring it with him so I'm sorry.

We had an open spot in the agenda with the departure of Larry Strickling. As I mentioned just before heading off to lunch or heading here for lunch that we're going to try to have an informal discussion accountability issue.

Something that you all noted from a planning perspective was an important topic and something that we thought would be of still good value to talk about as a group.

It happened that we also were going to be joined by Steven Crocker, (Theresa Sweinhart), Fadi is here as well. So we thought it might offer a really good opportunity for a relatively brief exchange of views, about 45 minutes or so.

Rudi Vansnick has offered to be our chair for this section of the meeting. Again the watch word here is informal so please don't stop eating. If you want to go up and get something else please feel free to do so.

This will be a - I think a helpful and useful discussion for the next 45 minutes or so at which time we'll be back on the agenda for a plannery session with Fadi for the time period from 2:00 to 4:00.

So with that general understanding Rudi I'll pass the baton over to you to run the next 40 minutes or so, thank you.

(Rob): Thank you (Rob). I was asked to do it very quickly so I jumped into the swimming pool and I hope I'm not going to dive too far away. We all know that the accountability is a topic that needs a lot of discussion and attention.

And it's a pity that we don't have Larry Strickling here to bring some more information. But in replacement we have among us we have Steve Crocker and (Theresa Sweinhart).

And I think it's good if we could ask maybe (Theresa) to give us a view on what the status is today. There's a lot of information that has been shared but I think that's good if we could have a more detailed view on the status of the accountability today.

And I think that also Steve will have some additional information to share with us. After (Theresa's) intervention I will open up the queue for questions and we will then see if we can manage to end up at 2 o'clock. So (Theresa) if you can bring up your information that you want to share with us.

(Theresa Sweinhart): Sure I'd be happy to. So first thank you very much for just the chance to be here and to have a conversation. These kinds of things are incredibly useful and I think important as we're moving these dialogues forward.

I don't want to - I think everybody is quite familiar, the cross community working group on accountability has now been formed and established and thank you everybody for all the work that went into that with the selection of the members and of the participants.

It's been extremely active and very busy with numerous conference calls including conference calls every week and then sub-conference calls occurring amongst the participants and the group members.

So I know that it's been a lot of time from the volunteer community and this is obviously very, very appreciated. There is a face-to-face meeting of the accountability working group occurring in Frankfurt on the 19th and 20th of next - of this month.

Of course there will be remote participation for the participants and the dialogues focused in there and Steve DelBianco and others are obviously actively involved in this and Matthew and many I see around the room. So please contribute to the anticipation or expectations out of that.

I think a core objective is really looking at what's been identified as issues to address in what's called work stream one. That is issues around accountability that go specifically to the changing historical relationship with the U.S. Administration in the context of the IANA transition itself.

That is distinct from operational accountability by the respective customers or entities that have specific relationships with the IANA function itself who are looking at how to deal with accountability maybe through SLA's or other mechanisms like that.

Now of course for the naming community this is a very dynamic discussion about where are those boundaries. And I think in identifying issues that can go into the work stream one of accountability will really help focus that discussion there.

And I see Greg and others who are obviously active and how does one parse that out and ensure that the interconnection is also noted and the inter-dependency is noted.

So as one proposal is moving forward it is also linked to the other proposal and finding ways to do that in a good way. I think in regards to that obviously the timeline of the transition we've talked about, you know, the goal of September and things of that factor.

The community work in reaching consensus on both the IANA stewardship transition and obviously the work stream one on the accountability are fundamentally important for achieving a successful and final solution.

The - just to highlight one last point in the context of more process oriented, obviously the ICANN meeting in Singapore will have a great opportunity for a lot of work and a lot of dialogue.

And I know that the accountability working group is looking at some working sessions there as well. So I - that's where we are on the process areas. I'm more than happy to jump into anything else.

Just one last highlight, I think out of some of this weekend's discussions with the community around the naming community work, one thing that they're looking at identifying is some topics that would actually be addressed in the accountability process.

And trying to get those over to the accountability working group in time for their face-to-face meeting to be considered and looked at with regards to the work stream one, mainly the changing historical relationship with the USG.

So that's the process area there. More than happy to talk about the accountability, the substantive areas but I know that there's a lot of participants in the room who are actively engaged in that.

But maybe I'll turn it over to Steve briefly and then if it's okay Rudi we'll go into a conversation.

Steve Crocker: Thank you (Theresa). So hello everybody, it's a pleasure to see so many familiar faces. I'll come back to that in a minute but I want to say a few words about the accountability and about the board and about the processes that we're involved in here.

Sitting as I do as chair of the board we listen quite a bit to what we hear in the community. We also listen quite a bit to what people say about us and some of it feels a bit peculiar in a way.

There is a lot of grousing about what we do or what we don't do or how much we're in charge. We try very hard actually not to get in the way of the community processes, the multi-stakeholder bottoms up policy development processes.

And in that regard I think we probably do less in some respects than a traditional board of a traditional organization that sets policy from the top and sets strategic direction and gives instructions to the top level management and then watches the execution.

In many respects that's, a good fraction of that is reserved for you as opposed to us if you want to make an us versus you distinction. One of the things that I have hoped for and continue to hope for is an uncommonly positive result of the following kind.

