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TERRI AGNEW: ...On Thursday, 12<sup>th</sup> of March 2015 at 13:30 UTC. On the call today we have Tijani Ben Jemaa, Cheryl Langdon-Orr, Gordon Chillcott, Chris Mulola, Tomohiro Fujisaki, Yasuichi Kitamura, Eduardo Diaz, Mohamed El Bashir, Leon Sanchez, Danny Younger, Avri Doria, Olivier Crépin-Leblond and Janvier Ngnoulaye. On the Spanish channel we have Alberto Soto. I show apologies from Sébastien Bachollet, Seun Ojedeji, Fatima Cambroner, Loris Taylor, Jean-Jacques Subrenat, Alan Greenberg and Heidi Ullrich. From staff we'll have myself, Terri Agnew. Our Spanish interpreters are Veronica and David.

I would like to remind all participants to please state your names before speaking, not only for transcription purposes but also for our Spanish interpreters. Thank you very much and over to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Terri. Have we missed anyone during the roll call? I don't hear anyone shouting their names out, so it looks like the roll call is complete. You'll have noticed that this call is not only regarding the US stewardship of the IANA function, but also about ICANN accountability. This is the second call where we're devoting half of this call to the accountability process. The Agenda is starting out with a review of what's going on with the CWG IANA, and looking specifically at the Design Teams. Then we've got a legal advice update as well, since the firm has now been contracted, and then we've got a CCWG accountability update. Are there any changes to the Agenda?

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*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.*

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So the Agenda is adopted. Let's go to the review of the Action Items of our last meeting, on the 5<sup>th</sup> of March. As you'll have noticed, one of the first AIs was to rename the group so as for it not to be just stewardship transition but also IANA issues and accountability. There's been a bit of a follow up in this one, and we'll follow up with Tijani, Terri, Leon, Alan and myself. We'll have a new name for the group and we'll make suggestions on the mailing list before the next call. The other two AIs were both fine and complete, with the accountability mechanism information having been sent to the list by Leon, and Terri to have sent the Doodle for this week's call. Any comments on any of the AIs?

Then let's move onto #3 - that's the review of the ICG's process. Mohamed is with us. Mohamed, you have five minutes or so to provide us with an update on the ICG.

MOHAMED EL BASHIR:

Thank you very much Olivier. Yesterday the ICG had a conference call and I'll just give you the highlights of the current issues that have been discussed. I'm now on the proposal assessment. It's still under work and although there are some Members who think that we completed the proposal for evaluation and there's nothing more to be done, we're just waiting for the third proposal to come. As well, on the timeline, there is a version that's been - Version A - developed about two weeks ago. It's already in the ICG Dropbox, available, and the main change there is ICG is trying to squeeze the time period to save time - basically if we receive the names proposal earlier, we're trying to get a target date of September.

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Another topic discussed yesterday was the future media and outreach awareness for ICG's work, especially as it's moving to combining the final proposal at that stage, so it was agreed that we need to start some work in preparation for awareness and outreach messages that can be used to clarify the process even more, and also to encourage the Internet community to provide feedback on the comment period, following up the combination of proposals. There was an update regarding the current progress of the CWG from the ICG Members who are involved in CWG work, and there was also an update from ICG Members as well, in the accountability workstream in the CCWG. So that's, in a nutshell, the outcome of the call conference and the current work on the ICG.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Mohamed. I open the floor for questions or comments. Seeing no one, Mohamed, I have a couple of questions on the link that Terri has put on the chat. There's an announcement there from January that provides a timeline back in January. Are you telling us there's an updated timeline that's been published since then?

MOHAMED EL BASHIR: ICG is working on a timeline but there's nothing published. There's discussion about how we can speed up the work on the update as planned, but there's nothing published as yet.

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OLIVIER CRÉPIN-LEBLOND: So no updated timeline as such, but you're discussing how the work could be completed by using the original timeline?

MOHAMED EL BASHIR: Exactly. For example, things like publishing the different evaluations of the proposals, which is currently the ICG's doing, the main objective is to save time, when we received the names proposals, so we already have an idea of that. We already concluded two steps of the evaluation, which is the individual proposal assessment and the combined proposal acceptance for the current two proposals. On the mailing list as well there were discussions about comment periods and how we can try to [unclear 00:08:51] from one month to two weeks, just to save time, and trying to achieve the target date.

The target date is the same for ICG, with those challenges, and with the progress currently happening on [the feed 00:09:12] is fine. Hopefully if a proposal is received, ICG is willing to do [unclear 00:09:23] try to complete it on time, yes.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you Mohamed. Last question from me: the other operational community proposals that were received appear to be much less lengthy than the one which is currently being built by the names community. Was enough depth found to the proposal that has been received so far? The one from the CRISP and the one from IETF?

