

---

TERRI AGNEW: Good morning, good afternoon and good evening. This is the At-Large Ad Hoc Working Group on the Transition of US Government Stewardship of the IANA Functions on Wednesday, 14<sup>th</sup> of January 2015 at 13:30 UTC. On the English channel we have Olivier Crépin-Leblond, Eduardo Diaz, Cheryl Langdon-Orr, Yasuichi Kitamura, Seun Ojedeji, Gordon Chillcott, Alan Greenberg and Jimmy Schulz. On the Spanish channel we have Fatima Cambronero and Alberto Soto. We have apologies from Heidi Ullrich. From staff we have myself, Terri Agnew.

Our Spanish interpreters are Sabrina and Veronica. I'd like to remind all participants to state your names before speaking, not only for transcription purposes but also for our interpreters. Thank you very much and back over to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Terri. We have to find out if there's anybody missing from the roll call? No. I believe it's complete then. We have to adopt the Agenda. Today the majority of the call will be spent building those coordinated RFP 3B scenarios. These are the internal to ICANN scenarios, which the ALAC and others have been putting together and presenting to the Working Group. You'll notice we've got a quick update on the other RFPs before that. Are there any amendments or additions to the Agenda needed?

The Agenda is adopted. Let's look over the AIs we had on our last call. There were three. All are complete. They are all related to the IANA CWG number and participants' survey, a Doodle, et cetera. AIs are done.

---

*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.*

---

Let's go to Item #3 on our Agenda, and that's a quick update on the different groups that are in this universe; the IANA proposal, RIR proposal with our coordinated RIR stewardship proposal theme, the IETF proposal, and of course if there's any news on the IANA CWG. In no particular order I ask those who are in those groups to please provide us with an update. I note on the chat the Consolidated RIR IANA Stewardship Proposal CRISP Team link. Seun?

SEUN OJEDEJI:

Thank you Olivier. Let me update you on the project. The CRISP Team will be meeting today, and they will also be meeting tomorrow, because various comments were made during what I will call the last-call period of the proposal. There were quite a lot of comments that came in towards the end of the call for comments on the second draft. Most of them are not something that are very... They won't really change the intent of the proposal, so it's just really editorial or rewording for the improvement, which the Team are currently considering and trying to work on.

I think for the CRISP Team, everything is still in order, and I think they're pretty much working towards the meeting with the deadline of the 15<sup>th</sup>, and I think they will probably meet the deadline. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you Suen. Any questions on this report regarding the CRISP? I have one. You mentioned that the proposal is ready. Is there any mention of the creation of new entities in that proposal? How are they dealing with the removal of the US Government in this? Are they filling

---

this in with a replacement of some sort, or how does it work? In a quick summary.

SEUN OJEDEJI:

Generally, if you want to compare where we are with the names, generally speaking, everything we did; the [Numbers Committee 00:05:32] some were organized and set up already. In terms of replacement, they're just looking at replacing a final agreement, which is also a contract. There is no decision yet if [unclear 00:05:49] ten days or not, but [unclear] meant to be ten days, maybe longer than ten days, and [unclear 00:05:58] possibility. There's not going to be a replacement, in terms of structural replacement.

There's just going to be one team that will be doing the review of SLA, which is going to be agreed. There's going to be [unclear 00:06:20] SLA whenever required, which this Review Team is going to be in charge of. So there's not going to be a major difference from what is happening at the moment; it's just going to be a signing of this contract. That's what's happening. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Seun. Next is Alan Greenberg.

ALAN GREENBERG:

Thank you very much. My question is very similar to yours but a slightly different twist. In both cases my understanding is they reserve the right to change who provides the current IANA services, but I think in both cases they're not particularly specific about the process that would be

---

followed if they ever chose to exercise that. Is that correct? One of the things we've talked about in the names community, in the ALAC position, and with others in ICANN positions, is some people would like to see a detailed plan of if we ever decided to move from ICANN, exactly how would we go about that?

The question is, are the other proposals dealing with it at that level? Or are they simply saying they have the right to move, and if they do they will do something at that point?

SEUN OJEDEJI:

For the numbers community, yes. What they're saying is they have the sense that the wording of the draft has not been done yet. However, what the principle is simply saying is that whenever there is a breach of the contract they have the right to move, and everyone at that point [unclear 00:08:30] process that we follow in actually moving to [unclear]. So the current process is not providing what process will be taken after moving IANA operators. I think maybe that will be included in the contract yet, but the principles did not actually indicate what process will be taken; but just retaining the rights to move whenever required.

ALAN GREENBERG:

Thank you. It wouldn't be in the contract because it's not a concern to the current supplier what process would be used to get the next one, but the question is did they discuss that, and the answer is that's not being specified at this point. Thank you.

---

OLIVIER CRÉPIN-LEBLOND: Thank you for this Alan, and thank you for this information Seun. Any other points? We've looked at the RIR proposal. What about the IETF?

SEUN OJEDEJI: For the IETF I think it's pretty much the same thing as the last meeting. Their proposal is as good as done. However, there was an update in relation to the numbers community, which seems to affect the IETF community, which is the aspect of the IPR on the IANA trademark and the domain [IANA as well 00:10:17]. So the numbers community is proposing that the IETF trust so that particular part of numbers community proposal is of interest to the IETF, so that's what's currently being discussed on the IETF mailing list. It's being discussed whether it's something that they need to prepare for, or something they think they can do, just like preparing for if ICG asks for [unclear 00:10:55] implement it.

This is especially considering that IETF does not actually indicate that particular recommendation in their own proposal, and especially also considering that the transfer is going to affect the three communities. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Seun. It's an interesting idea that they wish to transfer that IANA.org or the IETF trust, when it's supposed to be serving everyone, but never mind. This is really just a little detail out of all of the things that will change. Now, I'm looking at the IANA Coordination

---

Group and I wonder whether we have either Mohamed El Bashir or Jean-Jacques Subrenat on the phone to provide us with feedback on what's happening there?

TERRI AGNEW: Neither has joined us at this time.

OLIVIER CRÉPIN-LEBLOND: Neither has joined us. Okay. Does anyone have an idea of the progress of the ICG? The only news I can provide is that the ICG has now appointed a Secretariat, finally, and that's ISOC in Singapore. They'll be acting as the Secretariat, and there are a number of ICG calls coming up within the next several days. Of course, they're now starting to receive the proposals from the different operational communities, so their work will indeed start ramping up. Let's go to the next section, Item #4. The primary amount of discussion we're having is from RFP 3. There is work in the other RFPs. RFP 4, if I remind you, looks at the consequences of the proposals and builds scenarios for it. I'm not sure if anybody else on the call is from RFP 4 to provide us with a quick update of the activities?

There hasn't been much going on. The scenarios have been built. The Co Chairs for this are Robert Guerra and Sivasubramanian Muthasamy, and they have a table of scenarios that's being built. I believe that for any proposal that comes out we will need scenarios. Building an RFP 3B scenario with an internal option, we're going to have to have a scenario there, and I will ask for your help once we've built that proposal. With regards to RFP 5 we have Cheryl on the call. Alan in the meantime?

ALAN GREENBERG: Thank you. I was a bit confused by a message from Robert and just confirmed by you; that RFP 4 and presumably RFP 5 is only considering the CWG proposal and not the RFP 3B proposal. I would think if RFP 4 is looking at scenarios it should be looking at scenarios for all, and it shouldn't be RFP 3B's responsibility to do those jobs. Where am I missing something?

OLIVIER CRÉPIN-LEBLOND: I might have mis-explained this one. 3B will be building the solution and RFP 4 will be building the scenarios; the only thing being that it's for the Members of RFP 3B to help with the building of the scenarios in RFP 4. I don't think we have that many in RFP 4.