We are not a governmental organization. I've worked for governments, I've worked with governments and they're ponderous and clumsy in many respects and can be extraordinarily ham fisted at times.

I've noted that we are capable of being all of that but I keep hoping that it's not necessary. We should have the ability to be agile, we should have the ability to be responsive and we should have even the ability to be inventive and creative when we need to be.

It's a delicate balance to build an organization that achieves all of that and does so in a way that people respect and depend upon and even develop a certain amount of affection.

And I didn't take this job hoping that I would wind up being loved at the end of it but my hope is that ICANN would be a respected and even appreciated or, you know, to push it even further treasured operation.

It's hard to achieve all that because there's a lot of competing forces and there's just a ton of hard work. You know and everybody involved knows that we all and I'm talking about volunteers and staff and board and everybody, work enormously hard.

There's no question about the amount of energy that goes into this. There's also no question about the level of commitment, no question about the level of intelligence, this is an incredibly smart community of people.

So with those resources the time, the energy, the intelligence, the commitment, one would think that the rest would be easy and yet we know that it's not.

So that's the context that - from where I sit. And I'm very pleased frankly, quite pleased to see a focus on accountability. Contrary to what some might thing we on the board are extremely committed and focused on accountability.

We want - because what the board does is a very, very small, you know, sort of thin layer of activity. We want the rest of the system to be as accountable as you do.

It should be clear what's going on, it should be clear why it's going on, it should be clear that the right things are going on and it should be clear that it happens with a degree of efficiency and effectiveness that is what we expect.

So we welcome quite a bit of continued examination and evolution of accountability. If you came to us and said okay so let's dispense with all this community process, what would the board do to improve accountability, I think we could give you an answer.

It might be, it might match even some of the things that you'd expect, it might not cover everything and that's okay. But we're in listening mode and we're keen to understand.

And at the same time it's part of that understanding we want to understand what's real and what doesn't actually match the available facts. And so that's where things get a bit delicate.

I want to turn to an entirely different topic for a moment. I mentioned as I started that it was good to see so many familiar faces. One of the topics that's floating around in the background is so we've got this pot of money that's building up from the auction proceeds.

And so quite a few people are watching this and saying okay what are we going to do with it, when are we going to do something with it and here's what I have in mind.

And I've said that we're going to - I've said two strong statements. One is, we're going to curtain that money off and not treat it as part of the general funds. And the other is we're going to go through a community process to make that determination.

More recently as that pot of money has begun to develop some shape and I've pushed a bit to say okay when are we going to do that. One of the pieces of feedback I got from my colleagues on the board is, you know, the community as a whole is stretched really thin.

We're getting a lot of feedback about overload. We just don't have the bandwidth to push this through the community at this time. Let's schedule this for later, so later probably into shortly after the transition or something like that I don't have a distinct thing.

Meanwhile another little activity off in a corner is that we have a tradition of meeting with former directors. People who have walked a mile or ten miles in our shoes.

And so on Tuesday mornings at each of the ICANN meetings those directors, those former directors who are able to come and some participate by phone, we have a little chat session and we have a little email.

And I took advantage of that group to get a sampling of opinions just as a starter kit to stimulate my thinking about what to do with the auction proceeds.

And a number of ideas came in and then some of them followed up and said what are you going to do with idea I sent you and I said, now wait a minute I just wanted to get this started we're not going to go anywhere until we do a full community process.

And I sent out a status update saying and with respect to timing we're going to hold off on this. So I got a note that I want to share with you from (Katim Torres) who was on the board from (Gambia) three years ago from November 2008 to October 2011.

And it is quite stimulating and thought provoking. He says, thanks for updating us on the matter of what to do with the proceeds from the new gTLD program auctions around I think the board's decision to hold off on a decision on the matter because the community is quote to burdened unquote and its bandwidth is mostly soaked up by the ongoing transition discussions is indicative of a dire need to address the issue of participation in ICANN processes.

He says, I was part of a team of consultants that helped the ATRT too as we indicated in our final report while North America and Europe accounted for 70 and 18.7% respectively of the participants in the PDP working groups reviewed.

Africa, Asia, Australia, Pacific and Latin American Caribbean together accounted for around 1/8 of the working group participants. Furthermore it was found that quote a small number of participants who have economic and other support for their ongoing engagement have dominated working group attendance records.

I point to these findings because I think we can expect to overload the community if in practical terms community means the few people who have the wherewithal to partake in these discussions.

The status quo also means that PDP's are captured by a few no matter how much we try to whitewash it. For these reasons spending part of the proceeds from the auctions - well he goes on about the obvious thing therefore we ought to try to spend that money on increasing the participation.

I'll just break off there because I thought it would be interesting to share that perspective with you all and particularly as I said when I walked in and saw so many familiar faces there was kind of instant recognition of the positive value of the relationships that are built up.

And the intrinsic sort of encapsulation or insular almost relationship that we develop with respect to the entire rest of the world. So it's just intended to provoke thoughts and I thought it might be interesting to share with this group with respect to what does it really mean to have a broad participation.

And it's not exactly the same as accountability but it definitely is not disconnected from it. So with that I will stop dominating the microphone, sit back, listen and be happy to interact.