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MOHAMED EL BASHIR: Yes, there is an assessment, an evaluation process document, which is to outline the steps ICG needs to conduct to assess the proposals. Currently, the ICG completed two of three steps. The two steps are first the [unclear 00:11:12] assessment, which is to include reviewing if the proposal itself is complete - meaning if there were all the required elements from the RFC, and that it also fulfills the IANA principle requirements, and it was developed in an inclusive way; comments taking from the community, and it's representing the community, and how that's done. So that's been done individual to the two proposals, and there were members who volunteered to do that, and this review was well done, and it's publicly available in the naming archive.

Second was, the assessment of the two proposals, [unclear 00:12:06] between the two proposals, which has also happened for the two proposals now, but it's not completed yet. So that's what has happened in terms of the assessment for the two received proposals too far. We haven't looked at a draft from the CWG, but I'm sure the Members are following up and are aware of the draft of the proposal.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Mohamed. Any questions or comments? None. Thank you very much Mohamed. Let's move onto the review of the progress in the CWG IANA stewardship transition. The two main components of the progress have been, on the one hand, the creation and the expansion of the Design Teams. You'll note on the Agenda that we've got links to these Design Teams' lists and three details pages on them. DTA: service level expectations. DTB: assessment of the level of

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consensus within the ccTLD community in regard to a possible appeal mechanism for ccTLD delegations and redelegations. DTC: the Customer Standing Committee, the CSC.

These are the three at the moment and they appear to have been populated already - if not partially then mostly - and they've started the work already, so it's probably a little late to join some of these DTs. With regards to the others, there's a link to all of the Drafting Team lists, and a call that took place earlier today dealt with asking for volunteers to not only be in some of those DTs but also lead the DTs. At the moment we've gone down the list, all the way down to DTN. They really are very small chunks of work. I thought we could open the floor first on the DTs as they are, and any strategic points we need to consider in joining any of the DTs - we as in the Working Group Members and colleagues.

The DTs themselves are not just for the Members of the CWG, they can be joined by people who are participants in the CWG. Any questions or comments? Terri's put the links on the page. One thing I'd like to find out is if anyone on the call has so far volunteered to join some of the DTs. I haven't joined any yet. I'm waiting for them to be constituted and I can go and pick and choose those I have competence in. We need to share the workload, and see what matters are really important for At-Large and could use some end user component to them. I see Cheryl with her hand up.

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CHERYL LANGDON-ORR: Thank you Olivier. Danny Younger has volunteered to join DTD, and Danny I wanted to reach out to you to say that from the beginning of next week I'd like to have some scoping documents and various other things out, and I'd very much appreciate if you can put a fair amount of effort into volunteering into DTD early week, remembering these teams are quite small; they can be between three and five people - preferably - and I'm going to be heading up DTD, which is one of the earlier ones that needs to get the cab off the rank. It's one that's looking at the exact activities that NTIA currently does and how much of that, if any, needs to come across into a new model.

We do need to remember however that these are very short-order pieces of work. They all going to be conducted transparently and so Olivier, if our Members in this Ad-Hoc Working Group don't feel they can step up and be one of the there to five people who'll be doing the drafting, it doesn't mean they couldn't or shouldn't be involved on the Wiki spaces or in the collaborative documentation that, by necessity, all these DTs have to work through. Nothing happens out of these DTs that doesn't go through the Committee as a whole. I didn't want to instill fear and trepidation into people if they haven't been able to pick which one they want to get involved in now.

Whilst you may not make the early drafting of material in terms of pen-holding, you certainly need to take up the opportunity for contribution in review. Thanks.

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OLIVIER CRÉPIN-LEBLOND: Thank you for this Cheryl. A quick question for you: with regards to joining teams, we've seen Danny volunteering to join, and Avri has volunteered for DTN and provisionally for DTM. If anyone else is interested, do they just send an email to Jonathon Robinson?

CHERYL LANGDON-ORR: Staff would do, but just the CWG general list will do that. If you're not on that list, then going through you, me, or any of us who are subscribed will do.

OLIVIER CRÉPIN-LEBLOND: If one is not subscribed to that list, one is not technically a participant in the CWG. There were questions on this; whether participants meant pretty much anyone, or did participants need to be subscribed in the CWG list?

CHERYL LANGDON-ORR: If that was a question addressed to me, the first half sounded like Martian transmission, but I caught the end of it. If you're not subscribed as a participant, when you put your hand up you certainly would need to be so, so you could be part of it. It's not a barrier to entry, but it's a requirement of activity.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. So you are leading DTD?