ALAN GREENBERG: I've seen a message I think from Robert, saying he's presuming that 3B will be providing the RFP 4 work to go along with the solution? I think that came from him.

OLIVIER CRÉPIN-LEBLOND: I'll check that too. I wasn't aware of this. I'm a Member of RFP 4 so if it's indeed what Robert said I'll reply and assert that it really should be down to RFP 4 to build the scenarios for all the different proposals that come out of the group. Good point. Any other feedback on this? Have we managed to get Cheryl for RFP 5?

---

TERRI AGNEW: No.

OLIVIER CRÉPIN-LEBLOND: Let's move to Item #5, and that's the building of the coordinated RFP 3 proposal. We've got the two segments of this. Thanks to Alan who gave his feedback. We've got the proposal on one side, and look at the different parts of the proposal, and secondly we'll be looking at the accountability of it. I don't know how you want to do this. Alan, do you want to co lead on this?

ALAN GREENBERG: I think so. There's a number of questions I want to raise with this group, and maybe get answers. There's likely to be a lot of discussion in Frankfurt by people who are supporting the in-ICANN solution, since we're going to be face-to-face – not everyone involved, but a few of them. Essentially our problem at the moment is we have four or five effectively competing solutions, some of them quite different from each other, and we really need to know to what extent is ALAC willing to yield and say these things aren't or are important.

We've done that to some extent with the principles, but at that point we didn't know what the other proposals were going to say, and some of them are a bit more different than we expected. I'd like to be able to raise some issues with this group to try and understand what the parameters are that people feel comfortable with. This is not a formal approval or anything, but I'm trying to get a feel of the room essentially as to what people feel comfortable with, with regard to a number of these issues. That's the origin of those items. I'd be glad to lead.



OLIVIER CRÉPIN-LEBLOND: The first item on the list is: to what extent does multistakeholder matter operationally? The floor is open.

ALAN GREENBERG: Let me frame that a little more. I'll ask a leading question. I'm not trying to say anything with the question, but it's important. Some of the other proposals put the registries in a much stronger position with regard to multistakeholderism than other communities. In fact some of the proposals essentially say the registries are the only group that matters. The question is, does anyone have any scenarios they can come up with – wild or reasonable – where that in fact would not be an acceptable solution? I'm not saying it's acceptable politically, but operationally. Specifically, are there situations where the registries would be just happy with the IANA names function, but users would be unhappy? Or vice versa?

I think the two are pretty closely linked. Remember, we're looking at the operational part; essentially are they meeting service level commitments. If registries are unhappy that likely means that some aspect of their operation is not going to be working. The only thing IANA does is change root entries for name servers, contact information, and operational things like that. Are there any scenarios where the happiness of users and registries are not in synch? Clearly, if contact information is not being updated, users might not care, but ultimately that is an important issue.

---

If users are unhappy it's likely because name servers are not being updated and they can't get to the TLDs they're interested in. The question is, are there real operational issues where things would potentially fail if multistakeholders were not heavily involved in the various processes?

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. I'll first let Eduardo speak.

EDUARDO DIAZ: Thank you. This is a question for Alan. Alan, in the process, doesn't IANA get involved in acquiring all the information for the re-delegation and deciding somehow that the re-delegation...

OLIVIER CRÉPIN-LEBLOND: We're losing you.

ALAN GREENBERG: You're disappearing periodically.

EDUARDO DIAZ: I will switch to the audio bridge. Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you. My answer to you Alan, with regards to your question, is to do with any shared responsibility. It's understood that there will be SLAs for the IANA side and for the IANA function itself, and there will be

---

direct customers and the registries will be acting upon this. The concern I have is when something goes wrong and the responsibility is not just that of IANA; it's actually the unwillingness of the customers to work with IANA to have something that works well. Let me give you an idea: IANA decides to upgrade their systems and the direct customer still wants to do things the old way with an old system.

You then end up with resultant not working well, because the customers are using the old system and IANA is using the new system, and there might be some compatibility issues or something. I have concerns that if there is no multistakeholder element that oversees this, you'll end up with cover-ups or potential cover-ups. Does that answer your question, Alan?

ALAN GREENBERG:

That's a partial answer and that's a good example, and I'm looking for examples where we need... One of the problems is we've focused to a large extent on the concept of IANA not following policy and the registries not caring. The problem with that scenario is to a large extent there is no policy envisioned that falls into that category. There are a lot of operational practices but there aren't necessarily any policies. Once you say the word "policy" people start reacting differently to that. That's a good type of scenario that needs to be addressed. Certainly with the gTLDs I believe that's addressed in the contract that registries have to work with IANA on. I'm not 100 per cent sure.

CcTLDs that have no contracts or agreements with anyone, that's potentially problematic. That's an interesting concept, so yes, that's a

---

good one. We're looking at issues really related to purely operational things. From a political point of view we can't exclude multistakeholders in the parts of the operation that are important. I think there should be a multistakeholder component in the monitoring. I made a suggestion in the weekend meeting was that one of the options – it wasn't accepted – was to do this on a completely ad hoc basis; that is whoever wants to show up does, into what is called the CSC.

The question I raised implicitly is how many would? Would we have a lot of At-Large people volunteering to do the work, and a relatively heavy workload, just because they're interested? The same goes for many of the other stakeholders in the multistakeholder environment. I suspect the answer is they wouldn't show up, and by default this would become a largely registry operation. I'm not sure that's a bad thing in terms of monitoring operational parameters. I'm trying to get to the bottom of to what extent do we need multistakeholderism, other than to politically wave the flag? Here's a scenario: registries are unhappy because IANA is not meeting criteria.

They are not meeting SLAs and there are significant problems in IANA. Users haven't particularly noticed. If the registry said, "We have to reassign IANA. We've tried to fix it, we can't, they refuse to do anything" – would users be in a position to want to stop that from happening? Do we need a veto?

OLIVIER CRÉPIN-LEBLOND: Okay, we'll ponder on this. Over to Eduardo again.

---

EDUARDO DIAZ: I'm going to try and explain what I wanted to say. I was going back to what Alan said a few moments ago about IANA being a solely operation of changing things in the root and the WHOIS database and so forth. My question is on the re-delegation process. I believe IANA actually acquire information from whatever it wants to do with the delegation and based on some kind of policy or process they have to follow. At the end of that process, IANA – I don't know if it is IANA – has to decide if it goes with the re-delegation or not. I'm always confused about that process, because I don't know if IANA is the one that decides if the re-delegation goes through or not. Can someone help me on this?

OLIVIER CRÉPIN-LEBLOND: Thanks Eduardo. Alan?

ALAN GREENBERG: It's a good question, and it's not one I'm sure I know the answer to. I'm sure Cheryl does, if we can get any voice out of her. My understanding is that the work IANA does on the current re-delegation is not part of the NTIA contract, but it is something that's been assigned to IANA to essentially provide the background so the Board can currently approve re-delegations. I believe under the FOI that's changing in a significant sense, but I believe the work to build the case for re-delegations, although IANA currently does it, I believe it's not an NTIA IANA assignment. But I might be wrong on that. It would be really good to get someone who knows that they're talking about.

---

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Is Cheryl ready to speak now?

CHERYL LANGDON-ORR: I'm listening. Can you hear me?

OLIVIER CRÉPIN-LEBLOND: Yes. We couldn't earlier. The question is with regards to the FOI. Eduardo had a question on it.

CHERYL LANGDON-ORR: Well, not really having paid attention to the...

OLIVIER CRÉPIN-LEBLOND: Alan, summarizing?

ALAN GREENBERG: What I said was my current understanding is that although IANA is currently building the case for re-delegation or not, and to be approved by the Board, I did not think that was part of the NTIA-assigned IANA responsibilities, and that under the FOI that process would be changing significantly. That's what I said, which I think is correct, but I don't know if it is.

