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TERRI AGNEW: Good morning, good afternoon and good evening. This is the At-Large Ad-hoc Working Group call on the Transition of US Government Stewardship of the IANA Function, on Thursday, 5th of March 2015 at 15:00 UTC. On the English channel we have Murray McKercher, Sebastian Bachollet, Mohamed El Bashir, Loris Taylor, Gordon Chillcott, Danny Younger, Tijani Ben Jemaa, Jean-Jacques Subrenat, Seun Ojedeji, Alan Greenberg, Olivier Crépin-Leblond, Eduardo Diaz, Sarah Kiden, Leon Sanchez. On the Spanish channel we have Alberto Soto and Fatima Cambronerero.

I show apologies from Cheryl Langdon-Orr and from staff Heidi Ullrich. From staff support we'll have myself, Terri Agnew. Our Spanish interpreters will be Veronica and Sabrina. I'd like to remind all participants to please state your name before speaking; not only for transcription purposes but also for our Spanish interpreters. Thank you very much and back over to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Terri. Have we missed anyone on the roll call? Welcome everyone to this call. Just a small point: Terri, you introduced the call as the At-Large Ad-hoc Working Group on the Transition of US Government Stewardship of the IANA Function, and of course now this call has expanded somehow, with half of this call being devoted to the CCWG on Accountability. Maybe as a first Action Item before we start, Terri, Alan, Leon and I will work together so as to rename those calls, making sure

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they continue in the same hierarchy on the Wiki. Then the focus of this Working Group is clear.

Let's go to the review of AIs - the meeting of the 26th of February. The AIs have all been completed. Three of them [unclear 00:02:57] IANA Working Group [unclear] CCWG Accountability stress test and [unclear phrase]. Let's move onto to the next Agenda Item, and that's the review of the IANA Coordination Group process. For this we have Jean-Jacques Subrenat. Can you provide us with an update on this?

JEAN-JACQUES SUBRENAT:

Hello, this is Jean-Jacques. Thank you Olivier. I'm afraid I don't have anything to report this time. You remember that last time we had [unclear 00:03:58] the IANA Working Group of At-Large. I had already said a few words about what we had done, just in the completed ICG Meeting, which had been held in the mountains of ICANN Singapore. Looking at the AIs from the last meeting or call, I don't think there's anything that's really worth reporting, at least in this configuration. We're consolidating some of the work regarding a draft explanatory text about the timeline, and we also are tidying up the assessment process of the operational community's proposals, so that will be published together with the final proposal.

Also, there was some discussion about the way to complete step two of the assessment process for the protocol parameters and numbers proposals. It doesn't mean there's been no work. There's been work, there's been an interesting discussion - but I'm afraid i can't report on

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anything in terms of takeaway or results achieved at this stage, mainly because the important face-to-face meeting in Singapore happened not long ago, and just after that we'd already discussed this Item on the At-Large call. Thank you. Over to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Let's have any questions for Jean-Jacques on this update. Thank you for this update Jean-Jacques. There hasn't been very much going on. Let's proceed forward with the section on the CWG IANA Stewardship Transition. Before that, Seun?

SEUN OJEDEJI: Hello. Thank you Olivier. I just posted a question to Jean-Jacques in the chat. I think a few more questions were sent to the numbers community. I'd like to ask Jean-Jacques about the status of those questions - here were calls from the CRISP to the numbers community, and if not, is there a deadline for such? What is the current feeling of the completeness of the numbers proposal and the IETF proposal with the ICG? What's the feeling of the completeness of this proposal?

JEAN-JACQUES SUBRENAT: Thank you Seun for your questions and remarks. I'm afraid I don't have much else to say compared with last time. I can look this up, and if I find something put it on the chat on this AC page. I haven't looked at that just yesterday or today, so I don't know it by heart. I'll look it up and I'll put it on this chat if I find anything. Is that okay with you, Seun?

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SEUN OJEDEJI: Yes, that's fine. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Thank you. Let's move onto Agenda Item #4 - the review of the process of the CWG IANA. We had two meetings this week, one on the 3rd of March and one on the 5th, and somehow they followed the same Agenda. They first started with a review of the design teams that are currently being created, with not even a review but the actual launch of these design teams, and then a review of Client Committee. That's all the legal advice that one is supposed to be receiving from a law firm that will be selected. There was also a discussion on the principles, which Martin Boyle is still working on - a principles document.

The link to the both of these Agendas is on our own Agenda, and then I thought maybe we'd focus on the design teams themselves. As you know, they've been put together to replace the RFT teams. They're teams that will take very small chunks of work, that will have a very fast turnover. They'll be very specialized; looking at one specific task. They'll come together, work a potential solution and then propose it to the wider group, hopefully a week or two afterwards. There are several links for you in our Agenda. There's the guidelines for the creation of the design team. There is a page for the sign-up meeting slots. None of this has been reached so far. What's been reached so far is the actual design teams' lists. I invite you to look at this Wiki page. It has a list of all the design teams that we have here.

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So far, we appear to have quite a few potential design teams. There's Design Team A, the IANA Service Level Expectations, that is led by Paul Kane. That's one that appears to now be on its way to start its work imminently; in fact some of the work has already started there. That team is primarily composed of registry representatives from the gTLD registries and some ccTLD registries. The design teams are open for other people to take part in, but this one seems to have already moved forward, and with six people on the team I'm not quite sure whether we would wish to put someone on this team or not. I'll go through the teams and then we'll open a discussion afterwards.