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CHERYL LANGDON-ORR: Yes.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. Any other questions or comments? I was going to share a couple of concerns - just one so far. Looking at the make up of the different teams and the CSC list of participants, it appears to be primarily [unclear 00:21:35], one of the [unclear 00:21:42] non-direct customer representative [unclear] requirement, and [unclear phrase] attributes. I saw the name of [Kurt Fritz], but I'm not sure whether that was a non-direct customer representative or not. That was one of my questions. With regards to the other DTs, obviously they're still very early on, and so we encourage you to not only, as Cheryl said, take part in volunteering to be part of the Drafting Team there, but also in bringing in your input to these teams' spaces.

I think I've read somewhere there will be a calendar that shows all the different calls that take place, so people will be able to listen in somehow. Cheryl, correct me?

CHERYL LANGDON-ORR: Whether the shared calendar keeps up with all of these is a question, but it certainly will exist. The meetings themselves will also be notified to the full list, and as usual, all the relevant Wiki pages related to each of the DTs will also have archives of all the materials, including chats from AC rooms, transcripts and recordings, so it's pretty much the normal sorts of archival material and access including to list discussions that most of us in this group are used to. I think this group has a distinct

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advantage over some other parts of the community, who are probably less practiced at working in this particular way.

Just to respond to you about the point you were making in terms of the example of DTC, the CSC topic, these small, agile teams are particularly required in their concept to have highly “qualified/experienced” people. So it makes perfect sense, at least to my meager mind, to see something that’s a Customer Committee drafting together being made up, primarily if not exclusively, of people who have experience as being customers of IANA services, either in the ccTLD or gTLD operations. That’s certainly the make up of the team as it currently is. This brings me back to reminding you all - because all they are is drafting teams. I wish we’d called the Drafting Teams, not Design Teams, because they’re just drafting.

That draft goes to the Committee as a whole, and is subject to all the opportunities of input from everyone. I don’t think we need to get ourselves too concerned about lack of equitable and balanced representation. I just wanted to rest your slightly assured on that. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks for this reassurance. Eduardo?

EDUARDO DIAZ: I have maybe a concern about the DTs. We have this question about which direction this whole proposal is going to take, and if it’s going to

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be an internal solution, hybrid and external. I'm wondering if any of the DTs need to have that direction set up in order to do the work for the proposal. I mean if I'm working in a DT and I'm drafting something, is that draft in accordance to this leading question about internal versus external hybrid. I just want some clarification. That's a concern that I have, because with all these DTs I'm not sure if that's a concern. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you. Avri might have an answer?

AVRI DORIA: I think that in a sense these DTs are supposed to be working on bit parts of the solution that would be usable as part of any of the three solutions. Now, it's quite possible, whether it's internal, external or hybrid, and the multiple solutions within that space - solution types I should say - an approach I think it's taking is what are the general issues and explore them, and dig down deep into them, and perhaps come up with some solutions that can be used in any of them. Obviously, once the group gets to deciding which way they're going; internal, external or hybrid, or some yet to be designed path, it may require fine-tuning these parts. But I think the general goal is to solve as much as can be solved, that is independent of the model as much as possible. Thanks.

EDUARDO DIAZ: Thank you AVri for this.

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OLIVIER CRÉPIN-LEBLOND: Yes, thank you Avri. Eduardo, just a follow up, because you obviously had concerns on this - were there any DTs that you might have thought would have results that would be severely impacted by the type of response or the type of proposal in one, two, three or four? That would need to be looked at again once the type of proposal was going to be chosen?

EDUARDO DIAZ: I look at these DTs and their scope, and there are things there that are focused to registries, ccTLDs and stuff like that. Anything that has to do with changes to the root zones and NTIA being involved, they're the types of DTs... Like Avri said, we might have to fine-tune them depending on the final direction the group takes.

OLIVIER CRÉPIN-LEBLOND: Looking at all of the list here, it looks like the great majority of the Drafting Team topics will not be affected by the charts that [unclear 00:29:54] on the type of structure. We'll have to see, obviously. As was mentioned, these are just DTs, and we'll go through the whole group afterwards. I certainly am not quite sure when we are going to be making that choice or option at the end, but certainly I hope that many DTs will have completed their work by then, so we can just slot these specific parts in the text. I'm glad that during the previous CWG IANA call today, we're now linking the Drafting Team work with specific locations in the proposal itself.

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Any further questions or comments on these DTs? I hope you can all either join at least one Drafting Team or that you're able to contribute to the Wiki on these. There are important small bits that need to be put there. Tijani?

TIJANI BEN JEMAA: What you said at the end confused me a bit. You said the output of each of those DTs will [help 00:31:45] the final proposal?

TERRI AGNEW: We'll check Tijani's line.