CHERYL LANGDON-ORR: No. You're wrong. I don't want to take everyone through the entrails of the FOI, but the NTIA checking that protocol and established practice that has been followed does include what's in RFC 1591, to a lesser

---

extent, but certainly also [unclear 00:31:43] principles, that's an informal checklist of IANA operations now. So IANA does that, if one could claim – and that includes SIPs, et cetera – after the FOI, that will be more clear; an actual and established, known protocol within IANA to follow is how to ensure that RFP 1591's guidelines and other principles have been followed.

So to that extent, the equivalent of oversight would still be needing to check that box; that internal process, administrative protocol within IANA has happened. But I don't know if they build the case. IANA ratifies that what IANA has been told is in fact true, which is a little different to building the case for the Board.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. Let's go back to Eduardo now.

EDUARDO DIAZ: What I understand is that yes, they do perform that function now. I'm talking about the re-delegation function of acquiring and making sure to build the case. That function doesn't have anything to do with changing anything to the root or of the [unclear 00:33:33]. It's mostly acquiring information and making sure they have all the information to submit to the Board. That's why I wanted to say to Alan that they do more than make changes to the root.

ALAN GREENBERG: To be honest, I think the issue of ccTLD re-delegation is the least of our problems, because the ccTLDs are keenly aware of the issue and are not

---

likely to approve something that doesn't meet the overall level of satisfaction. I don't think we need to be the ones defending that. I think the ccTLDs who are directly involved are going to be very vocal on that. That's an issue of contention in both the Contract Co and non-Contract Co proposals, and has to be resolved, but I don't think we need to be the champions to worry about it.

OLIVIER CRÉPIN-LEBLOND: Thank you. Seun?

SEUN OJEDEJI: I want to go back to Alan's question. I'm just thinking and wondering what non-compliance SLAs happen that [unclear 00:35:23] that are just signing of a domain and perhaps not involved with ICANN, [unclear] like At-Large, or a part of ALAC – At-Large Members who attend ICANN Meetings who are technically involved. What kind of huge discrepancy will happen with non-compliance or SLAs will happen that people will not notice? Are there any examples of what is meant by that? I think when we specify users we're also not saying there are users who are illiterate about this process.

The processes are clear, and users comprise of different people from different backgrounds. When I think perhaps in monitoring we could say registries can do that. However, I think in the level of decision-making, which is also part of the operational process, there has to be very clear transparency in the reporting mechanisms from the monitoring aspects to aid and inform the [unclear 00:36:52] multistakeholder at that level. I, from my own side, can agree to a compromise of registry only [unclear



---

00:37:07] monitoring aspect, so long as the reports are justly provided, and so long as the reports are available and can be [printed 00:37:16].

I'm looking at this situation whereby some registries that are just not [unclear 00:37:25] IANA, and then they just make reports that do not really indicate that things cannot be fixed. There is this report that then goes to the registry to make decisions, and it means that we're making decisions that are not necessarily in the interests of the entire community. So I can see the compromise on registry only, and if I speak from my perspective, the CSC, for instance, I can think of a compromise of registry only [unclear 00:38:14] that. I would say there can be one or two non-registry people who will see how those reports are being [printed] and how the monitoring is being done, and can then easily [unclear 00:38:28].

Because what's been done, it's purely technical monitoring. You need to be a registrar or be involved in a registry to actually understand the processes. That's just what I think. I ask ALAC to give me some examples of things that could happen, that could go so bad that the end users – and what I mean by end user is not the typical end user but the knowledgeable end users – that they would not notice. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Seun. Just to add, from what you mentioned there, currently the IANA performance reports that are regularly published are made freely available for everyone. They are sent to the NTIA but they're also made available for everybody to consult. Alan?

---

ALAN GREENBERG:

Thank you. Operationally, I don't see a problem. In terms of critical decisions going forward, in my mind there is no question that it has to be a larger multistakeholder environment. One of the safeguards we're looking at, however, is I believe gTLDs and ccTLDs are going to have to act in concert with each other. That changes the dynamic significantly, because it's quite possible to imagine a scenario where the gTLDs want to get something out of ICANN on the contractual side and are using IANA as a threat of moving IANA as a leverage to do that. The ccTLDs are not likely to agree, because they don't have anything to gain from a change, and a lot to lose by instability.

There is a certain amount of check and balance that I think ccTLDs and gTLDs have to work in concert with each other on, and that I think is a really important principle that must be maintained. On the other hand, other multistakeholders should be involved. The question is if registries and registrars say, "IANA must change," should us people have a veto on it? That's the kind of question that I think is going to arise as we start these discussions. What I'm hearing is a little bit of concern, but we're not necessarily coming up with specific scenarios that we have to address. I think I understand that question. If we can perhaps move on?

OLIVIER CRÉPIN-LEBLOND:

Thank you Alan. I do have a concern from what you've asked here. The current scenarios developed by the CWG are the Customer Standing Committee, where it looks from the poll that was sent out that the majority of people are saying it has to have some multistakeholder component to it, but it could be primarily the registries and direct customers, and the MRT being more of a controlling body that then

---

issues RFPs and whatever. Are you looking at having those two functions brought in together? I have a concern that they have very different functions.

We're discussing things at the moment that have already been discussed, and I would think there is agreement here as well, that a primarily customer base and an MRT that's fully multistakeholder. Alan?

ALAN GREENBERG: I was not suggesting the merger of those two at all, and I've argued against that a number of times. I certainly was not suggesting that. May we go onto the next item?

OLIVIER CRÉPIN-LEBLOND: Absolutely.

ALAN GREENBERG: Okay. I think we've already discussed the CSC and everyone is pretty comfortable with what's being talked about within the CWG at this point. I have a question of whether we'll really get volunteers from some of the other stakeholders to do anything regarding that, but I can live with vacant positions also. There is a political question of demanding multistakeholder participation and then not getting anyone to do it, but we can deal with that when the time comes. On the MRT, in an internal to ICANN solution, there's a whole bunch of questions that come up. Do you need an MRT to actually make a decision, for instance?

---

There is one argument that could say that within the ICANN solutions, with the one possible problem of the non-affiliated ccTLDs, which will have to be addressed, that the decision should not be made by an MRT, as such, but the decision should be made by the ACs and SOs. That is, if we ever get down to the crucial point of saying, "IANA cannot stay in ICANN," do we really want to delegate that to two or three people? Or do we want it to go back to the AC and SO to make a decision? That's one of the things we're going to end up discussing in an internal solution. My personal position is I feel much more comfortable saying it has to go back to the group to make that decision, than to say it's going to be delegated to one or two people.

It's something of so much importance to ICANN as a whole that it should go back, unless there's some reason why it can't. That's a personal position, not necessarily something I'm going to fight for but something I believe. On the other hand, if there is some operational, day-to-day stuff that has to be done, clearly we want to delegate that. My personal feeling is we're probably looking at some combination of the ACs and SOs taking formal action and an MRT-like body to essentially refer things to the ACs and SOs if it ever comes down to that. I suspect on the accountability issues a similar mechanism may well be warranted. We have a whole bunch of hands so I'm going to yield and see what other people think.

OLIVIER CRÉPIN-LEBLOND: Cheryl? I'm very much in accordance with what Alan's personal views are here. I think one of the benefits to an internal to ICANN solution is that we can have an MRT style light that can be a standing or non-

---

standing body that convenes from what is the multistakeholder model that ICANN is, and if needs be – and I would suggest it should be – extended beyond. You could say there should also be other seats at that table that are there for outside of ICANN; for example ccTLDs and various other organizations. They may be the sorts of labels you’d put on those seats.