Design Team B is about the assessment of the level of consensus within the ccTLD community in regards to a possible appeals mechanism for ccTLD delegations and re-delegations. Again, here we were told by Alan [McGillvrey], who is behind this Design Team, further details about it in the call earlier today. Some of the questions that were raised included the question as to how the FOI, which the GAC and the ccNSO have been working on for a very long time, how it fits with the work of this Design Team. Thirdly, there's a Design Team C on a CSC - that's the Customer Service Committee. That is one of the main component parts of the systems that are being proposed, and that's common to most, if not all, of the proposals. Here, this is all about preparing a proposed language for inclusion in the draft proposal as to what the CSC will do.

You'll notice a long list of tasks, roles and whatever that this group will be working on, and it's led by Donna Austin. At the moment, this group is not fully formed. It's not started its work. There's a minimum of two gTLD registry representatives, two ccTLD reps, one IANA staff member,

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one non-direct customer representative, and one liaison from NTIA. This one might be on that's open for someone from At-Large to take part in, although they'd have to be very much aware of how the IANA functions work, and I think we also need to recognize that the gTLDs and the ccTLD registries have a major part in this and will probably be the ones leading this effort.

The other design teams at the moment that are proposed have not even reached a stage of being fleshed out. There's one about the authorization function - that's the Design Team D - and that is effectively that the NTIA currently approves all change requests from the root zone, and root zone WHOIS databases made by IANA should be a [unclear 00:15:19] transitions, and if so, how. There's one on [SAC 59], so that one still doesn't have many details, but I gather it's probably a study of whether the recommendations of [SAC 59] are adhered to in the final proposal of the CWG.

There's one on the mechanisms for implementing changes to the root zone, post-transition. Again, this one is still very early on. Design Team G is about the IANA intellectual property rights, including the IANA trademark and domain name. This one has a bit more flesh around it, although some feedback given to Greg was that maybe this is not such an important thing to deal with right away, so that will come as a second wave of design team work. There wasn't any feedback on that actually, on today's call. We only looked at the first two - Design Team A, service level expectations and the level of consensus for ccTLDs, delegation, re-delegation, and the CSC. So the three. A, B and C were the ones that were looked at today.

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Design Team H would look at .inc operations. At the moment, this is run by ICANN. There has been some request by other organizations, that will remain nameless at this time, to run .inc. Elise Lindeburg from the GAC has proposed that this should be done in a design team, but we haven't had any further details from her as to how that would be run, and even if she is ready to lead this. Next, Design Team I, competition, policy and COIs. That's been one proposed by Christopher Wilkinson. Maybe Christopher will be able to let us know whether... he seems to have been put on the table for being the lead for this, and whether he will lead on that - Christopher, I'll look at you after I've gone through the list.

Design Team J is CSC MRT confidentiality and the perception of COIs. AT the moment there's no lead on this, but it's been tagged as being something that needs to be dealt with; so a topic that's worthy of consideration, and then finally Design Team K for the time being the last one of the design teams, where IANA requires OFAC licensing to operate with certain countries or territories - would anything change post-transition and if so, how? And how could this be addressed? Of course, the list of design teams is not closed, and so in opening the floor I'll also ask all of you whether there is a need for other design teams, or any proposals for points you think have not been addressed so far. Tijani?

TIJANI BEN JEMAA:

Thank you Olivier. I see that you went through the operation of .inc. I wonder why there's nothing about the root zone maintainer, nothing about this?

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OLIVIER CRÉPIN-LEBLOND: Tijani, Design Team F will look at mechanisms for implementing changes to the root zone post-transition. As far as the root zone maintainer is concerned, by understanding is that this doesn't actually come into the stewardship transition today. I'm willing to be contradicted if anyone has a different point of view on that. Does anyone have an answer to this? Alan?

ALAN GREENBERG: Thank you. The announcement from NTIA last March said, pretty much, that the cooperative agreement with the root zone manager, which is with VeriSign, will be handled in a separate but parallel process. So far the NTIA has been silent as to what that separate and parallel process is. My guess is they'll do that once they determine how the IANA transition is going to be done, and then initiate a separate and parallel process to do the transition of the root zone manager. But so far they have been silent on that.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Tijani, any response or follow up?

TIJANI BEN JEMAA: No, it's okay.

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ALAN GREENBERG: There was some stuff in the CWG Charter about it, but it doesn't appear to be quite in synch with what the NTIA announcement was. As I understand it, it's pending the NTIA making some more formal statement.

TIJANI BEN JEMAA: Yes, exactly. That's why I asked the question, Alan, because in the Charter [unclear 00:22:40], but [unclear] the scope of this Working Group. That's why I asked the question. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. Eduardo?

EDUARDO DIAZ: Thank you Mr. Chair. I just want to comment on these design teams as a whole and the process that the CWG is going through. I understand the design teams are basically teams working as part of the proposal and then everything will be consolidated in the final proposal. When I look at the timeline of what we're trying to do here, we have a face-to-face meeting the week of the 26th of March, and I don't know if you're aware but the week after that there's supposed to be a consolidated proposal to be sent to the chartering organizations for review. Here we have 11 teams, and there are three or four already working.

I'm not talking about the legal side of the meeting we had this morning, but I don't see how we can... I'm talking about here, this timeline, and I don't think it's real. I don't think the week after we come back from

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Istanbul there will be a consolidated proposal. I don't know if this was the thing to say, but I had to say that. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Eduardo for your comment. I cannot disagree with it. I have equal concerns about timelines and it's going to be interesting to see how quickly... We see the first design teams seem to be led by people who are really going to push - so A, B and C - I'm concerned the others are hanging about at the moment without anyone leading on. Christopher Wilkinson?

CHRISTOPHER WILKINSON: I don't want to take a lot of your time. First of all, it's clear that the complexity that's been introduced notably by the separability proposal, has created a great deal of extra work, which can be traced back to the delays that we're currently experiencing. I confess - I think I warned about this about September last year, so I'm not surprised. Regarding competition and COI, there are two or three considerations. First of all, I really think this has to be addressed up-front. I proposed it because it was already outlined in one of the earlier documents that the list received. I did not propose to lead it myself. If necessary I'll try and do so, because in the next couple of days I might have some uncovenanted time, but I'm not insisting to lead this myself.