TIJANI BEN JEMAA: I said what you said at the end confused me a bit, because you said that the output of each of those DTs has its precise place in the final proposal. I don't understand this.

OLIVIER CRÉPIN-LEBLOND: There is a link-up being made between the work of each of the DTs and the text the DTs is going to propose, and the location that they are going to go in the overall report. Sometimes it's just a vague location, but at least one knows where the output of the Drafting Team is going to go, rather than coming up with an output without really knowing in what context and part of their proposal these should take place. Does that help you, Tijani?

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**TIJANI BEN JEMAA:** May I follow up on this? How come if the final proposal is not yet known, do we have three different parts of the proposal that can be made? They are absolutely different. There are at least two that are absolutely different. How can each Drafting Team have their place in the solution, whatever it is?

**OLIVIER CRÉPIN-LEBLOND:** The proposal itself is in several sections, which have been mandated by either the ICG or IANA themselves, I can't remember, but there are several component parts that do not change as far as numbering is concerned, and it's the contents of these component parts that will change between one proposal and another, but the structure itself of the report is already set, I believe. Avri, did you want to add onto this?

**AVRI DORIA:** When I raised my hand I didn't know I'd be adding onto things, but I think it goes beyond the report. I think an analysis was done of all of the model possibilities, and certain things rose up as being issues in them. For example, almost any of them are dealing with IANA SLAs - DTA - and any of them is going to have to deal with appeals mechanisms for ccTLDs. Almost every one of the models had some form of CSC. There is an authorization function that needs a solution that needs to be dealt with. There's the relationship between NTIA, IANA and the root zone maintainer that's a pending issue that needs to be resolved. These are largely independent of the models.

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The models may change the who who's doing this, but they won't necessarily change what needs to be done in any great sense. The interfaces between some of these things may change in different models, but by and large these problems need to be solve. .inc operations, what are we doing about that? That's not something dealt with in any of the models, but needs to be dealt with by all of them. The one that I took, DTN, which was periodic reviews, how those reviews are perhaps done would be somewhat changed - or certainly who does them might change in a model - but notions are how often these things are needed, and what kind of things they need to review would be more dependent upon the IANA function itself, than the solution we come up with for how to do oversight or how to do separability, or how to deconstruct the [MRT 00:37:40], which is still a very pending thing.

I think that's the the idea. Now, the border between the what and the who and how based on model may be fuzzy at the edges, but I think what we're finding is that a lot of the work that needs to get done of the what it is that needs to be dealt with in these issues remains fairly consistent across the models, with some variation. As an aside, by diving deep into some of these details, we may actually reach a point that says, "Oh my word, this could come out very different based upon the model," and then it becomes important to flag that for the model discussion. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Avri. Tijani, has this answered your question?

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TIJANI BEN JEMAA: Yes, very well. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Okay. The floor is still open for questions or comments regarding those DTs. I don't see anyone with their hand up. Let's look at the second part of the CWG IANA section, and that's to do with the legal advice update. The Client Committee has signed with Sidley Austin LLP, and there has been a kick-off call that's taken place of the Client Committee. There are a number of ways to follow the discussion between the Client Committee and the legal team. The first one of course is the Client Committee mailing list, which are open to observers, I believe. Anyone can go on there and find out the interaction between them. The Client Committee are now acting as some kind of liaison between the CWG and the legal team.

I know there were concerns about this. We discussed these during our last call, and the first question I was going to ask was whether the ability to be on that mailing list was a way for us to be less concerned about the transparency and about the way the advice was being transmitted and received, or the interactions were being made with the legal team. When I mean legal team, I mean Sidley Austin LLP. One concern that I did flag on the Agenda was a quote from the Client Committee kick-off call where the idea was that email exchange on the CWG client list would only be for administration such as securing a time for a



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conference call. I wasn't quite sure how the discussions were going to take place.

It says here most assignments are discussed by phone, recorded and transcribed and confirmed by email on the public mailing list. But that provides then with an afterthought... Anyway, I think you get my drift on this one. Are we okay with the transparency now that there's an ability to observe or listen in on the calls, and there's also the ability to be an observer on the mailing list? I see a tick from Cheryl. The floor is open for comments or questions. Gordon Chillcott also shows he's okay with this, and Alberto. I note Eduardo has put his hand up. There are two people signed up as observers so far, Alan and Eduardo. Eduardo, you have the floor.

EDUARDO DIAZ:

It's funny, because I just subscribed to the mailing list today or yesterday, but I haven't seen any traffic from it yet since then, so I'll see how that goes. Because having a mailing list for openness and transparency doesn't mean the background discussion going on... I'm not saying it's not happening, just that it can happen, that we'll know. In any case, being able to be an observer in this, I found it very good. We'll see what happens.