But when you’ve got that internal structure – and I’m going to come back to the word “internal” in a minute – it allows for almost a layered approach, whereby the bulk standard year-in, year-out, tip and flick type stuff, convene annually or every half year or three times a year or whatever, to dot the I’s and cross the T’s on what the practices and protocols are and how they’ve been managed, and doing the reviews, et cetera. That continues on. But should there be a problem, and should such a problem be un-remediated or be a recalcitrant issue or should it be a probability with a nuclear solution needing to be looked at, then taking it back out to the wider community via the ACs and SOs.

I think that’s a clever way of doing that, assuming one would also, in an ICANN style of things, have a degree of public input able to do that as well. So I think that’s a very attractive part of the model. I wanted to come back to the term “internal to ICANN” just briefly. I think there is some merit in exploring this. You can have an internal to ICANN solution that means that the internal part of the “internal to ICANN” is still an at arm’s length, or Chinese walled, or somehow other moated aspect as well. There could be merit to that. I think there’s a whole lot of benefit in where we could be heading with this, and it would be good if ALAC and At-Large could be coming behind that style of embellishment to rebuild 3B. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Cheryl. Seun?

SEUN OJEDEJI: I'm wondering on the role of the MRT, because some of the things being discussed about the CSC is that CSC is going to be making some decisions. However, things will get disconnected to MRT. I think since MRT is going to be formed from the ACs and SOs, I think a mandate of the MRT should require the Members to go back to their SOs and ACs before they make their decisions, especially that which Alan is describing – for something that requires making a decision [unclear 00:50:31]...

OLIVIER CRÉPIN-LEBLOND: It looks as though we've lost Seun. Let's have Eduardo Diaz.

EDUARDO DIAZ: Thank you. I was saying that Alan's idea sounds very sound, however the MRT is multistakeholder. I suppose it will be multistakeholder where every SO and AC has sent people to that committee or organization. How does the organization decide that IANA has to move out of ICANN? That decision has to go back somehow to the rest of ICANN for ratification and the whole public comment before the final decision is made. Somehow we have to get involved here, in the ICANN MRT, in the organization now. The other part is how these ccTLDs are [unclear 00:51:43] to ICANN. What do they have to say within that process? It just comes to my mind that they will be out of the loop in that equation. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks Eduardo. Alan?

ALAN GREENBERG: Thank you very much. A couple of comments. Yes, as Seun was pointing out, the MRT that should exist in some future model, is made up of representatives who may or may not be bound to follow the advice of the ACs and SOs. I would suggest however – and Cheryl said this – that one of the strong benefits of an internal to ICANN model is we still have the ACs and SOs around. A decision as momentous as this one, [unclear 00:52:33] we’re talking about, we may want to go back and have the rubber stamp of the full AC or SO saying, “Yes, we support this action,” or, “No, we don’t.”

An example for instance is if you look at the CWG right now, each of these entities has people sitting on this Committee, but the chartering organizations have to ratify. No matter how much the five ALAC people sitting on the Committee vote for something, it still has to go back to the ALAC for the ALAC to support or not. I’m suggesting that we might end up wanting a structure very much like that, for really momentous decisions – not for the day-to-day stuff. I’m not hearing a lot of disagreement on that. In terms of Cheryl’s comment on the internal to ICANN, I think that’s a shorthand, which says, “No Contract Co.”

It doesn’t mean everything has to be internal to ICANN, and the internal may well be a walled-off, poly-owned subsidiary, or something else like that. I don’t think any of that is ruled out. In fact, there’s been an active discussion in the last couple of days, largely instigated by people who’ve

---

supported Contract Co, that if it's an internal operation we might want it fully walled off like that. It's not clear there are major operational benefits. There are some costs to it. But the optics of it may well be more agreeable to the people who would have liked to see a Contract Co model. So certainly that is the case.

Lastly, regarding Eduardo's comment about the unaffiliated ccTLDs, that's something that's going to have to be discussed, and there are unaffiliated ccTLDs who are very vocal in this process. Something that's been suggested by some people is that although they are unaffiliated with ICANN, they tend to be very affiliated with their regional organizations, which are in turn represented in the ccNSO. So that may well be the path. But they're going to speak up for themselves, and again, I don't think there's any chance they're going to be quiet, so I'm not sure we need to defend their territory.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. Cheryl, you wanted to add something?

CHERYL LANGDON-ORR: Just on the ccTLDs. Yes, in fact even policy development and Working Groups and everything else within the ccNSO, and if we're talking about affiliated or unaffiliated, what we're talking about is whether the ccTLD operator is a Member or not a Member of the ccNSO. Let's be clear what that means. It's perfectly normal for a significant amount of even policy development work, and other basic activities, of the ccNSO, to be undertaken by what we are calling non-affiliated ccTLD operators. There have been people who've literally, one would have thought have ben



---

shown to be key in the ccTLD world, in terms of all the meetings over the ten plus years, to have only recently, and in some case not filled yet, joined as Members.

The voices that they're bringing to all of this, even in the current structure, are quite strong and robust. It's certainly not going to disappear. I agree with Alan – it's something I'm not overly fearful needs to be looked after by us. I'm pretty confident it will be looked after, however.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Cheryl. On the topic of having this subsidiary created, which recently came out on the list, that appears to be falling in line with one of our proposals of the IANA Name Supporting Organization and the IANA Names Resource Organization – this degree of separation, separability, independence, call it what you want. But we'll come to this shortly. Let's go through our queue again. Let's try again with Seun, if we can?

SEUN OJEDEJI: Hello. I just want to get some clarification on the role of MRT going forward. If I'm correct, if [CIT 00:57:27] is able to monitor the operational aspects, then it means that the major thing we'll be left with is the ability to decide whether to implement the nuclear option, or what I suggest [is] ICANN to comply. In view of that, will this still be necessary for the MRT to be a funding committee? I understand that they will also have to be in budget and so on. My own question is

---

[unclear 00:58:11] ability to do that, how does NTIA get involved in [unclear 00:58:17] at the moment?

It would be good to know how that is there, because I am of the opinion that budget determination is down to the entire community. Does ICANN do a special budget [modification 00:58:34] to this contract, which is NTIA? Are they also trying to assign it to MRT? This is what Alan was saying in terms of the MRT going back to their ACs and SOs. I agree. I'm also thinking how that also makes some reasons why MRT does not need to really [invest 00:59:00] for now. Maybe it should just be part of a process that gets to trigger an MRT-like nerve, just for making decisions, just like [unclear] is going to [unclear] will end after this process. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Seun. Alan, did you want to respond quickly to Seun?

ALAN GREENBERG: I certainly could. I think we need to remember that the MRT was a construct of the CWG in the Contract Co scenario. They needed a multistakeholder group in the potential absence of ICANN. We are not looking at the potential absence of ICANN anymore. In fact, some of the other non-ALAC models that have been proposed do not have an MRT as such. They simply have ICANN. So whether MRT will be a standing committee, whether it will be formed as necessary, exactly what functions will be taken on by it, I think need to be discussed. But we cannot presume that there will be an MRT exactly as it was, and with the

---

same task list as was in the Contract Co, because we still have ICANN in our situation.

One of the things that makes their solution more complicated is they needed an MRT. We might not. I think that's one of the issues that's going to be discussed among the various proponents of the no-Contract Co solution. What I was trying to do in raising this issue was get a feel of the community. What I'm hearing is there are a lot of questions to be answered, but no one is wedded to anything specific, other than making sure that the communities remain in charge of the overall process. I'm happy to hear that, because that says that we have flexibility to go forward and end up at the solution that's acceptable to all parties.

After the ALAC has literally been the one to push this to the point of visibility, we're now talking about it wildly. I would not want to see us being a roadblock to progress. That's why I was raising these kinds of questions. So I think we're in a strong position to go forward, but we haven't heard from Fatima yet.

OLIVIER CRÉPIN-LEBLOND: Fatima, you're next.