Thirdly, there's some overlap. The COI issue affects several of the design teams' work. I don't need to go into details, because I've written about this before to the list, and I presume that some of you have seen that. I

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think the transition does introduce a de-politicization of the relationships we've seen with the US and other governments, but it introduces a new dimension of politicization between the stakeholders, particularly those stakeholders that shall remain nameless, who have already massive economic interests in the outcome of this process. All I'm saying is that there is a COI issue when it comes to designated the actual membership of these entities that are being discussed, and there is already a competition issue because the gNSO and regrettably the ICANN Board have introduced policies for new gTLDs, which are anti-competitive.

In summary, if you need me to do this, I suppose I'm prepared to be drafted, and in any event there is a competition and COI issue in several team, even if we don't do this one specifically. I'd also be interested in knowing, privately or on the list, which of you think that you have experience, knowledge and interest to participate in this kind of work. Thank you Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Christopher for this extensive explanation of Design Team I, which at the moment is marked as you as proposer, and I personally would think you'd be doing well to lead that. I notice on there there's already a good listing of the types of people that would be good on this Design Team. Let's move onto Fatima.

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FATIMA CAMBRONERO: Thank you Olivier. I have a more general question. Unfortunately, this week I was unable to join the calls because they were at 5:00 AM my time, and I'm a little bit behind in that regard. My question is the following: according to these Design Teams, I see the list but I cannot see the participants of each team. I would like to know which of these Design Teams are the ones in which we, the At-Large Members, should participate? And which if those are still open for us to contribute to? Thank you.

OLIVIER CRÉPIN-LEBLOND: My understanding is that they are all open, and the ones that you see names in at the moment, such as Design Team A, for example, has already started work and is probably less likely to be open for more people to join, especially if you don't have anything specific to bring to the group. On the other hand, you'll notice that all of the rest don't have names, because they are in creation at the moment, and being in creation they don't have Members yet. I think that's one thing we need to discuss today. Which ones do we think would be really important for an At-Large person to be part of? I hope that answers your question.

FATIMA CAMBRONERO: Fatima says yes. Let's go to Tijani.

TIJANI BEN JEMAA: Thank you Olivier. My hand is up to answer the question. I think that [inaudible 00:32:27] so we immediately [unclear] Design Team [unclear]

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by one participant. I understand that some Design Teams don't need our presence, such as the [unclear 00:32:48] delegation, re-delegation, but for the rest of them we need to be there, and especially for E, because [unclear 00:33:01]. I understand it's mainly about [the declaration], but I think that we have to be there. I feel that even the people of the DNS think that it's their group, not ours, and if we are not there [unclear 00:33:25] it is right, and the experience shows that a lot of participation and a lot of support [unclear] not each, but [the important] Design Teams here. Thank you.

OLIVIER CRÉPIN-LEBLOND: You were breaking up a little bit. Which of the Design Teams did you say you thought we needed someone on? I'm unable to hear Tijani. Let's go to Alan first.

ALAN GREENBERG: Thank you Olivier. I'm of two minds. At some level we don't have a lot to contribute, I think, in the actual work, other than to try to make sure that there's no scope creep and they don't bring other things into it that they shouldn't be doing. There should be plenty of opportunity to do that when it's brought back to the whole Working Group. So I'm not particularly worried at this point about no At-Large participation. However, if we do intend to participate my understanding is a little different from yours - that these groups are moderately closed and getting into them you essentially have to pass a gatekeeper, permitting you work, and having some understanding of the topic.

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Certainly from listening to Paul Kane and others, yes, the mailing lists will be open, and maybe the calls you can listen in on, but my understanding was the Working Groups themselves are moderately closed once the membership is established. I may be wrong on that, but that's the way I imagined it. It looks like something we may want to get in writing to make really clear. I've asked a number of times what it means to say "you must have the special expertise". I don't remember exactly the words used. There was no really clear answer, other than you had to be able to put the time into it. So it's still somewhat fuzzy, but I'd not presume that after the group is composed you can come in later and join. That's not a given, unless someone explicitly says that. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Alan. Yes, it's one of these questions. I've also asked the question and the answer has been a little bit fluffy, should I say? It seems to be that each design team is running things in a different way. So certainly, as you mentioned, the one with Paul Kane, Design Team A, IANA service level expectations, they've already started work. There was a question as to why there wasn't any movement on their mailing list. They have a devoted mailing list for this. The answer was, "We did some work by email, things are happening and some people are active and some people are not," it seems to be a bit informal.

Of course, we're in the early days, but on this one it seems that adding someone now would probably not be seen in a positive light. That said,

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it's probably down to the proposer and their lead on this. I have a sense this is all quite informal to start with. Seun?

SEUN OJEDEJI:

Yes. I think Alan has already mentioned one of the points I raised about participation, especially considering these teams have good experience requirements, but it's not clear what "experience requirements" mean and so on and so forth. Maybe we should wait until the experienced folks get it in and designed and we'll look at it, but what I'm concerned in this approach is how much time will be available for the entire CWG to actually discuss the outcomes of the Design Teams? That has not been clarified, especially as at the moment they have no scope of timeline to their work. It's been said that it's going to be very fast, but right now what's happening is not the definition of fast, within the context of what we're doing right now.