OLIVIER CRÉPIN-LEBLOND:

Thank you. someone else, during the last CWG call on Tuesday mentioned the same thing and said they've looked at the mailing list and haven't seen much interaction. The response was they weren't sure

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whether the interaction has taken place using email. I'm not sure. Maybe we have to ask the question as to what that list is going to be used for, and how we can make sure transparency is achieved, especially since I don't think anyone is in a position to forbid the client or legal teams to talk to each other by another means. Any other comments or queries? During our last call we had a follow up about asking for more people to be on the Client Committee.

I trust that if we're satisfied with the ability to have observers on the list and listening on the calls, we're not to ask for additional members of this Client Committee? I don't hear anyone speak otherwise, so I guess that's fine. I note some comments from Carlton in the chat. Carlton is unable to speak. Regarding legal advice in these matters, you look at what the instructions to counsel outline and how they communicate the engagement letter, which is called the brief in Carlton's part of the world, is carefully drafted. Not a whole hell of a lot to cattle down, until we see what is operationalized. Indeed, the engagement letter is linked here, and you can look at it. I note we'll also have Leon signed up as an observer. Leon?

LEON SANCHEZ:

Thank you. With regards to transparency I think that so far the calls of the Legal and Client Committee will be public, and they will be recorded and transcribed. I think that will help to ensure this transparency. With regards to being able to provide some input to this Client Committee, I would think that while the mailing list dedicated to the Committee will be rather constrained or short into being able to provide input to that

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email list, I also think that if we are following the discussions of the Client Committee we can always provide any feedback with the general list. I think there won't be any reason for the Client Committee not to take into account any concerns raised in the list.

I think that so far we can trust that there will be a good level of transparency with regards to how the Client Committee will operate with external counsel. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you Leon for this further explanation. Any other questions or comments? It looks like we're set on this so far. There was just a question that was asked a while ago - whether there would be some of the legal team available to the CWG in the forthcoming meeting in Istanbul. There was a poll taken during the last call, and I gather the Co Chairs are looking at the pros and cons and the ability, cost-wise, to be able to have someone from that legal team available locally in Istanbul. I gather this is just me speculating - the alternative would be for a member or several members of the legal team to attend some of the meetings remotely. Leon?

LEON SANCHEZ: I have some information regarding that. It's been said that at least one or two of the members from the legal team will be able to make it to the face-to-face, so I think the legal counsel will be on site, and while there hasn't been any definition of how they'll interact with the larger group, I think they will be present in Istanbul.

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OLIVIER CRÉPIN-LEBLOND: Thank you for this Leon. That would be great, to have someone locally. It will be a lot easier than having people joining remotely and telecommunications stop working. I think we've gone around the Client Team as well. Any further questions on legal? None for the time being. As you can see, we're all in the expectant time of seeing the DTs move forward and come up with the first proposals and seeing the Client Team start getting some answers to the questions we've asked regarding the different proposals, before Istanbul. That's not a given at the moment. Yes, there is a baby gurgling behind me. Anyway, with this I hand the floor over now to Leon, who's going to take us through the CCWG Accountability. Leon?

LEON SANCHEZ: Thank you Olivier. I just want to say for the record the [unclear 00:50:57] [on any baby] not mine. The gurgling is not mine. With regards to the CCWG Accountability track, so far we've continued to work on defining the different templates for empowering the community as regards to Working Party 1, and just a little reminder of how we're dividing the work in the CCWG at this stage. We have divided the work into Working Party 1, that deals with those powers that we want to see the community have in the future of the Board transition, and also Working Party 2, which deals with the review and mechanisms that should be put in place with regards to the transition as well.

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We also have a Stress Test Party led by Cheryl. She's done a terrific job, along with Silvia, at stress testing the different situations of the transition that hold a risk for ICANN and the community. As I was saying, the work that's been done has so far been around designing the recipes of the cookbook, in which the different empowerment mechanisms and the review and address mechanisms should be built up. So as you may recall in our last call, I [unclear 00:53:03] that has been filled with GAC advice, and how there were these concerns, and maybe having the threshold risen or lowered by the Board to take full consideration of the GAC advice. We're continuing to build those recipes of the book.

I think it was the process to go through each of them. We have little time. We've so far built 20 templates. I invite you to take a look at the Wiki page of the Accountability Working Group in which you'll find all the information regarding each of the Working Parties. Of course, feel free to ask any questions or raise any concerns. The next point would be the legal advice update. You may remember that the CWG has just engaged with Sidley Austin LLP, and the CCWG is on track to engage with legal advice to provide an external independent advice to the group. We might also be engaging as well with Sidley Austin. It would be the most logical thing to do; the most convenient.