FATIMA CAMBRONERO: Thank you very much Olivier. First of all I apologize, if this topic was already mentioned, but some parts of the audio are lost in the interpretation, so I apologize if I repeat something that was said before. I have some questions regarding the type of advocate for this type of internal model that we're analyzing. We are talking about the ccTLDs.

---

My question is what happens with the different multistakeholders that are not part of the ACs and SOs? In the model, the MRT should be composed of the global multistakeholders and not only ICANN multistakeholders.

What happens in this internal model? Do we continue with the same idea of having global multistakeholders, or only ICANN multistakeholders? On the other hand, I have a question regarding the accountability of this MRT. What is the accountability or responsibilities for this internal model? Would the MRT have any kind of legal standing or not? The last question has to do with the ACs and SOs. As we know, these are policy-making communities, or they create or they develop advice on policies.

Wouldn't it be a conflict of interest, since these ACs and SOs will participate in the implementation and operations functions of IANA? Those are my questions that I would appreciate if you can answer, just to organize the ideas regarding the internal MRT. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Fatima. I'll let Alan Greenberg provide some answers, and of course everyone else is invited to.

ALAN GREENBERG: Thank you Olivier. The involvement of other communities, possibly, and one of the good examples, for instance, are the root operators, who implicitly are indirect customers of IANA, and clearly should have some opportunity to participate. That's one of the rationale why we may well

---

see an MRT; to involve the parts of the community that are not directly represented in ACs and SOs to participate. Well, that's not quite true. They are there in the RSSAC, so they are involved through that process. There are discussions that people are going into this with different starting positions.

I think there's a fair amount of goodwill to come up with something that we can all agree to, and what I was trying to do in having this discussion is to try to find out are there any hard walls in the ALAC's position. Clearly the other parties who are not necessarily reflected in ACs and SOs may well need to be at this table. That's one of the rationales for having something like an MRT. As Cheryl pointed out, there would also likely be comment periods and all the standard ICANN things, which bring input in from those who are not directly connected into the structure.

In terms of how would one do this, the one I favor – and I've mentioned a number of times, and no one else has really picked up on – is an IANA Support Organization. The SOs within ICANN each have a domain where they're responsible for policy and major direction; gTLDs, ccTLDs, and the addressing component. It almost makes sense to have an SO responsible for IANA, and perhaps it's made up of the other ACs and SOs, including that. So that fits pattern, so instead of an MRT there may well be an ISO, and that could include components from outside of ICANN, if that's appropriate. None of this is really decided.

---

OLIVIER CRÉPIN-LEBLOND: Alan, an ISO would probably be... It would be IANA names only. It wouldn't be all IANA functions, so I would say INSO.

ALAN GREENBERG: Yes, the root related things, the names related things. Yes. We cannot rest control from the IETF and the RIRs for their domains. They have a different relationship.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Looking back at the questions that Fatima asked, the first question was are you looking, or are we looking at involving global multistakeholders, or just Members of IANA's direct communities? Your answer to this was that if there was an IANA Name Supporting Organization, that could actually involve global multistakeholders.

ALAN GREENBERG: It could.

OLIVIER CRÉPIN-LEBLOND: Could that effectively be the MRT?

ALAN GREENBERG: As I said, I prefer the name reflecting ICANN's current structure, making it the IANA Names SO, but it could come under a different name.

OLIVIER CRÉPIN-LEBLOND: Okay, so assuming the MRT functions, basically?

ALAN GREENBERG: Well, the functions need to be defined, but it could be an MRT-like body.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. Now, should the MRT have legal standing? That was the second question from Fatima.

ALAN GREENBERG: I personally think it's in the internal operations. The accountability mechanism – and we haven't got to those things yet – we need a mechanism to make sure that we can override the Board through one mechanism or not, through the ACs and SOs. That includes that the MRT, if the MRT exists as such, can override the Board. The accountability part is what gives us the strength to say we don't need Contract Co. That has to be answered, and we haven't gotten to that part yet.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks Alan. The third question was more of a comment; that ICANN communities are the policy communities. Would it not be a COI if they were also the communities that would be doing the oversight?

ALAN GREENBERG: I think everyone in ICANN has a COI. Well, not everyone – we may be exceptions. Most of the other players have a conflict, and the way

---

ICANN resolves that is to declare it and move forward. I think this is in a similar situation.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. Eduardo?

EDUARDO DIAZ: Just a comment about naming. When we talk about IANA SO, I would use a different name, like maybe IANA Review Team. Because within ICANN, an SO is often looked at as a policy developing organization; not really something overseeing operations, or something like that.

ALAN GREENBERG: I would say first of all, if the only thing we're debating so far is the names, we are so far from where we are right now at number one that I don't really want to worry about it. But I will point out that if you look at the case of ccNSO, the ccNSO has made very few policies. They've only had two PDPs in their life, and the first one was to establish the rules of the ccNSO – the operating rules. So the ccNSO, through most of its organization, is not a policy making body, but is a grouping together of those who are interested in ccNSO things. So I think the model is more flexible than you're implying.

But regardless, if the name is the only crucial thing, I'm not going to die on my sword over the name. It's going to require general agreement, but when we're coming down to the naming of it, it's the least of our problems, certainly from my perspective. We worried about the format of MRT and whether it was incorporated or not because it had to have



---

agreements, for instance, with Contract Co. It needed to be an entity that could be identified as instructing Contract Co to do things. In the ICANN sense we're deferring to the Accountability Working Group to come up with mechanisms so the community can essentially override the Board, if necessary.

Whether that means an internal/external body, that's really up to the Accountability Group. They're looking at, for instance, whether we must form a membership organization instead of the non-membership organization to give us the power to do that. There's a difference of opinion right now whether it's necessary or not, and we're trying to seek legal advice to understand what the parameters are of working within the legal structure that we're sitting in right now. Those may be important questions. My gut feeling agrees with Cheryl; we don't need incorporation of the MRT, as such.

We've already discussed that the incorporation of IANA may make sense perhaps more politically than functionally. All that has to be decided. We're not trying to build the plan here. I'm trying to identify what ALAC's negotiating positions are as we go forward, and try to come up with something that is a commonly acceptable path.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. I must remind you, time has gone so quickly. We have 15 more minutes until the end of this call. Let's go through the list quickly then. Over to you.

---

ALAN GREENBERG:

Okay. I think we've already talked about pretty much everything except the last item on the proposal – separability. With the ability to overrule the Board, which I think is going to ultimately be there, if this is going to be acceptable by the NTIA – separability is an option that we're not likely to ever get to. I'd like to be as flexible as we can. The divestiture methodology may well involve creating a Contract Co, but I would not want to put that in concrete right now. I think we need a mechanism by which ICANN could be forced to give the process up to someone else. Exactly how that could work, we could leave that vague, from my perspective.

Other people may not be happy with leaving it vague, but I personally can never see getting to that scenario, if we have the ability to override the Board, and I believe that's going to be necessary. My personal position on that last bullet, on separability, is we need the capability, we need to have it there, but we don't need to define it in great detail – similar to what the IETF and the RIRs are doing.

OLIVIER CRÉPIN-LEBLOND:

Thank you for this Alan. Any comments on this? I would comment in saying that there is a concern that I do have, which is that if we don't provide a scenario for separation, or a nuclear option as such, as one would call it, the proposal will be faced with significant pushback from other communities, because it seems that in the principles – and this is another part of the document – but the principles part of the proposal did say that separability was one of the core principles. So I have a concern that the proposal that we would build, if it doesn't have the

---

ability for separability and it doesn't show how that would happen, would be significantly weakened.

That said, I do think that we have the ability to propose a scenario that will show how a nuclear option could be effected. Alan?