Most of them are still [unclear 00:39:45]. There's really no action at the moment, and [unclear] also emphasize the fact that the outcomes of these Design Teams are going to inform the proposal that will be developed at the face-to-face, and we're just two weeks away. Does anybody have any idea of whether there will be a specific timeline or minimal timeline set for these Design Teams, in order to be sure there will be adequate time to discuss this on the CWG? My other comment is in relation to the Design Teams. I think one of the things I raised on the CWG mailing list was in relation to Design Teams D and F, which I think are practically saying the same things.

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I don't know how our issues are getting received in the community, because that comment has been raised a few days ago and what was said today did not reflect that. If someone could comment on how the Design Teams are receiving updates? Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you. Does anyone have any answers for Seun? I'm asking this because I haven't got any answer for you, Seun, and your concerns are mine too. That's all I can say. Perhaps during the next CWG call, you could ask this question again and we'll hope to press the Co Chairs on this and find out where we're going and what their timelines are. If, on the other hand, there's a wish on this Working Group for us to send an official request to the Co Chairs and ask them for some clarification on this, then I'm also open to that. Murray?

MURRAY MCKERCHER: Thank you Olivier. I just wanted to ask a question, and I'm going to aim it towards Olivier, Alan and perhaps Jean-Jacques. As we step up a little bit, from At-Large's perspective, how, on our priority of things that At-Large is looking at within ICANN, I know this is important, but I'm wondering whether, given the amount of resources we have available, are there other items we should be focusing our energies on? I'm not sure, I'm just interested in your opinions. Thank you.

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OLIVIER CRÉPIN-LEBLOND: I'm willing to answer on this. IANA stewardship is a very important topic, and yes, it's very time-consuming and it's consuming a lot of the air in the room. That said, I think that as you know there are a lot of other things taking place outside this, and it shouldn't take all of our time. But we certainly need to be there to defend the point of view of the end user, and certainly this has been shown in the past as being important when it comes down to the different proposals that were made. The ALAC point of view was very different from the main first draft that was sent out by the CCWG.

Ultimately, we have made a difference already to start with, and I guess we have an ongoing mission with this, that we need to be alert to. Let me hand the floor to Jean-Jacques and Alan afterwards. Jean-Jacques? We're unable to hear him at the moment. Alan?

ALAN GREENBERG: Thank you. I put my hand up before you said most of what I was going to say. It's not at all clear we need to be contributing a lot to what's going on at this very moment, however I believe we've been crucial in the past, specifically when the main proposal going through was completely unacceptable to us, and I think we need to be there watching as this goes forward. So to the extent we can actively participate and contribute and move things forward, I think we must join in any of these particular tasks, but overall we can't ignore it. So the level of participation will vary, but I think it's something we absolutely must continue on.

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This in my mind is not so much a user issue as an ICANN issue. We're one of the bodies that strongly believes that ICANN, as a multistakeholder organization, must continue to exist, because that's one of the few places that end users have a say in this overall operation. In doing that, we must make sure that ICANN is viable and the overall IANA transition process is a very large part of that this year.

OLIVIER CRÉPIN-LEBLOND: Thank you. Let's try Jean-Jacques now. We cannot hear you Jean-Jacques. Perhaps Terri could arrange a dial-out to you, or you can type in your response? I know it's frustrating though. Any other questions? I note we're beyond the allocated time for this topic. I was just going to add to what's been said to far that 4.b, the legal advice update, there are three firms still in the running for being the legal advisor of the Working Group. One of those three firms is currently a frontrunner and is in the process of putting together a contract by which the client team would be able to sign with this legal team, and it's hoped we'll have a functioning legal team by this time next week.

Again, big question mark regarding the timings. Several people made a point during the CCWG call that really we needed to have legal advice on the questions asked, and a functioning legal advisor by the time we meet in Istanbul. I guess everyone's aware of the timings needed there. Again, this all falls in-line with Seun's concerns, saying that after Istanbul we're supposed to be coming up with a full proposal the week after, and it's going to be a real tough one. Seun?

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SEUN OJEDEJI: If we don't have responses to those legal questions before Istanbul, would At-Large consider that it would be useful to actually attend the face-to-face?

OLIVIER CRÉPIN-LEBLOND: I think the first part of your sentence was cut off. If we don't receive legal advice in time for Istanbul, do the participants in At-Large think that it would be worth going to Istanbul? Big question mark. My feeling is absolutely. We need to be in Istanbul in any case, because there will be discussions that will take place, especially maybe the follow up from the Design Team recommendations, so that will be important. That said, will time be properly used in Istanbul, bearing in mind legal advice might not be there, or if legal advice isn't there to act on, my personal answer would be we're probably wasting some time there, and wasting some of ICANN's money. I've made that known on the CWG call. But there's nothing we can do about it at this time. Eduardo?

EDUARDO DIAZ: I agree with you, Olivier. I think we should participate in any discussion in face-to-face. We need to be there, as you were saying, and comment on the discussions there. What I think is going to happen if we don't have the legal advice by the face-to-face is that we'll have a very hard time in getting a consensus on external issues. That's a key element in getting some consensus on the CWG, and the legal advice will help in deciding on some of the issues there.

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OLIVIER CRÉPIN-LEBLOND: Thank you for this. In closing off this Agenda Item I wanted to read for the record Jean-Jacques' response to the earlier question: "I agree with all of Alan's remarks, and in addition my point is that ALAC should focus on the areas where it can bring added value, and that is the user perspective. Many other aspects are being discussed in multiple groups so we can add and should concentrate on the users." Hear, hear. Right, now I hand the floor onto Leon Sanchez for the part of the call on CCWG Accountability, with apologies for having overrun on time for CWG IANA. Leon?