Rudi Vansnick: Thank you Steve, thank you (Theresa). I would go back first to the intervention that (Theresa) has been doing. She has been talking about the process and maybe there are some questions or Steve is raising his hand. I thought it was on (Theresa's) intervention so Steve you have the floor.

Steve DelBianco: Thank you Rudi, Steve DelBianco with the BC. I'm, representing the commercial stakeholders group on this cross community working group or CCWG.

And I would like to add just a little bit of substantive color to some of what (Theresa) very accurately reported in order to inform but also to perhaps provoke some of the discussion and learn more from all of you as to what your preferences would be.

Our next, our sixth call is tonight at 1:00 am Eastern Time from 1:00 to 3:00 am and with a 24/7 flow of emails on top of middle of the night. Steve I think we're gaining even a greater appreciation of what it must feel like to be on the ICANN board.

I don't know how you do it day in and day out for years, years in and year out. So to remember at the London meeting all the groups in this room stood at the microphone together united for perhaps one of the very times in our history.

And said that we were anxious to have the community define accountability mechanisms by which the - well by which the community called ICANN management and board accountable methods of review and redress.

And one of the work areas inside of the CCWG is coming up with an inventory of potential accountability mechanisms. The chair has asked me to lead that work area and I quickly went through with staff's able assistance all

of the public comments that came out this summer during the united transition and accountability work.

Came up with about 50 items, different mechanisms for accountability and since then another 15 or so have been added. So we currently have an active inventory list to give you sense of the spectrum.

On the one hand you could have just a handful of tweaks and improvements to existing accountability mechanisms like reconsideration, independent review on (Budsmen) and the affirmation of commitments.

And some of those tweaks are things you want to borrow from the ATRT, our recent (grade) about plugging all that in. So that would be the least to expect. On the other side there would be significantly more, well let's say more far reaching changes to accountability.

I'll give you just a couple of examples. The BC was among those that looked for a permanent cross community working group. We have cross community working groups all the time, and imagine the permanent one that was stood up to have certain enumerated powers.

It could do independent reviews, it could reverse a decision, it could approve or disapprove a budget or a by-law change. It might spill the board in extraordinary measures.

And those kind of enumerated powers are being discussed whether it's a member structure or not, it's not at all clear. Another idea was a contract, an accountability contract.

(David Johnson) came up with this idea where certain kinds of accountability could be written in a piece of paper. He hasn't decided yet what the right way to - who the signers to the contract would be.

I think the last I heard was that the contract parties would sign but then again anyone else could. And the idea of a contract being a way to use courts to enforce accountability.

There are a lot of others, other ideas among those 50, for ways to either prescribe what ICANN must do or to prescribe or prevent what ICANN to do and there's about a dozen that are really all about transparency.

So the challenge in front of us now is to organize these 50, 60 items into work stream one versus work stream two. Work stream one, things that we need to have in place or committed by the time we get to the IANA transition in recognition to the leverage that gives.

The chairs have provided a rationale for work stream one. I wanted to read out and get all of your sort of reaction to it since we're going to be discussing it tonight at 1 o'clock.

Work stream one mechanisms are those that when in place are committed to, would provide the community with confidence that any accountability mechanism that would further enhance ICANN's accountability could be implemented if it had consensus support from the community.

Even if it were to encounter ICANN management resistance or if it were against the interest of ICANN as a corporate entity. So the essence there is that work stream one, the things we want to have before the IANA transition or really it could be a very short set.

It might be a short set of accountability mechanisms to give the community the leverage it needs to push through further accountability mechanisms in the future. That's why I spoke to you about this notion of a contract or a permanent cross community working group with certain enumerated powers.

(Theresa) also spoke of the overlap between the IANA transition, CWG and the CCWG and recognizing that it's sort of unfortunate we have these two paths already split but that's what it is and we're trying to work with it.

The CCWG on a couple of our last calls and communicated that we put out on Friday, said to the IANA naming community working group that we're happy to try to provide help in the nature of this.

If we aren't able to come up with methods of review and redress it may well be that those would be very valuable to what the CWG is coming up with on say the IANA naming functions.

If for instance the IANA naming functions were reviewed and the contractor ICANN we're not doing a good job, we'd love to be able to provide this review and redress mechanism that could simply be used to review that contract with ICANN.

So the idea is to try to be complementary and helpful but our contract, our charter says that we in the CCWG are not supposed to touch the things that have to do with naming, protocols or numbers. We want to be helpful but we're not trying to encroach.

There are some other things coming up on the list that would amaze you. Discussions of public interest, what is a community, a lot of discussion of what should be in scenarios and stress tests.

A lot of discussion with ccTLD, ccNSO members who are quick to tell us how to do what we're doing but to declare once again that they don't have to follow any of the rules, it's rather interesting.

And I'll conclude by saying to Steve that you are loved and appreciated and remember the visit, the video visit you took us through with your high school when we were at the Los Angeles meeting?

Sometimes the distance of time really enhances and sharpens the love and appreciation. So just picture someday a few years from now when you come back to this you high school at ICANN, we'll probably shower you with just as much admiration and love and appreciation as you can handle, thank you.

Steve Crocker: Lovely, thank you.