ALAN GREENBERG:

The question I'm answering is subtly different to what you're answering. I'm asking the question of what is acceptable to the ALAC? I have no doubt that the other parties, who do not like the internal operation at all, may have stronger demands than we do. You're right – the final proposal may well need to include a significant amount of detail on that, but the question is: is that important to us? It's a lot like the ccTLD issues. They're going to be there fighting, and I have no worry that they're not going to accept something that's totally unacceptable to them.

But from our point of view I don't much care, because I believe something rational will come out of it. I don't need to push a position that Alan Greenberg cares about, because other people will care about the ccTLDs. The question is, in this case do we care that the details are locked in concrete, at this point? Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you Alan. The concern that I have is of course that it will weaken the ALAC's proposal if there is no description of this. Because that is just such a weak point to attack, and the whole proposal could be dismissed on this; on saying, "Well, you don't have a separability option. What

---

you're effectively doing here is to give perpetual contracting of the IANA functions, naming functions, to ICANN. That's what your proposal resolves down to. You're giving it to ICANN without ever being able to take it away, and that is a significant shift from what we have today." You have to remember there's also this thing of saying, "Well, everyone wants to have a status quo."

The status quo is for the current terms to be kept the same, and one of the current terms at the moment is that the function could be taken away. Alan?

ALAN GREENBERG:

Do you have a real concern that Jordan Carter from Internet New Zealand is not going to be pushing that position? He's part of our RFP 3B.

OLIVIER CRÉPIN-LEBLOND:

I'm not saying he's not going to be pushing it, but I'd rather have a solution that we think about, rather than the solution where we're just told, "Your solution is intractable because you don't have a scenario for breaking off the IANA function." I'm not sure that some people in RFP 3B are going to be there to be constructive. I'd rather think that they will be there to just kill the proposal.

ALAN GREENBERG:

I don't disagree. All I'm saying is are we wedded to anything? The proposal we put forward said we can order ICANN to divest, and we left it at that. We didn't go into the specific details of whether it's Contract

---

Co. We said, "It might result in a Contract Co, but it might result in awarding this to a consortium of root server operators, or a consortium of ISPs and something else," as Avri has suggested. I'm not sure we're wedded to a particular solution, and we're not objecting to a solution being embedded but we're not demanding it either. That's certainly what we said in our proposal, and the question is are we changing that now.

You're voicing the opinion that you think it would be a stronger position if it has some details in it. But that's stronger, to be accepted by other people.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. Seun?

SEUN OJEDEJI: I just wanted to support some of what Alan has mentioned. Technically, in regards to separability, I think if ICANN accountability is able to achieve a mechanism by which both the [unclear 01:19:59] can be [introduced], by which they can actually insist and indicate what the community [unclear 01:20:12] comply. I think it already gives a platform to initiate any transition mechanism in the future. What I personally do not support is trying implement the question now. We can have separability, but implementing the question now, it will be very complicated, with the requirement of [unclear 01:20:53], especially with the Contract Co.

---

So if there is a way – and we’re able to determine a mechanism to actually [unclear 01:21:07], thinking out loud I’m wondering what’s [unclear]? What’s [unclear] moving to gTLD for instance? Because [unclear 01:21:21] gTLD.

ALAN GREENBERG: Seun, you’re fading. I can’t hear what you’re saying.

SEUN OJEDEJI: Okay. Just to summarize, and I suppose some of what Alan was saying, I was basically saying that trying to implement in this process [the situation 01:21:46] by [unclear] requirement that the NTIA gives us [unclear] problematic. However, ensuring separability [at least] the ability to be able to move things out, whenever required, that’s what’s most important. If we are able to overrule the Board, that gives us the possibility to move things whenever required. That’s my opinion. Thank you.

ALAN GREENBERG: Seun, I think you’re basically agreeing with the direction we’re moving in, and I think we need to move on. We only have three minutes and we haven’t talked about accountability yet.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Alan. Thank you for this Seun. Let’s move indeed to accountability. I’ve been told that the interpreters are able to stay a little while longer. Let’s try and go for 10-15 minutes maximum. Alan?

---

ALAN GREENBERG:

Thank you. The bullets I put in – and there may be other ones; I just did this late last night – is one of the things the Accountability Working Group is looking at is essentially the ability to ensure that the community can overrule or control the Board. They're looking at a number of mechanisms to do that. The Accountability Working Group is taking a very hard position, a very strong position, saying, "Work Stream 1, prior to IANA, we must get complete control. It must be a multistakeholder controlled operation – not a Board-controlled operation."

Strictly speaking, that might not be required for IANA, but the Working Group is taking a very strong position that this is the leverage we have to make changes, and we should not lose that opportunity. I think that position might be questioned as some judgment calls, but that is the position they're taking at this point. It may change after these two days in Frankfurt, because I'm sure there's going to be a very significant discussion about that. It's not clear what mechanisms will be used. If it's a membership organization where the ACs and SOs are the members, that may give us the control we need. If it's not a membership organization we need to understand what is legally required.

The position that we talked about much earlier today of should it be the MRT or the AC and SOs that actually make the decision to overrule the Board or remove all the directors of something like that, I feel very strongly that it should be an AC, SO decision and not delegated to a small number of people. If we are going to literally make some very significant changes of the time we're looking at, I believe that just like

---

when the ALAC does a certification vote for an ALS or passes advice to the Board, we always do that as a real formal vote and not a consensus decision. We do that to demonstrate that the ALAC is really behind this and we haven't used some fast pass.

I believe that principle is one that we should be following when we go forward, because these decisions we're talking about are far more monumental than certifying an ALS. I'd like to involve the ACs and SOs as much as possible, and not just one delegate who's been named by them. Because to the world that doesn't necessarily have the same level of transparency. Let me quickly go over the other things and then open for comments, because we don't have a lot of time. One of the issues on dismissing Board Members, that we haven't discussed a lot, is it's very easy to change a bylaw to say an AC or SO that appoints someone can recall them.

We would have to be clear on whether that's a unilateral right of the AC and SO or is appealable. It doesn't have to be done for cause, which implies it could be appealed, or can we simply unilaterally do it? That is we have the right to appoint, we have the right to de-appoint. I certainly have a position on that, and I believe it should not be an appealable, because defining cause in that kind of thing is an exceedingly difficult process and would end up drawing it out to a long period of time. On the other hand, there are some people that say that an AC or SO should not be able to withdraw their own Member, but the community should be able to take out Board Members – either AC/SO ones, or NomCom ones.



---

Again, whether that process is unilateral, or needs to be for cause and is appealable is one of the questions. The issue of dismissing the whole Board is one that has been raised a number of times before. The real problem with that one is not doing it – which one could come up with rules to do it – but what do you do then? Who runs the organization while we're waiting for a new Board to be named? How do we make sure that that interim Board is not somehow controlled by some entity? There are some really difficult questions associated with that. I think I've covered most of the issues I wanted to raise. Any thoughts? I have very few answers on these kinds of things.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Alan. The floor is open for comments. Alan, whilst others think about the questions you've asked I certainly have a question with regards to overruling the Board. In the recent discussion of the CWG, Steve Crocker was on the call. There is of course the overruling of the Board or there is the replacement of Board Members. It appears to be that in his mind, his concerns is that any Tom, Dick or Harry, and anybody, would be launching into appeals and launching into asking for the Board Members to be replaced, and this would cause and create some significant instability, and certainly some [belucking 01:29:01] to the actual functioning of ICANN and the functioning of the Board itself. How would one respond to this?

ALAN GREENBERG: Certainly if you're saying what would it take to remove the Board – let's say we're looking at removing the whole Board, or removing someone

---

who is not an AC/SO representative – I think the concept of Tom, Dick or Harry making that request and then we have a huge battle is completely out of scope. I think you’ve already gathered from my position that if we’re going to do that, it’s going to require a concerted effort of the ACs and SOs. You know how difficult it is to get positions out of some of these groups. This is not going to be done lightly, and it’s not going to be done because one person writes the letter.