LEON SANCHEZ: Thank you. One of the biggest concerns is everyone is concerned with whether we'll be getting [unclear 00:53:02] in time, and whether we'll be able to get the right answers for the work ahead of us. While this might [unclear] on [unclear] Mexico, I can tell you that legal advice is not something we'd be expecting to have out of the full document we hand to the lawyers. Lawyers like to complicate things. I don't know why. I think that the legal advice will come in a few situations. I think after we have a draft document handed to them they will of course take a couple of days, maybe a week, answering the questions. They will hand those answers to us and then we'll review that advice, and of course I think we'll most likely make comment on their advice and take it back to the lawyers and so forth.

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I don't think the legal advice is going to be something as expedited as we would expect or need, but we'll definitely need to go down that path. As far as having the legal advice in time for Istanbul, I don't think that's going to happen. We are less than three weeks from being in Istanbul, and from the CCWG perspective at least, we haven't been able to close our legal scoping document so far. We're going to hold a call later today with the legal sub team, which I would aim to have this document close to a final version for. We need to do a lot of finalizing, we need to shorten the document, because we started from a short document and then went to a very large one, and then as participants they should give us feedback. They've told us it's a very large document so we should shorten it. That will be the aim of our call later today.

With regards to selecting the [unclear 00:55:39] advice, there has been a series of calls during, I think, last week and the beginning of this week, on Monday. We had the client community holding these calls. I think we then had a briefing session with the client community to voice views and opinions on whether one or the other thing was the most suitable advice that we'll be needing, and at this time it's still something that needs to be managed on a confidential basis, and we haven't received approval from the law firms to disclose their names or involvement in this process. I think they will most likely provide the approval to share the names of course, but I think we've had fruitful discussions around this.

If we still don't select the final law firms, we are very much inclined for one of the three that were short-listed, that have come to the process. I think there have been around eight firms that have been considered for

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this, and the shortlist also was narrowed to three law firms in the end. One of these is so far the most suitable, but we are also trying to give a final view to two more law firms that we've put on the table, so we might as well arrange a call with these two other law firms, and then take the next decision on which firm we'll go with. That is so far what I can tell you about the legal advice.

OLIVIER CRÉPIN-LEBLOND: Sorry for interrupting you Leon, and thank you for this additional information on the legal team as seen from the angle of the CCWG on Accountability. I understand the two issues are connected, or at least the client team is coordinated in this respect. You mentioned that you did not expect legal advice to reach the CCWG on Accountability before Istanbul, because the questions have not been asked. You're looking at other firms, and I know you'll look at a back-up in case the frontrunner decides not to proceed forward or something goes wrong - isn't this client team being a little cautious, to the detriment of actually acting swiftly? Because as we've all said, time is ticking.

LEON SANCHEZ: Thank you. Yes, we've been very cautious and we've been very picky maybe with some points, but this is something really serious from our point of view, and we need to think very carefully on what law firm we select - not only because of the skills needed and the expertise needed, but also to close the door to any conspiracy theories, which have been milling around the legal selections in this issue. Yes, we've been very

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cautious and we've taken a lot of time, but I think that for the importance of the issue we need to do this very carefully. While we're reaching our goals of having the final firm that we'd like to engage with, we still need to have a look at maybe a couple more law firms in order to make the right decision for the overall process.

OLIVIER CRÉPIN-LEBLOND: There's a follow up question from Jean-Jacques in the chat, who asks: "Among the law firms having expressed interest, and among the shortlisted, what are the nationalities or headquarters?" Is that something you can respond to?

LEON SANCHEZ: That's something I can tell you. The nationalities of the law firms are American law firms with global presence. The reason for them being American-based or US-based law firms is that we're looking for law firms that have the right experience with regards to Californian non-profit law. So yes, we are looking at law firms that are based in the US, but also have a global presence in different countries.

OLIVIER CRÉPIN-LEBLOND: Thank you Leon. Among the list of requirements, was there any requirement for these firms to be aware of not-for-profit laws in other countries; perhaps in Switzerland for example?

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LEON SANCHEZ:

Yes, that's something that's been discussed on the calls. Some of the firms have that experience, some of them don't. That's one of the factors that the legal community is considering in its final decision. I will move to the next point I wanted to address with regards to legal advice and the real decisions of the different takes on accountability hypotheses on the table. As Olivier has mentioned, one of the issues that's been raised throughout not only the CCWG but the CWG is a potential change of jurisdiction of ICANN. This is a question that's been asked many times over the years, as far as I can tell, or as far as I'm aware.

There's been a couple of studies that have assessed the convenience on changing ICANN's jurisdictions - not only the headquarters but also the legal jurisdiction, such as to Switzerland, Belgium, and I think they've been assessing other possibilities. While this is something that we're considering in our document with the CCWG, it's also something that we need to consider that I don't think would fit within Work Stream 1. Why I think that is because if we want to change the jurisdiction of the ICANN governance structure that will take us far past the deadline that we have for accomplishing the transition.

It's not just a matter of time though. We also think having committed the needed accountability mechanisms that fit into Work Stream 1, we could then take a look at jurisdiction issues on Work Stream 2. This is one of the issues I'd like to open the floor on, for comments. Are there any comments on how we address this issue within the CCWG? Should it be put in Work Stream 1 or 2, and why?

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TIJANI BEN JEMAA: I'm afraid I didn't hear your question very well. Can you repeat it?

LEON SANCHEZ: The question is that if we do a potential change of jurisdiction for ICANN, within Work Stream 1 that wouldn't allow us to meet the deadline and timelines for the transition. So the question is, would you agree that analyzing the different hypotheses on ICANN's change of jurisdiction would be better suited in Work Stream 2?