However we are on hold with them so far, and we'll hold a brief call between the members of the legal sub team in the CCWG and discuss whether we consider Sidley Austin might have this skillset and expertise that the CCWG is looking for. While the CWG have considered they are the right law firm to provide advice, we have to remember that however

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similar our work is, we may have some differences that could rule them out. We're going to have a brief call on that. We're also looking into having a call with another law firm that was already ruled out by the CWG, but they have the proper skillsets for the CCWG. I could say that we need to have the call with this other firm just to rule out that Sidley Austin would be the right firm and we're not doing things in a rush.

So we need to confirm and we need to have this call with this other firm to check their skillset and experience and compare with what we think is already a good option for the CCWG. This call may happen this week or next week, so I guess I might be in a position to update you as to whether the legal sub-team has come to a final decision on engaging a particular law firm, or whether we'll still be in the process. This is what I have to say. I don't know if anyone has any questions on this update?

OLIVIER CRÉPIN-LEBLOND: I'm not sure whether I missed some of what you said. Did you speak about the different deadlines and how Work Stream 1 was going to pursue forward?

LEON SANCHEZ: I'm sorry, I couldn't hear you.

OLIVIER CRÉPIN-LEBLOND: Leon, had you already spoken about Work Streams 1 and 2, and especially the timetable for Work Stream 1 to come down to Istanbul, and some of the work that will take place there, and the deliverables?

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LEON SANCHEZ:

I was just about to jump into that part of the update. The result of the concerns that two teams were engaging with the law firm that would provide the legal advice might have an unintended consequence. It needs to adjust the timeline of the CCWG, and this is a consensus we're rapidly approaching with our face-to-face in Istanbul, and of course the main point would be to try and have a first draft proposal for public comment. With regards to this we really need to be up to speed and finalize engagement with the law firm, so we'll try to avoid any adjustments to the timeline.

With regards to your question about Work Streams 1 and 2, the timeline, as you might be aware, is a very aggressive one. We're at all costs trying to stick to it. We're aware that we must provide the best option in the least time. So the question here is if we want to do it right now or right. We are trying to stick with the timeline, but we're also mindful that any solution of proposal that we come up with is the best proposal, and we'll address all of the concerns, not only from the community, but also from the NTIA with regards to the transition. There might be a chance that there would be an adjustment to our timeline. I'm just thinking out loud.

It hasn't been discussed so far, but the chances are that we might need to adjust our timeline with regards to the approval of the Work Stream 1 proposal. As you might be aware, the timeline aims to put this proposal in the hands of the Board before the Buenos Aires meeting so they can discuss it and maybe approve it in the Buenos Aires meeting. The

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adjustment we're looking for might be to put this proposal in the Buenos Aires meeting so the Board can review and maybe approve it a couple of weeks later. While not being a very serious deviation from the original plan, it would of course be an adjustment that might be made. I don't know if that answers your question, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you. Indeed, that answers my question totally.

LEON SANCHEZ: Now, with regards to the internal procedures of the Accountability Working Group we have established coordination with our rapporteurs, because so far we were working in co chairing the team. It was raised that there needed to be more coordination between the co chairs and the rapporteurs, which are the ones that are really doing this hard work and making the train move. As of this week we began having coordination calls with the rapporteurs. They will be collaborating with us in our prep calls and debrief calls as well. This might help to achieve a better process and a smoother working method within the CCWG. This will continue to happen, and the rapporteurs will be acknowledged as the important part in the group that they are.

Then the tricky one that was raised in our last call, I'm not sure if we did reach a position from the At-Large community point of view, on whether the ICANN jurisdiction change issue should be considered or classified as Work Stream 1 or 2. I'd like to open the floor for anyone to comment on this issue. I would put on the table some considerations before we



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discuss the subject. One of them is, as I stated on my last call, any hint on having ICANN's jurisdiction changed before the transition takes place might derail the whole process because of the political issues in the United States. That is something we need to consider.

Also, another situation that needs to be considered is the fact that if we wanted to push this change in jurisdiction through for Work Stream 1, this is a very complex move and I'm afraid we wouldn't have time to accomplish implementation of a jurisdiction change of ICANN before the transition, and that might also be a factor for derailing the process. Having put those two considerations on the table I'd like to open the floor for discussion and trying to come to a consolidated decision, because there will come the time in Istanbul for us to put this decision on the table, and maybe try to build consensus around it. Anyone with thoughts or comments are very welcome. Tijani?

TIJANI BEN JEMAA: Leon, I'd like to ask a question.

TIJANI BEN JEMAA: Sorry, Tijani, I can't hear you.