In my mind, that’s an edge-case that we don’t have to consider, because unless you can imagine someone writing a letter and therefore all the SOs and ACs say, “Yes, let’s do it.” Well, in that case we have the support of the multistakeholders and ICANN and so be it.

**OLIVIER CRÉPIN-LEBLOND:** So you’re basically saying a Board Member can only be removed by their own community – the community that appointed that Board Member, and obviously there would be some process by which that community...

**ALAN GREENBERG:** No, I’m saying that that’s an easy thing to enact, because all it takes is a minor bylaw change. Whether we, the community, want to do that, or only want to remove someone if there’s a wider belief that they need to be removed, and there are other people who are saying, “Either remove the whole Board or don’t do it at all; we can’t pick and choose,” – there are a lot of different decisions going into this. I’m not sure what the right answer is, and I don’t think we’re going to settle on the right answer in two days of discussions in Frankfurt. I’m just trying to summarize what kind of questions will be on the table, because I don’t

---

think everyone has thought about all of these, and people need to be aware that we do have options.

The very question of if we remove – whether the “we” as an AC/SO, or the “we” as the community – remove one or more Board Members, do they have any recourse? Should they have any recourse? If you read the current bylaw that says the Board itself can remove a Board Member, and the Board has the right to remove any Board Member, with the exception of the GAC Liaison. For AC/SO or NomCom appointed Members, they have to notify the group that appointed them that they’re going to do this, but then they can do it, period. In the case of a Liaison, the group has the ability to withdraw the Liaison, and if they don’t, the Board can vote to get rid of the person, with the exception of the GAC Liaison.

It is silent on whether that is an appealable process. Since it’s a decision of the Board it’s probably appealable, if the Board follows due process – unless the Board didn’t follow due process. So it’s probably not appealable on cause, but the bylaws are actually silent on that. As I said, if we were to have the right to withdraw, and if an AC or SO would have the right to withdraw their own Board Member, I wouldn’t want it appealable. I’d want it as the right to unappoint, just as they have the right to appoint, which is you don’t have to defend it in a court. That’s my position and not everyone might agree.

OLIVIER CRÉPIN-LEBLOND: We have a queue Alan. Adding to what you just mentioned here, I note there’s one part missing in there, which is the ability for the community

---

to set a decision and for the Board not to be able to go against the community. We're looking here at overruling the Board, but should we also be looking at the Board not being able to overrule the community in IANA decisions?

ALAN GREENBERG: Well, certainly a number of things have been discussed. I use "overrule the Board" in a very summary sense. There are models in the membership organizations and even in non-membership organizations where any Board decision, or sometimes specific types of Board decisions, must be ratified by the Members or ratified by particular people, prior to it taking effect. So I lump all of those into the concept of overruling the Board. It's not necessarily an after-the-fact process. It may be before the fact.

OLIVIER CRÉPIN-LEBLOND: Thank you. Do we need to flesh this out?

ALAN GREENBERG: There's going to be an infinite amount of discussions in the CCWG. My worry, as I think I've said in this group, is the CCWG in Accountability it taking on so much in Work Stream 1 that I have a worry it's going to take them three years to do it. That's a real worry. It's not going to get done in two weeks, so there's going to be a lot of discussion on that I think.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Jean-Jacques is next.

---

JEAN-JACQUES SUBRENAT: Thank you Olivier. Sorry for being late. A remark about this discussion – I’d like to make a distinction between two things. Removal, which is a sanction generally of one or several people; and two, difference in policy appreciation and therefore what Alan was correctly calling overriding the Board, and I think Olivier, you also used the term. Let’s take these two. First, removal is generally is a sanction of an individual or a group. For an individual there are tricky things. For instance, if the Board Member was appointed by the NomCom then it’s really difficult, because NomCom in the meanwhile, NomCom that nominated him as the Mandate.

However, for a representative from an SO or AC, say for ALAC Seat 15, then of course if the Chair of the Board sends a signal to the Chair of the ALAC saying, “There isn’t really a problem between the required work, et cetera, and the attendance or efficiency of this or that Member,” then the ALAC, if that’s the case, would have to act upon that. I agree with Alan in that case. There would be no legal recourse. The second thing is if it’s possible and suitable, to have the possibility of recall of the full Board. Now, this was discussed when I was a Member of the Board. It was very hotly debated, and also brought up in the improving institutional confidence work, which resulted in [unclear 01:36:53] recommendations.

It was referred to as the nuclear option, and very clearly [unclear 01:37:03] drafting group, of which I was a part, avoided putting forward that ultimate sanction, and also in the commentaries received afterwards – because it was submitted to a very wide debate – the so-

---

called nuclear option was set aside, or not preferred. Finally, the third remark is about policy content. I think that if there is a major issue with policy orientation of the Board, then the community of ICANN should be able to override the Board, but that is possible only if the SOs and ACs are unanimous. I think that otherwise, if you go into reaching the votes, et cetera, it would become unruly and unpractical. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Jean-Jacques? Alan?

ALAN GREENBERG: A lot of what Jean-Jacques said I think is going to be the substance of the debate. He's clearly put his positions forward. I'll only point out that the present Strategy Committee, which looked at improving [unclear 01:38:24] was a good number of years ago. It's a very different Board. ICANN is living in a very different world at this point. At that point, the Board would not have been amenable to those kinds of things, no matter who said it. I think a large part of this Board is very open and flexible, and I think there's a fair understanding amongst many Board Members, perhaps not all, that the world is going to have to change. Our discussions here are not going to be the only ones.

There's going to be a lot of discussion and a lot of public input over the next few months on where we go, and this kind of thing. Certainly I was not trying to get any formal answer from ALAC or this group in terms of accountability. I was trying to raise some of the questions that are going to be discussed, so people can start thinking about them and start putting positions forward.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. It's worth noting that there is indeed a leverage possible at the moment with the IANA stewardship transition, in that the NTIA has said transition will not take place if those accountability related to it are not dealt with.

ALAN GREENBERG: There's one point. There's some discussion in the CCWG right now about cancelling the AOC and rolling it into the bylaws, should be part of Work Stream 1. I think in my personal position that's overachieving. The NTIA has not indicated that that's something they're planning to do right now. I think that's one of the things that may delay the overall process if we try to do it. Presuming it's not done at this point, the NTIA getting out of the AOC will be another opportunity in the future, at which we have some leverage also. That's just something else to confuse the picture.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. I'll close the queue because we are reaching the end of this call, but we still have Eduardo and Cheryl in the queue. Eduardo, you're next.

EDUARDO DIAZ: Just a quick question. I think the discussions are very good and enlightening, but somehow I lost the thread of the discussion; of how does removing Directors, what does that have to do with separability? If someone can clarify? That's my question.

---

---

ALAN GREENBERG: If the Board is doing things that are so counter to what we believe they should be doing, and we cannot change them, then that is one of the more powerful ways of changing what they're doing; removing the ability for them to do anything. Thus, Jean-Jacques pointing out that in the original proposal it was called the nuclear option – blowing them up. That's one way of addressing that problem. How you replace them is a different question.

EDUARDO DIAZ: My question is separation means separating from ICANN. So if we blow up the ICANN Board, does that mean the ICANN function goes away from ICANN?

ALAN GREENBERG: No. It means we need a new Board real quick.

EDUARDO DIAZ: So ICANN stays, the operation stays?

ALAN GREENBERG: Yes.

CHERYL LANGDON-ORR: It would be a remedial act instead of separation.



---

ALAN GREENBERG: Separation of what?

CHERYL LANGDON-ORR: [unclear 01:42:20] but it's a remedial act.