TIJANI BEN JEMAA: Thank you for this question Leon. We really need the point of view of the whole group about this kind of question. This issue of changing jurisdiction is very sensitive and very difficult, because we are asked now to include in the bylaws, before the transition, the AOC points, and one of them is that ICANN is under US jurisdiction. This was raised last week and there are two points of view. I am afraid this will be one of the most difficult points to solve. I agree with you, if we can move it to WS2 it would be better, but I'm afraid it won't work because some people think the transition will not happen if we don't include it in the bylaws of ICANN that ICANN remains under US jurisdiction. Thank you.

OLIVIER CRÉPIN-LEBLOND: Tijani raises a very interesting and very valid point. I too, personally, think that this is such a difficult issue to deal with, it's going to be impossible to be dealt with in WS1 and it would have to be given

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significant amount of time and discussion, and be dealt with in WS2. But that said, if the transition of stewardship of the IANA function takes place with some bylaw changes, that will then add the point that the function needs to remain in the US - I'd really object to such bylaw changes.

I understand the political wish for such a thing, but I think it certainly would send the wrong message to the rest of the world, when one is looking at globalization of ICANN, globalization of these functions, and the very fact that the US Government is relinquishing those functions partly because of the political pressure brought by other factors. Definitely a tough question here.

LEON SANCHEZ: Jean-Jacques?

JEAN-JACQUES SUBRENAT: Thank you. To take up the discussion started by Leon and Olivier, I sympathize with Olivier's point of view that the ultimate call is really to globalize the Internet functions so that they are distributed in a fair way across the world. But I must say, for the sake of reality, that when I was on the President's Strategy Committee of ICANN, as a Board Member, we had prepared this report on improving institutional acceptance, or whatever it was called, and there was no way that I and Roberto could get other jurisdictions, or change or replace the US jurisdiction. The best we managed was my formula, which was accepted, which was creating additional offices in other jurisdictions than the US. That was accepted.

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By the way, that is the part of our report that was acted upon in the past few months, or past two years, by Fadi Chehadé, when he opened the office in Istanbul, and that's the basis for any extension of ICANN, or ICANN's current office in Geneva. I think that's the most realistic way; to reinforce the existing offices, maybe opening one or two more, but certainly, as far as Geneva, number one, and places like Singapore and Istanbul, that is really the way forward, because in reinforcing these offices in ICANN we can hope to gradually give them roles that are not only of outreach in the region, or locally, but in the case of Geneva for instance it would be to have some capacity to take up the hiring of personnel functions from the office in California.

That would be on the grounds that US and Californian law are much to restricted to always get the best staff for ICANN, whereas Swiss law and the environment in an international city like Geneva allows this much more easily. Thank you.

LEON SANCHEZ:

Thank you very much Jean-Jacques. This is very useful information. Yes, definitely the formula you propose is a good one, but I'm afraid that what we have in front of us is something different. There are some actors, some participants in the scenery, that would like to literally change or remove the jurisdiction from ICANN. So this is something we need to take a look at from a deeper point of view, and definitely the formula that you proposed is an excellent one, but I think we're talking about something different at the moment. Tijani?

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TIJANI BEN JEMAA:

Thank you Leon. I just sent an email on our Work Party 1 explaining that I personally think that the US jurisdiction is perhaps best for the not-for-profit corporation, and I am more or less convinced by that. I don't say that we need to move ICANN from the US jurisdiction, but what happened with the announcement of the NTIA is that people who didn't trust ICANN now do. They begin to get in the loop and they begin to believe in this multistakeholder model. So since we've had this achievement, it's a pity that we lose it because we want to include in the bylaws, before the transition, that ICANN must remain in the US jurisdiction. I don't ask to remove that, but perhaps it's more diplomatic not to include it in the bylaws before the transition so that people will not think that the US exited one door and entered through the window.

SÉBASTIAN BACHOLLET:

Very interesting discussion, and thank you to all of you for having this. I have a few different points. The first is that I agree with the goal of Jean-Jacques, but I want to point out that the way that the staff is today handled is not exactly what was explained. Today, people are hired from the country where there is an office - for example in not all of them, because some are going from one office to another - but there are people hired in the Brussels jurisdiction, and Singapore and the same for Istanbul. There are different types of offices, and for the moment there are two who are the headquarter "beasts", who are the objective to become the headquarters and the main functions are split between Istanbul and Singapore. It will take time to find the right people.

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Jean-Jacques, if people are from another country they could be hired by a specific country, not the US, but if it's a contract - if it's not hiring but a service contract - then yes, it's handled by the US. But there are two types of places. The others are offices for outreach, for engagement, and now we have the one in Geneva. In Geneva at the moment it's very [unclear 01:18:47], just for the Swiss out there, or four maybe, and not for something else. I hope it could become something different. My point of view about offices is that maybe we don't need to just look at ICANN, but in the future - it's quite difficult with the timing - but we'll have to decide where we put money from the New gTLD Program into the New gTLD Program.

This money could be handled by ICANN, but it could also be handled by another body, and maybe it's a good time to imagine that we create a specific body in Switzerland or in Belgium - because they're the two places contemplated - to handle this money and to be a second foot of ICANN in a different jurisdiction. That's also something important. About the fact that we stay in the US, I heard that Fadi said it will stay in the US in a meeting a few days ago. My final point is that maybe it's time to push again another idea of mine; to not [unclear 01:20:30] the AOC within the bylaw, but to try to set up some new tools.

We have a contract between registries and ICANN, between registrars and ICANN, between RALOs and ICANN - and maybe it's the best place to put some of these AOCs, in turning it into a mutual commitment between two organizations, and not to have that in the bylaws. I think that the fact that people want to put everything from the AOC into the bylaw is the wrong idea. Thank you very much.

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LEON SANCHEZ:

Thank you. These thoughts are very useful, and you've given me some thoughts, because I was going to state what you just said about the declaration that Fadi made [unclear 01:21:37] upon the [planet], due to one of the things he said was exactly that ICANN's jurisdiction should or would remain within the US. So that's another reason for considering [unclear 01:22:02] to a change of jurisdiction to Work Stream 2, because it does not only have to do with the corporate structure or the corporate governance of ICANN, but it also deals with political issues, as has been testified.