Rudi Vansnick: Thank you Steve. I'm looking around the room and I know that after lunch it's always very difficult to get people active. But is there any other comment or question that you want to raise to (Theresa) so that eventually she can - maybe you can respond to what Steve is asking for.

(Theresa Sweinhart): It's actually not a response but it just in the spirit of sort of brainstorming our dialogue so to speak. I think there's a couple areas, you know, where for the naming community in particular there is a uniqueness that distinguishes it from the protocol parameter space and the IP addressing space.

And of course those other two operational communities are putting their proposals forward specifically with regards to the transition. So in looking at ICANN's overall accountability in light of the changing relationship, it's quite important to have that cross community working group look at that broader topic.

Recognizing of course the inter-dependencies on some of the issues that might be coming up in the naming space. But I just raise that as it's quite - those are very important communities for the transition and ones that are important with regards to how we are looking at all of this.

The other two factors just as part of the dialogue is of course NTIA has made quite clear that that aspect needs to be looked at, the importance of the work in work stream one and simple versus complex I think is oftentimes a good direction to go.

But also in light of the comments that Steve was observing as we are looking at the transition and as we are looking at mechanisms to ensure a transition how do we also ensure that there are mechanisms that don't yet again over burden the community in some way.

Something that enables efficiency and effectiveness of achieving the results but also one that recognizes that it's a volunteer community at work and leveraging efficiencies in that context.

I don't have the answer but in light of the conversations from the enormous policy related work that the organization has to do and in light of looking at how this would enable continuation of that.

This transition is really a solution for a long-term sustainable recognizing that the community as a lot of other work that it has going on and this should be something that's a stable status quo. So I just was struck by the points that Steve raised.

Rudi Vansnick: Thank you (Theresa), anybody else? Then I would move over to - sorry, yes Greg you have the floor. (Unintelligible) for the - for Steve.

Greg Shatan: Hi, Greg Shatan from the IPC and I sit as the commercial stakeholder group representative as I mentioned earlier to the IANA transition working group. Obviously we've also been grappling with questions of accountability.

I would define it just a little bit differently than (Theresa) did although agree with it in the main. It's not just accountability to customers for operational performance but it really is accountability to the multi-stakeholder community for operational performance and for lack of performance and for the ability to get agreements on what performance constitutes.

In the best of times those all flow fairly seamlessly and nobody really notices them. When times get tough then the questions of who is accountable for what to whom and how that accountability is achieved all of a sudden become a lot more complicated.

It's been a learning experience for me as it has been I think for Steve DelBianco to work so closely with the other SO's and AC's and to learn how differently their worlds operate and how they view our world just as we view theirs. It's been instructive.

And I think we are, you know, working very productively in our group. I think we are continuing to explore ways to work more productively with the accountability working group and I think there have been strides in that regard.

And as indicated we are looking to give some indicators to that group as to how their work can be most particularly helpful to ours as they head into their face-to-face meeting in Frankfurt.

A meeting, which we enjoyed back in November and which was very productive. As most of you know we've just finished up an intensive work weekend beginning each morning at 7:00 am with preparations for calls that two, two-hour calls a day with prep and debrief in between.

And while I think we identified a number of areas of convergence, which were good. We've also, you know, continue to identify nuance that needs to be taken care of.

And even bigger than nuance and I would say that, you know, at this point it's still very much a flexible set of solutions that we're exploring. Definitely a space that needs to be watched and continue to participate in.

I hope that, you know, I and my NCSG counterpart have been doing, you know, a reasonable job of keeping you informed and we'll do some more. There's certainly - my door is always open to anybody from - anybody in this house to explore the issues.

And I think it is important to view this as a multi-stakeholder accountability issue and to view what's going on in the accountability group also as multi-stakeholder but aimed at even, you know, the bigger issues.

Even in work stream one, you know, not - they don't - the idea is I think that those go - need to be put in place before the transition can occur but it's not that they relate to the operational activity of IANA.

But rather what kind of needs to be in place to allow that last string that connects the U.S. Government to the IANA function and ICANN. Once that is snipped to make sure that we soar and not sink, thank you.

Rudi Vansnick: Thank you Greg. And we know that there are probably a lot of hours to come to cover all the meetings that we need to go through in order to finalize the process that is in front of us.

As I don't see any other tags coming up for Steve. Sorry yes, Matthew you have the floor.

Matthew: Thank you Rudi. Just to echo a couple of words and I have a couple of other things too, what's been said already. I am a participant not a member of the stewardship and accountability working groups.

And in as much as those are open transparent welcoming of others to become involved in the processes I think that's a marvelous thing and it's working quite well.

And I think that despite those two processes being very difficult to get into because of the intricacy that we're getting into now in terms of the proposals and the accountability mechanisms, they're still open and that's a huge plus.

What I would like to do though is just say that there are some challenges. (Theresa) said that the timelines are challenging. We have two processes that aren't totally in synch I think is putting it mildly.

We got as Greg said we got through this weekend of work that was arduous. We have more clarification on some of the proposals and parts of the working group draft that was put forward at the beginning of December so that's progress.

We still have a considerable number of issues that are outstanding. There are differences of opinion in terms of whether or not we need external or internal

approaches, which we'll hopefully we'll see more detail on some of those approaches in the upcoming week.