OLIVIER CRÉPIN-LEBLOND: Cheryl, was that what you wanted to add?

CHERYL LANGDON-ORR: No, I was just trying to contribute. Thank you. Regarding the AOC, which we need to be very clear, it does not disappear. The AOC has a lot more in it than anything to do with IANA functions. So any theory that people here have talked about the AOC somehow disappearing, as a transition of IANA stewardship into another format or entity, that is not the case. That said, there is the conversation, as Alan outlined, about pulling things from the AOC into bylaws. We also need to consider the very viable opportunity of putting more things into a modification of the AOC. There are a number of accountability opportunities there, and I think that's one of those "watch this space", and please help us make the right decisions when we come to that point. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Cheryl. On adding to what you just said, regarding those people that are speaking about having Work Stream 1 discuss the AOC, the NTIA – thinking about Larry Strickling – was asked this question at the IGF in Istanbul, I think, and the answer was, "No, it's not part of this." Now, if the Accountability Group wants to have Work Stream 2

---

look at the AOC, that's probably a different story. But certainly not in direct relation to IANA, the AOC is not on the table. We are reaching the end of the call. I would just say for the record that I'm not 100 per cent convinced about this removal of Board Members being something that could replace full separability or separation – the concern being that one might wish to remove a Board Member because of an IANA-related matter.

But what if a Board Member is a great Board Member for everything else? That would be a bit of a concern, and we'll probably have to discuss this a little further, because as we all agreed, removing the Board Member is a big, big thing. So consensus might not be found and we might have stalemates and finally Board Members never being removed if it's just for this IANA function side of things. Anyway, we are reaching the end of this call. We had one more Agenda Item there, which was the comments on the CCWG Accountability. We did speak a little bit about this. Does anybody who is on the CCWG Accountability wish to add anything to what we've said so far? I don't see anyone putting their hand up.

ALAN GREENBERG:

I would only add that it's going to be really interesting, and even people who are not formally Members, I would suggest you join as participants and take part on the calls, if only to listen, and you may also have something to say. It's going to be some really interested discussion and there are some people with very strong opinions. So it's not clear how it's going to go forward. But it's going to be interesting. You may not

---

want to miss some of it. On the other hand, the number of hours you're going to commit are unreasonable.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Just one question to you as the ALAC Chair, has the CCWG on Accountability, have our Members on there got a platform or some way by which they can coordinate and discuss things themselves?

ALAN GREENBERG: We are supposed to be convening a group of all ALAC At-Large people who are either Members or participants. We've not done that yet, but this work is not anywhere near really started. That's one of the things that we need to do, and yes, it has fallen through the cracks. It would be similar to this, but with the accountability membership.

OLIVIER CRÉPIN-LEBLOND: Thank you. Jean-Jacques? Final words?

JEAN-JACQUES SUBRENAT: Thank you. As a Member of the ICG I'd just like to remind us that as far as I'm aware the closing date for written contributions, and all written contributions will be considered by the ICG, is tomorrow, 15<sup>th</sup> of January, midnight UTC. I was having a private chat with Olivier. He said that at least in the names series, there has been a bit of a delay, and that the whole thing may be delayed. But I just wanted to give my temporary point of view, which is that I've not been made aware that two of the dates were shifted officially.

---

I'll be having an ICG call in a few hours, in five or six hours, so I just wanted to make sure that at this stage there is no written ALAC contribution, right?

OLIVIER CRÉPIN-LEBLOND: Thank you Jean-Jacques. Just on the delaying of things, I spoke to Jonathon Robinson yesterday, face-to-face, and he did indicate that there would be some movement in that area. Alan Greenberg might have a wider answer to this. Alan?

ALAN GREENBERG: There were two questions there. At this point, nobody on ALAC has suggested we're making a formal proposal to the ICG, so I have to presume that it will not get written and ratified in the next 24 hours, and therefore there will not likely be a proposal. A high likelihood there will not be a proposal from the ALAC directly to the ICG. There's number one. Number two, on timing, the CWG on transition does not have a proposal to make. When it does finally have a proposal to make, that's been agreed to by the CWG by a large consensus, it then needs to be ratified by the chartering organizations, and if any of them do not ratify it then it needs to go back to the CWG.

That's not going to happen within the next week or two. That's a physical impossibility. I don't know what the timing will be changed to, but it will be changed.

---

CHERYL LANGDON-ORR: Basically, the ICG simply won't have what it needs and it will have to change its timeline, because it won't have what it needs.

OLIVIER CRÉPIN-LEBLOND: Thank you. Indeed, that agrees with the discussion I had yesterday, with Jonathon Robinson on one hand and the UK GAC Member, Mark Carvel, who mentioned that the GAC would need to take several weeks, if not more than several weeks, to consider the proposal and see if it supports it – by which case we're looking at Singapore; that might be one option, or later. But this is something I believe the Co Chairs of the CWG are probably working on right now as we speak. So the ICG has an advanced notice. Jean-Jacques, you're likely to receive a note at some point soon, and timetables are going to shift.

ALAN GREENBERG: Olivier, as I pointed out a number of times, my time machine is broken. If someone else has a working one we might need the time constraints. But if all of your time machines are broken too it's not going to happen.

OLIVIER CRÉPIN-LEBLOND: Well, speaking about time, we are 25 minutes beyond the end of this call. I thank the interpreters for this. Any Other Business? No. Just one question for our next call next week. Should we send out a Doodle? Or should we go on a rotating schedule?

CHERYL LANGDON-ORR: Next week's going to be really difficult for anybody in Accountability.

---

OLIVIER CRÉPIN-LEBLOND: Yes. Cheryl, what are the dates to avoid next week?

ALAN GREENBERG: Monday, Tuesday, Wednesday.

OLIVIER CRÉPIN-LEBLOND: Okay. Should we go for a call on the 23<sup>rd</sup>? Is that okay for anyone?

CHERYL LANGDON-ORR: If you accept my apologies, sure.

OLIVIER CRÉPIN-LEBLOND: I do have concerns at the moment, because if we don't have a call next week we're losing a week and there's very likely to be much movement in RSP 3B. Or the other option I would suggest, perhaps, knowing that the budgets in Frankfurt aren't that high, should we think perhaps of maybe an evening UTC call, since we're speaking about Frankfurt? Alan?

ALAN GREENBERG: It depends when people are leaving. Some people are leaving earlier in the day on Wednesday, some people are leaving later in the day, some people have a full 24 hours of travel. I think it's going to be really difficult to get some thing going next week. There are other IANA meetings on Monday and Tuesday that are currently looking at being rescheduled, probably onto Thursday and Friday. To be quite honest, I

---

believe [unclear 01:52:36]. Those days are going to become very, very full, very quickly. I don't think there's going to be that much progress on RFP 3B. We have one meeting tomorrow, and there's supposed to be a meeting next Wednesday, which some of us will not be able to participate in.

OLIVIER CRÉPIN-LEBLOND: We have a meeting in a few hours' time, at 21:00 UTC today.

ALAN GREENBERG: Then it's today.

OLIVIER CRÉPIN-LEBLOND: All right. Let's miss next week and follow up via email. I urge you all to contribute to the email discussion. Our next call will be for the week of the 26<sup>th</sup>, and we'll send a Doodle out for the 27<sup>th</sup> and the 28<sup>th</sup>. So Tuesday 27<sup>th</sup> and Wednesday 28<sup>th</sup>, just to make sure we have the time. The 29<sup>th</sup> and 30<sup>th</sup> I'm in a workshop, so I'm unable to do anything then. The 27<sup>th</sup> or 28<sup>th</sup> sounds good. Thank you Alan and thanks everyone for this. It's been a very productive call. Thanks to the interpreters again and thanks to staff for extending this call, which is now adjourned. Goodbye.

**[END OF TRANSCRIPTION]**