My feeling is that it will change the signals to the US government when we say we want to change ICANN's jurisdiction before the transition takes place. I think it could derail the whole transition. That is something else we need to consider. Another factor is, if you want to add some spices to the dish, that the US Government so far has given the kind of protection to ICANN with regards to [unclear 01:23:09], so changing the jurisdiction to another country would also be problematic from the point of view of [unclear 01:23:18] in that second jurisdiction. There is more that meets the eye there, so we'll need to take a careful look at analyzing this issue.

I'm mindful of the time. We can extend for 15 more minutes, as Olivier's just said in the chat, but we have a lot of things ahead of us. I'd like to restate my point on the meeting. Sébastien, I see your hand is still up. I don't know whether that's an old hand? Thank you. The meeting will be taking place on the third week of March. Our goal for our meeting in

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Istanbul is to have a first draft proposal to then put out for public comment. I'm aware, as many of you are also, that this is something very challenging. I wouldn't say that we'll be able to accomplish the goals, but I think that will be quite challenging.

We are also planning to have a couple of pre-meeting meetings with [unclear 01:25:03] and [unclear] leadership team. We're still evaluating the possibility of holding [unclear 01:25:13] since we are very short on time, and the flights don't arrive at the same time for all. So there are many complications to holding this pre-meeting meeting. That's what I wanted to update you also about. [unclear 01:25:33] on accountability. [unclear] I don't want to take too much time on this, since we've already discussed the change of jurisdiction, for example, but I'd like to put for consideration overturning a Board decision.

We speak about telling the Board, and we have so far referred to recalling the whole Board because of some action or inaction of the Board, or maybe acting against ICANN's bylaws, ICANN's position, et cetera. But then comes the question raised in the CCWG, where some Members are questioning how or why should the whole Board be removed. Why can't only individual Members be removed? And if individual Members are to be removed, who should remove those Members? One issue raised has been with regards to the NomCom appointees. Should the NomCom remove their appointees or should the community remove the NomCom appointees? Tijani?

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TIJANI BEN JEMAA:

Thank you. Yes, this is a point we need to discuss in the whole group and have your point of view so that our point of view in the CCWG will reflect the point of view of the whole community. Steering the Board is an issue that's been discussed for very long, and now since it's in our hands as Work Party 1 I can tell you that there are three different points of view. The first one says that we may recall the whole Board, or we may recall one Member or more than one Member. The other point of view says that no, we have to recall only the Board as a whole. This is one of the powers that we have to give to the community, but we don't have to give it the power to recall one Member, since it's already an ability for the Board to do so.

The Board has the ability to recall one or more of its Members. This point of view says that if there's a problem with one Member or more the Board has to recall them. If they don't do it, we give the power to the community to recall the whole Board. This is the second point of view. The third point of view says we should give the power to the community to recall the whole Board. For sure, with the super majority of perhaps three-quarters or more, perhaps four-fifths, so then it would be almost impossible to reach this consensus, and it's only there to make the Board know that they have to be accountable to the community. They say that this is the big think that we need to have before the transition, so it will be in Work Stream 1.

While requiring one member or more is also a power that has to be given to the community, but in Work Stream 2, since it's not needed before the transition. Those are the three points of view. I think that in

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the Work Party we have almost a point a view now. But I would like to have the temperature of the At-Large community on this point.

ALAN GREENBERG:

Thank you. I'm going to go over the three things, and I'll give you my opinion certainly. I believe we need the right to recall the whole Board. I can never imagine the scenario that the community would feel that unified to do it, and of course doing it requires someone to act as an Interim Board, because the organization needs to keep on operating - and from my perspective, if we're doing anything as onerous as removing Board Members I believe it must be a decision of the stakeholder groups themselves, the ACs and SOs, if that's what comprises stakeholders, and not representative of them. It's a pretty onerous move and it's really got to be a decision that goes closer back to the grass roots of the organization in however it's constituted.

So I think that's a requirement that needs to be there, but I can't see it ever being used. I believe there is a requirement to remove individual Board Members. I think ACs and SOs select people, and if whatever the rationale is for selecting that person is no longer applicable then I think they should be able to un-select, essentially. There are concerns that yes, then you may remove your Board Member because they didn't approve a budget request or something like that. Yes, that's true, but we're already told that the same thing happens towards the end of turns, where people are worried about being re-appointed.

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So it simply says that if you're going to select someone you need to be in contact with them, they need to explain what they're doing, and you need to have a rapport between that Board Member and the organization that appointed them. I think that's completely reasonable. NomCom appointees do not have an organization, and I believe it goes down to the community as a whole to remove them if there's some substantive reason. There is another parallel argument going on, that can any removal happen, essentially because the community believes it's important to happen, or must there be a list of infractions that the person must have committed before you can remove them, I would strongly disagree with that. Most of the things you're going to want to remove a Board Member for are not going to be on the list of infractions.

Once you have a list you have an appeals process where they can say, "No, I didn't do that," and you can say, "Yes, you did." So I feel very strongly there should not be a definitive list. There is certainly a lot of pushback on a number of those issues. Thank you.

LEON SANCHEZ:

Thank you very much Alan. This is something we're not going to sit here. [unclear 01:33:27] has suggested that we hold the face-to-face meeting of the At-Large Members in Istanbul. I would agree with Sébastien that this would be [unclear 01:33:41]. I don't know what the schedules of other Members will be. As you know, I most likely be in the Coordination Meeting of the Co Chairs of the CWG and the CCWG on Wednesday, but I'd be happy to join any face-to-face we're able to

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arrange for the At-Large community in Istanbul. If you ask me, I definitely support Sébastien's idea, because we need to have a lot of coordination between ourselves.