So it's not that we don't have work to do we just have a lot of work to do still in a very short period of time. And so somehow architecting it so that the two processes are more closely linked and that we have the time to do the work well rather than rushed is going to be very important going forward.

And I'm not sure obviously we're working to - timelines are established by the ICG, that's a challenge but somewhere in that mix we need to ensure that we get this right rather than brushing it through and missing something.

We're doing this, the reason why it's so important obviously is it's not just for September, I mean we're doing this for 10 years down the road, we're doing this for 20 years down the road so we absolutely have to get this right, thanks.

Rudi Vansnick: Thank you Matthew. Now I'm going back to Marilyn, sorry I...

Marilyn Cade: No worries.

Rudi Vansnick: ...thought you were going to give a reaction to Steve's intervention, you have the floor Marilyn.

Marilyn Cade: No worries thank you, Marilyn Cade speaking. I am, I wanted to thank Fadi and (Theresa) and Steve and also (Marcus) who is here as a board member for the recognition that in order for this to work and in order for the confidence of the stakeholders and particularly the growing base of those who are affected to have confidence in this organization that we have built and are now evolving.

That the - this amount of work is absolutely necessary and while the community is putting work into it and we had a little bit of a rocky start in where perhaps we didn't fully understand each other on each side on how to proceed, that's been adjusted.

And I think the community is very, the communities I should say are very invested in dedicating the amount of work and time. So one of the things that I think has been extremely helpful has been the recognition that ICANN funding for bringing people together for face-to-face work, not just trying to do this extremely complicated, very delicate surgical engineering for at least ten years in the future if not more and I would say it's probably going to be more than ten years.

That it does take face-to-face time and I appreciate the fact that the budget has been put forward to bring together the people who have stepped up to be members of the group.

I am an observer, not even a participant because I've chosen to spend my time for now on the CCWG IG. I may move to participant because I bring a lot of history having made two previous proposals about accountability and reform of ICANN.

But the thing I can really acknowledge is the transparency and I want to be careful about the use of the word transparency. The availability of the materials in a timely manner and the fact that there is a clear effort to speak in lay language by the chairs and by others is very helpful.

And I know it's still dense but I just want to compliment the support that ICANN all the way down the line as the organization and the staff and the clearly collaborative recognition that has developed.

Rudi Vansnick: Thank you Marilyn for these nice words. We still have somebody in the
                   queue. Do you want to come back to that?

Greg Shatan: I just want to respond briefly and build on what Marilyn said and respond to
                   another thread that - of one of (Theresa's) earlier remarks. First I have been
                   incredibly gratified by the staff support that the CCWG IANA has received.

                   I've gotten used to a very high level of staff support over the years and I can
                   but I have to say that the staff support for this has gone beyond my wildest
                   expectations.

                   They've been with us every step of the way working as hard or as hard -
                   harder as we have and it's just been truly amazing to me. I know that some of
                   them are also working equally hard on the accountability working group,
                   which I find astounding not just amazing.

                   I probably will see somebody fall, you know, asleep at their desk at some
                   point if it hasn't already happened. But in any case that's - on the other hand I
                   think that what we need in terms of support is support kind of during the nuts
                   and bolts of the rest of the time that we do.

                   I think that the constituencies, the stakeholder groups really could use more
                   kind of day-to-day support. You know, we've been blessed recently with a
                   small piece of (Brenda Brewer's) time to support us in (Secretariat), which I
                   think is very useful.

                   I think we need to find the same kind of support for doing the things that don't
                   need to be done by participants that can be done by in terms of support and
                   also to support us more in terms of outreach and engagement and for the

outreach and engagement to stakeholders to lead ultimately to a greater participation in the stakeholder groups and constituencies.

I sometimes feel like there's a disconnect that the road hasn't been built all the way to the SO's and AC's in the constituencies that it kind of ends at the ICANN meetings and kind of the general plannery and leaves them short of being admitted to this room so to speak for (whatever) that is to achieve entry into this room.

So I would just encourage continuing to look at how to support this, the multi-stakeholder model doesn't work if we have, if we work all of the stakeholders to the bone and part of that time is spent on doing ministerial stuff that could be done with support to the groups, thanks.

Rudi Vansnick: Thank you Greg, looking to the clock here, sorry (Theresa) do you want to...

(Theresa Sweinhart): Thank you Greg I will definitely take that back and then work with the chairs and co-chairs on that so thank you.

Rudi Vansnick: So I have two people in the queue for some questions or comments to Steve's intervention. Klaus you have the floor.

Klaus Stoll: Yes Steve, I want to come back to what you said about the auction money. (NPOC) made and wrote an email to you about not on what but how to spend the auction money.

And our proposal was and everything we see in that context is under the topic of sustainability. And the proposal we had was quite simply to say why don't we spend it as an endowment, which may mean not so much money available in the first place but for a long and sustainable time.

And I think that should be something which should be considered. And to what you read out is basically the same thing on the sustainability. And I think not only do we need more people working, we need also more people who are able to participate for longer and longer times in this process.

And this is not only a problem of people in developing areas. We are facing the reality for example in my case and a lot of other people it is much more acute, to spend four to six weeks of your year basically holidays and things now that on this and every little bit more takes you out of the process.