TIJANI BEN JEMAA: I'd like to ask you a question. When you say that you put it for Work Stream 2, do you mean we don't mention it at all? As you know, in Work Stream 1 those two items [unclear 01:09:07], and one of the things [unclear 01:09:10] is that ICANN [unclear]. So can we ignore it;

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what we want to put from the [unclear] but not at this point, for Work Stream 1? And then in Work Stream 2, do we say that the situation as it is now means that we will mention it in the bylaws, but ICANN should be [unclear 01:09:50], and then [unclear] consider the consequences? How do you see it?

LEON SANCHEZ:

I am not sure if I'm hearing your question right, because to me your line is breaking up. If I understood it well, your question is should we avoid mentioning the jurisdiction change, or should we acknowledge it and also consider it as a Work Stream 2 issue. Is that right?

TIJANI BEN JEMAA:

Yes, that's it.

LEON SANCHEZ:

Thank you. Well, the intent would be to acknowledge that it's a major concern to some members of the community, but also classify it as a Work Stream 2 issue, because from a certain point of view it's not only not necessary to take place before the transition, but also it's the situation that of course we should need a deeper discussion with the wider community. So while we acknowledge it's a concern, we're also mindful that this is something that can't be addressed at this stage - at least not with regards to what we need to have in place before the transition takes place. I don't know if that answers your question.

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TIJANI BEN JEMAA: It's wonderful. I do agree with your point and I applaud you.

LEON SANCHEZ: Thank you very much Tijani. Any other questions or comments with regards to this point? I would now like to confirm just the temperature here - whether we're in agreement that the jurisdiction issue should be acknowledged as a concern of the community, whilst classifying it as a Work Stream 2 issue. Could you tell me, with your ticking sign? Cheryl agrees, Gordon agrees, Tijani agrees, Olivier agrees. I still see many ticks missing, so I don't know if we're in agreement here. I would say I think we are, since I see no opposition. Okay. Thank you very much for this exercise. I think we have a solid position within the At-Large community.

Now, the expected output of the Istanbul Meeting, as I was mentioning some minutes ago, would be to have a first draft proposal on the accountability track on Work Stream 1 for public comment. This will be a very ambitious call. It's a very challenging one, but we feel that we are in a position to achieve it. So far the work that's been done has been very fruitful. We feel we've made very good progress. The rapporteurs have done an excellent job in all the tracks that they've been committed to, and I think we'll be in a position to have a first draft proposal by the end of our Istanbul Meeting. There will be wider discussions in the group with regards to all the mechanisms on Work Stream 1, and Work Stream 2, and the stress testing, which has proved to be a very controversial issue within the group.

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While the Stress Testing Group has done an amazing job, of course some stress tests have raised concerns among different members of the community. This is going to be a topic in our Istanbul Meeting - stress testing and reviewing mechanisms. I foresee this will be a stress test itself. As Cheryl has pointed out, as should be expected with stress testing, yes, I think the Istanbul Meeting will be a stress test itself. We're also looking at a tentative mid-May face-to-face meeting. In our timeline there is a third face-to-face meeting of the CCWG, and we haven't had the possible venue still. There has been some tentative venues put on the table.

One of the things that's been discussed is that anywhere it takes place, because it's in May, it shouldn't be in Europe - as we're about to have our second meeting in Europe, so we'd expect the first one wouldn't take place in Europe. We're encouraging to have this meeting anywhere in the world but Europe. So all continents are open. There has been some venues mentioned in Asia, some in Africa, some on the American continent. So we still don't have a clear view as to whether it will take place on any of these continents, but I can tell you that the one that's been ruled out is Europe. While the aim of this meeting would be to review all the comments from the PCP and of course try to refine the proposal that would be put in front of the Board at our Buenos Aires Meeting, or if we stick to our timeline, then before the Buenos Aires Meeting.

Does anyone want to comment on this, first, with regards to the meeting and then with the tentative May meeting that will take place anywhere in the world, but Europe. Tijani?

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TIJANI BEN JEMAA:

Thank you Leon. First of all, I do think that for Istanbul... Let me tell you that in Work Party 1 where I'm a Member, there is a [unclear 01:19:14] may not happen during this year, so people see that we don't have to hurry, we don't have to rush. We have to give time to everything so that we're not obliged to finish things because we're afraid that we'll miss the deadline. This is the first point. The second point is that for Istanbul I think we'll have something. Perhaps it won't be a full proposal or include everything, but there will be something finished, and I think there will be a group in Istanbul. Third point, about May, why not [unclear 01:20:17] where you will be in 2016?