The struggles are about to begin, and we need to have a coordinated position and a coordinated stand with regards to the different mechanisms and accountability measures that will be put on the table. Tijani?

TIJANI BEN JEMAA:

I absolutely agree with you about coordinating our positions. That was something I was asking for from the beginning. I have a question for Alan: Alan, do you support the recall of individual Members of the Board be on Work Stream 2?

ALAN GREENBERG:

If you recall, and not with all of us are agreeing, but nevertheless, the CCWG as a whole has agreed that we must put in Work Stream 1 the tools to allow us to do what we need in Work Stream 2. If indeed we have the tools to force that, if the community wants to, even if the Board disagrees, if we get sufficient support in Work Stream 1 to do that, yes, I have no problem deferring that to Work Stream 2. If indeed however we don't have the tools to enforce that kind of thing - and I'm dubious we will - then I think it has to be in Work Stream 1. I'll point out that the simple one of removing AC and SO Board Members is just a minor bylaw change, which could be done pretty easily. The others are far more onerous however.

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LEON SANCHEZ:

Thank you Alan. There is another issue, another stress test, that has been run by the Stress Test Team in the CCWG. It is the one you have on your screen. It refers to the specification of consensus threshold for ICANN's due consideration of the advice. It's been a discussion that's raised many concerns within GAC, and I think that should be something that we need to take a very careful look at, from the At-Large community. We've been supporting the stance of the GAC with regards to their advice to the Board. We recently made a statement on the bylaw changes with regards to the GAC advice and the consideration of their advice by the Board. So I think this is an issue we should definitely look at carefully from the At-Large point of view.

If you ask me, I don't think that it would undermine the capability of the GAC providing advice to the Board, but it would be maybe risky from the point of view that the Board at some point would be able to just change the threshold needed for their advice to be duly considered. So this is another discussion that I think we should definitely have within the At-Large community, and I'd like to open the floor for any questions or comments. We're about to reach the end of the call. We have the interpreters for five more minutes, so if anyone has a comment with regards to these stress tests on the accountability mechanisms on your screen at the moment, please raise your hand. Olivier?

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OLIVIER CRÉPIN-LEBLOND: I was just going to suggest that now you obviously have a mailing list that you can make use of to share those documents. I'm also registered on the accountability mailing lists, but I must admit the absolute flood of emails on there is difficult to keep up with, so if you do find anything that's specifically of interest and you're on that group, then please forward it to the CWG on IANA mailing list, so that we can all have a look at it. Looking at it here during the call is a little bit difficult, so that's why I think it would probably be better to follow up by email afterwards. Thank you.

LEON SANCHEZ: Thank you Olivier. I'll definitely forward this to the ICANN IANA issues mailing list so that we can continue the discussion. That will be all on the accountability track, so I'd like to turn the call back to Olivier for Any Other Business.

OLIVIER CRÉPIN-LEBLOND: Thank you Leon. It's Agenda Item #6, Any Other Business.

TIJANI BEN JEMAA: I have one. You remember we decided to change the name of this Working Group and to define the periods of each part of this Working Group? I propose that we replace "IANA Issues" with "Transition and Accountability Issues" and to change the whole name of the Working Group to "At-Large Ad-Hoc Working Group on IANA Transition and ICANN Accountability".

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OLIVIER CRÉPIN-LEBLOND: Thanks for this. I'm typing in the meantime. I know there's a green tick from Alan. Would it be possible for you to email the Working Group on this? Because I don't think it's something we can decide right here, but I certainly think it makes sense. Let's follow up on the email. It would definitely make sense, and obviously we need to tie those strings and not confuse everyone with the name. That said, I'll follow up by email as well and I think everyone else will as well.

TIJANI BEN JEMAA: Second point Olivier: in the future we have to ask Gisella to make it clear that the first 45 minutes will be for IANA transition, and the second 45 minutes will be for accountability, and also it should be in the announcement.

OLIVIER CRÉPIN-LEBLOND: Yes, Tijani. One of the concerns is that we don't actually respect the exact 45-minute mark, because if we do have more things on accountability we'll be doing more on accountability and less on IANA stewardship. But I realize your point, and yes, we can put it as a guideline that in general the first 45 minutes are on the IANA transition and the second 45 minutes are on accountability. That works as well. We can do that. Since you mentioned the Doodle, let's indeed proceed forward with having a Doodle for next week. I think it's Terri that will be performing this in the absence of Gisella this week.

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TERRI AGNEW: You are correct.

OLIVIER CRÉPIN-LEBLOND: Thank you. Right after this call, let's have that Doodle sent out with the remarks that Tijani made on providing a guideline as to what the first 45 minutes and last 45 minutes of this call are about.

TIJANI BEN JEMAA: I'll send an email anyway Terri.

TERRI AGNEW: Thank you Tijani.

OLIVIER CRÉPIN-LEBLOND: Super. Please Tijani, follow up immediately after this call because last week we had a little bit of a fumble and unfortunately the Doodle went out rather late. We'd like to send it out as early as possible. I realize the stress it imposes on our participants to have a Doodle that's only 24 hours in length and that then chooses times that are just 24 hours later. Any other Other Business? Seeing no one, I thank everybody for this fantastic call. I think it's been very useful very helpful. I thank our interpreters, Veronica and Sabrina, for having remained an extra 15 minutes. I invite you all to follow up on the mailing list and the CWG and

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CCWG calls that will no doubt captivate our spirits for the next seven days. Thanks everyone and have a very good weekend. Bye-bye.

[END OF TRANSCRIPTION]