And it's not about giving us money it's about helping us how to sustain that somehow. And last and a very personal comment, sir you are not only loved you are also respected and that I think is important, thank you.

Rudi Vansnick: Thank you Klaus.

Steve Crocker: I'll just respond very briefly. I don't want to get into - I think it would be a disservice and certainly not what I intended for us to spend too much time on the auction issue.

But one of the things that has shaped in my mind from the initial interactions is that there is four broad areas of discussion. There is of course a number of very specific proposals of what to do, please do this or that or the other thing.

Another is a handful of principles involved. Another is a set of mechanisms of which one favorite one is start a foundation. And the reason why I call that a mechanism is because it still leaves open the question of so what are you going to do with it, it's just a (unintelligible).

And then finally is a set of process questions of who should be consulted and how should we go about it and so forth. No - I'll just emphasize once again no decisions have been made I'm just sharing with you sort of the state of play and I've been very concerned that we be responsive to the pressure from the community that something happen.

And as I said when I put this in front of the board that we should try to move forward, they push back quite firmly and said but we've got no enough bandwidth available in the community, lots of push back on, too many things happening.

And so in some sense that was - you won't find a resolution on this but that was the sense that I got from my fellow board members. So all of the ideas including what you've just said are fair game and I would - we're trying to keep track of them.

But in any case we will open a process that has all of the usual formality and documentation and transparency and all of that to it and just we're not there yet, thank you.

And ideas like endowment have been mentioned before as I mean part of the question is okay so you've got this much money, how do you use it effectively.

There's certainly things that are way too big to do with a certain amount of money. There are things that are too small, don't bother with it. There are things that you can do once but you can't do repetitively.

The endowment raises the issue of well suppose you wanted to be in for the long-term what could you do with the money and then that's another sort of slash between mechanism and principle.

Rudi Vansnick: Next is (Swali) and I have Jonathan and (unintelligible) topic.

(Swali Asfarca): It's (Swali Asfarca) for the record. I really - I'm talking about perhaps the other topics not necessarily accountability. I come from the Middle East, there abroad and much of the problems we have in terms of understanding ICANN is in terms of structure, difficult structures and complex procedures that deal with it.

And I'm really glad that part of the efforts of ICANN that have been really successful is the outreach in the Middle East by Fadi (unintelligible) for example.

That's one area that I believe I could contribute and give an opinion of is the idea here is that for the first time ever an ICANN presented such a profile has come to Yemen, a country that's often unfortunately portrayed negatively in media.

But they have brought the - I mean some very long-term let's say positive consequences to ICANN's image for the first time. And part of it was they have developed an idea that we are approaching you because we have not approached you before.

So it's like a beginning of a new trend in ICANN, beginning that we are extending an arm to areas that have not been heard of before that their voices have not been delivered to ICANN before.

And I can see that there is a momentum picking up but the challenge here is how to maintain this momentum. And part of it is referring back to the money and the auction, maybe I'd propose something here.

I already know that the ICANN fellowship program is the most dominant method of bringing in voices of people from the developed world and I really admire that program given that I myself was a fellow and several of my colleagues here.

But what we also can do and what ICANN can do is develop say a connection to those fellows later on. Not mainly giving the fellowship and leaving them and having them find their way into ICANN, which has happened many times before.

But giving them an extended some sort of extended support as ambassador's as people who have been to the process and can build communities around them in those countries.

So extending the arm of ICANN apart from the center and moving onto the periphery to people who may have better ideas for ICANN. And as we can know I mean the next billion users will come from the South.

So if we do not think long-term we may be losing a lot in potential and then there's (IPV6) and various aspects of long-term thinking would require us to move on to extending to those areas and groups.

And I mentioned the fellowship program as an example but it could be many other programs as well. So I'm happy through the NCUC to provide the ideas and opinions of maybe contributing actual work and activities on the ground in that aspect.

Rudi Vansnick: I'm giving the mike to Jonathan.

Jonathan Zuck: Always a mistake, thank you, Jonathan Zuck from ACT. I first want to begin with just a very short caveat on this issue related to auction funds and participation.

And that is that it's been my experience over the past eight years that presence does not equate to participation. And so I think we would be very careful to view that coming to a meeting is a real proxy for greater participation from other communities.

We may need to take a more nuance and sophisticated view of that, which may include for example multi-language support outside of ICANN meetings. For example in work group calls and things like that, finding ways to allow more people to participate remotely because there's plenty of people that come that aren't participating in work groups either.

I secondly wanted to express my appreciation for (Bruce's) participation on the cross community working group on accountability. I think it's been very productive and constructive and I know that as you said Steve it can be an environment in which it's easy to feel defensive.

And come to believe that everybody crying for reform is motivated by the current board, right. And I think it behooves all of us to completely separate this discussion from any discussion of the current board and instead be talking about a hypothetical board of monsters down the road, right.

And, you know, or misguided or whatever it might be that has nothing to do with the status quo it just has to do with creating accountability mechanisms for hypothetical situations we might encounter in the future.

And so my question to you actually is if you might just share a little bit of gossip from inside the board, which is, you know, we've had a conversation in the group about whether to run things by the board or something like that and I think there was kind of consensus not to do that.

But, you know, in the interim before making recommendations right. So but I guess there's some other way to approach this, is there anything in calls you've had or conversations, had in conversations that the board is afraid of hearing from the community?

Is there anything that, you know, my God this just came up I hope this doesn't make it through the process or anything like that. I know I'm putting you on the spot a little bit but is there any kind of hesitations you have or concerns that you have about things that you see percolating in these conversations that you might want to draw our attention to.

Rudi Vansnick: Thank you Jonathan. I am, I have the request to try to close as quickly as possible, so the last one in the queue is Rafik.

Rafik Dammak: Okay, thanks Rudi. Thanks Steve for bringing up the topic of the auction. Speaking here as co-chair of the (unintelligible) or the new gTLD applicants support working group.

In that time we in the report we suggested the creation of foundation to manage the auction. And so there are several ideas in that report so you can use that, it was in 2011.

So the work already started from that time so we can, I mean there are several proposals I'm just breaking up this for now.

Steve Crocker: Let me respond to Jonathan's comments about - the board is remarkably less interesting than you're suggesting even in terms of the amount of gossip to I was just trying to think of something juicy.

It - I won't go so far as to say we're a boring group but nothing comes quickly to mind as to the kind of things you're talking about. Our strongest focus is enablement of the community processes.

The idea of, you know, when I listen to you about running something by the board to see what our reaction might be is that we're not sitting there in a kind of closed chamber of, you know, having a lot of decisions that we're going to make and we'll give you an indication of which way we're going to go.

It's not - we really - the ideal is that very little of what we do should be a surprise because the community has already participated and the processes have already gone to a conclusion.

Now we have certain responsibilities as a corporate board so we have to review Fahdi's performance, we have to look at some other aspects. We have an audit committee to make sure that the finances are properly handled.

We have all the other mechanisms and we have - and so that's one portion of what we do. And then of course we interact with all of the SO's and AC's but there's a handful I would say of decisions.

I mean this auction thing apologies for focusing on it, is a particular thing where we've said okay we're going to handle it in this way and but that's as far as that goes and then it goes back to the community for what's going to happen.

So as I say I'm not thinking that there is a lot to be gained by - and of course the other thing you asked is there anything we're afraid of. Not really, we're here for you really I mean we're - and we're eager to hear whatever there is to hear.

There is substantially less ego and zero self-interest in the board as a board, you know, it's a separate institution despite what I understand is the appearance from the outside that there's something going on there.

And one of my challenges is how do we bridge that distance and here's one thing I'll share with you. When I came in as - I've been on the board for several years but when I took over as chair one of the practices, which I had been - observed for several years that I thought was inappropriate was we would fiddle with the drafting of resolutions kind of on the spot.

And that led to 3:00 am drafting sessions the night before a public board meeting. Well-intentioned but I think not the right thing. We've killed that off. We do a better job of preparation or we just defer or whatever.

Another element of this is that we try to have the substantive discussions outside of the formal board meetings whether they're in public or whether they're in our normal telephonic sequence of privately.

One consequence of that, that's been working, we no longer have three hour board meetings to do one hour's worth of work. But as a consequence the formal board meetings look sterile and scripted, which is in effect the result of all of that.

And so it's not unreasonable for people outside that say well where does the real stuff take place, can we record the board meetings or can we get inside of that.

And I'm empathetic to that but it's a little trickier. I mean you got to have at some point some discussion. But the other side of it is that we are really faced with very strong forces from two sides that try to keep the board out of having in fact a substantive discussion.

The staff tries to give us a packaged up, this is what we want to do and here's our reasons for it. And the community gives us in various ways formal and informal, here's what we've decided.

And by the time it comes to the board for a decision the only thing that both groups want is for the board to say yes. And then we got 20 people who are pretty active and interested and feel very strongly about trying to be helpful and feel to some extent that they are representatives of the community.

So there's a kind of inherent tension there, which I've been focused on for a period of time. How do we sort that out? We're a board like no other board and there isn't an analog to the way ICANN is structured.

Quite a lot of work has been spent on looking at the structure of ICANN and the structure if ICANN board and it's a, it is quite distinct.

Rudi Vansnick: Thank you Steve. Maybe I can say that the only thing you're afraid of is us not being here. I have the last intervention from Andrew.

Andrew: Thanks, thanks Steve. So I'm listening and I'm hearing kind of two distinct themes across the morning. One of them is about the fact that everyone feels really overwhelmed and overworked.

And the other one is the desire to do more outreach and bring more voices to the table. And I can see how the two of those are a little bit in conflict. I know that ICANN as an organization is trying very, very hard to reach out more but it's still a very, very, very small part of our portfolio and the vast majority of people, the majority of earthlings don't have any idea that we exist right?

So I'm wondering how can we do this in your mind how can we - how can we work more closely with the board to make outreach more of an ongoing conversation especially with the global South, which is relatively, which is - what Jonathan says is really true.

People - just because you show up there's so much to absorb it's oftentimes in a second language or a third language. It's very, very difficult for people to participate.

We talk oftentimes with our friends and in Africa who sit on zillions of working groups and they are themselves overwhelmed. And yet we know we need this to be real if ICANN is going to get to the next level and we're going to achieve the internationalization that everyone thinks is important.

Rudi Vansnick: Thank you Andrew.

Steve Crocker: Well I'll say, this is (unintelligible) so my background is technical in nature so when I listen to your challenge there I start to think about how to break it down into its components and how do you solve it as almost as an engineering problem.

There's obviously multiple dimensions. There are the geography imposes some issues of distance. There are huge differences in the technical capabilities, communications is not the equivalent all around the world.

There are language difficulties obviously, there are time zone difficulties. An interesting question is to what extent will technology be helpful if we know how to apply it better.

Another question is centralization is antithetical to scaling and so the question is how can we decentralize more, regionalize, get people all involved in a more distributed fashion.

And here's, you know, we've taken some steps with having a headquarters broken up into three parts but that's just a step at the very top of the staff organization.

How can we, you know, this meeting is taking place in Washington, DC, which certainly we all know if we live here is the center of the world. But maybe that's not the correct view from every other perspective.

That's a joke for the record if anybody is keeping track. So I don't think it's trivial but I think it's a very worth set of questions that we could try to attack. And it might be interesting to get some metrics associated with this and then try to measure ourselves along those metrics over time.

Rudi Vansnick: Thank you Steve. I have to be very un-polite, I have to cut off because we are running out of time. We are 15 minutes over time and I got maybe some, one intervention, okay.

Steve you wanted to do a quick interaction and then I saw Tony raising and Stephanie.

Steve DelBianco: Thank you Rudi it's a very quick reaction to something that Steve Crocker said in response to Jonathan Zuck. Steve you said that our primary concern is enablement of community processes.

I agree completely and it's apparent. In this CCWG we have an additional priority, which is to protect the community processes. So for instance these mechanisms I discussed earlier, the notion of a permanent cross community working group or a member group.

None of the enumerated powers have been discussed in the CCWG would enable it to override and change a policy that came from the bottom up process or a budget that came up to change it or to change a by-law recommendation.

It's all about yes or no review, send it back, reverse the decision, it's not about rewriting. So I agree with you there. And when you mentioned that the board is not about ego or self-interest there has never been any implication by anybody in the CCWG or the community that there was self-interest at all.

It's more of a recognition that there will be times, rare but times when the interest of the corporation differ from the interest of the community and in those instances we want the community to have an ability to overturn.

I'll just give you two quick examples. One would be a bottom up consensus policy recommendation that might increase the risks of law suits on ICANN. Well then the interest of the corporation might not match with the community.

Another example, Greg in the CWG might suggest that the IANA naming functions review team is recommending that the IANA contract be pulled from ICANN 15 year from today.

If that happened you can well imagine that a board that's in place then would say that's not in the corporation's interest to give up the IANA contract but it might be the community consensus.

So those are the kind of issues, it's never been about self-interest and I agree with you completely on the need to make sure that the communities desires are preserved.

Rudi Vansnick: Thank you Steve, Stephanie and then Tony.

Stephanie Perrin: Just a quick - Stephanie Perrin for the record. Just a quick followup on (Swali's) comments about the successful interventions particularly in the global South.

I can only speak for the NCSG but we do have people saying we really need mentors to help us be effective in the working groups. We'd like to sign up and work on projects but and I know ICANN is making efforts in the education area.

Personally I went to the Myson Internet governance school and it was great. I think some of the money from the auctions could profitably be spent not just in special programs like that but also in having kind of targeted seminars on particular topics so that people could get sort of the history, the lingo, the various different perceptions of a topic.

Maybe on the borders of an ICANN meeting or maybe through a Webinar but it would really help I think for some of these things because it's very difficult to keep it all in your head when you're a newbie.

Rudi Vansnick: Thank you Stephanie, Tony, you're the last one.

Tony Harris: This is Tony Harris and I hope I'm not going off topic but I did hear the concern about increasing internationalization of the ICANN. I just concluded two outreach events with ICANN, one in Mexico in (unintelligible) and one in Santo Domingo, which went very well and surprised a lot of people.

One of the problems that we have I don't see any solution in sight yet is the fact that it's hard to get enthusiasm from developing regions for the business opportunities that ICANN offers, which at present would be becoming a registrar.

But the entry barriers to becoming a registrar are significant, I have pointed them out several times especially working in the (ILAC) regional strategy group and we have had a lot of assurances that this will be looked at and resolved.

But I mean honestly we get push back from the registrar saying why are you going to get some privileges, who had a bigger privilege than they. They had - they could carve up everything that network solutions gave up when they became registrars where millions of registrations there up for grabs.

A new registrar starting business today does not have that to go to, he has to start from one right, one registrar. I'm sorry one registration. So I think that might deserve a little attention because otherwise there aren't too many things that you can point out to developing communities that would sort of engage

them significantly in ICANN unless they're interested of course in policy work, thank you.

Rudi Vansnick: Thank you Tony. (Unintelligible) reply I want to close this session and thank Steve and (Theresa) for your information and your participation. I think it was a very good session and I'm handing over back to Robert for the next.

(Robert):   A very brief hand back thank you very much Rudi. Our next session that we're scheduled to do is the session with our CEO, Mr. (Jahadi). I believe that Tony has given up his seat for you Fadi so you can become Tony Holmes for an hour and one-half or so.

We went over a little bit on this session. We originally had two hours blocked...

END