It would be a [unclear 01:20:23] good weather there. I have something that I want to submit to this group for opinion. In Work Party 1 we are presenting accountability mechanisms, and one of them is recalling the whole Board. In the proposal that the people who worked on it, they said that the standard should be examined and not subjective. The standard would be the community opinion. I objected to this point because I do think that recalling the Board is a very serious decision and the consequences are very important. We cannot submit it openly like this to anything. We have to define the standard, and it has to be objective - not on my mood today or the mood of this constituency today, to say, "We must recall the Board." It must be against very objective standards.

The answer or response I got was, "Yes, please give us some, if you have it." I'm asking all the group to propose if you agree first, with my point

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of view, so if you agree with my point of view please propose any kind of standard you think would be valid for recalling the Board. Thank you.

LEON SANCHEZ:

Thank you Tijani. With regards to your first comment on having a realistic timeline and an expectation of our meeting in Istanbul, yes, you're right. It may be difficult for us to have a proposal that encompasses all concerns and all mechanisms. That's absolutely right. I don't think we'll be in the position to have a proposal that complete at the end of our Istanbul Meeting, however the position of the Co Chairs is that we have to try to stick as much as possible to the timeline, because if we don't stick to the timeline at least ideally, we'll relax the working rhythm of the Working Group, and that is something that would lead us to a very serious deviation from our original timeline.

As I said previously, we will be having a deviation, but the fact that we try to stick to the timeline as much as possible will lessen that deviation, at least in our minds. Yes, we need to be realistic and we're aware it will be difficult for us to achieve the goal of having a complete proposal by the end of our meeting in Istanbul, but we also want to stick as much as possible to our timeline. Then regarding your second comment, it's also linked to what I just said. The aim would be to have a proposal, and we are aware that this would be an initial proposal, and this would be set by the PCP.

We'd gather all the comments from the different stakeholders in the community to try to build them up into a second draft proposal, and this

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would be the aim of the mid-May meeting that we're looking for. Your line broke up when you were talking about the possible venue for the face-to-face May meeting. I could hear that we should also be avoiding any place that's so far been considered for 2016 - is that right?

TIJANI BEN JEMAA: No. I proposed that we go to Marrakech, so that we can see what type of venue we'll have in 2016. Thank you.

LEON SANCHEZ: Okay, so that will be a stress test for Marrakech.

TIJANI BEN JEMAA: Exactly.

LEON SANCHEZ: Yes. Actually, that's one of the better ones that's been mentioned. I wouldn't want to go deeper into the venues that have so far been discussed, because none of them something already done. I don't want to create any expectations from the group, but I can tell you that yes, venues on the different continents have been mentioned, and we'll continue to work with staff to locate the most feasible and convenient venue for the group that brings the regional diversity into the CCWG work, as is intended by the ICANN philosophy. With regards to your last comment on recalling the Board, as you've pointed out, this is a very serious situation. It's something we need to look at very carefully.

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Yes, we're considering Sydney, Cheryl, just to your comment. I think that would be convenient for you as well. Avri's comment on the chat is that she wants us to create a community veto that the Board overrules it. That could be one [neighbor of a Board vote 01:28:17]. Another one might be a refusal to go along with an IAP or IRP ruling, and that's one of the options. But we need to take a deeper look into the different mechanisms and triggers that would enable the community to spill the Board. We would also need to take a very careful look at once we've established those mechanisms and triggers, we should also consider whether we should only be speaking about spilling the Board as a whole, or should we be speaking of also recalling individual members, as has been discussed in many calls in the CCWG.

How would these individuals need to be recalled? So far the many options that have been discussed encompass the one that says that the community, as a whole, should recall the Members individually, or would be able to. Another option is that the NomCom could recall the Members appointed by the NomCom, which I think has already been ruled out, but it's also an option that's been put on the table. There's also the question on whether the different communities that are represented on the Board should be the ones to recall individual Members. So there's still a very wide discussion, and the need to take a thorough consideration on these mechanisms.

As Avri pointed out, this complexity makes it a Work Stream 2 issue. Whilst spilling the Board as a whole is considered a Work Stream 1 issue, we also acknowledge or are mindful that establishing these other mechanisms to recall individual Members or maybe have a vote of no



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confidence on the Board should be considered Work Stream 2 issues, because of the complexity of their design and implementation. I don't know if that addresses your question, Tijani?

TIJANI BEN JEMAA:

Yes, exactly, it addresses the question. If someone thinks we have to have an objective standard for recalling the whole Board, please provide me with your thoughts so that my proposal will be reflecting the whole At-Large community's point of view. As for recalling individual Members, in Work Party 1 there's now consensus that that must be in Work Stream 2. Thank you.

LEON SANCHEZ:

Thank you Tijani. Any other comments or questions around this issue? No one raised their hand. This is just a comment for our colleagues that are commenting in the many groups or subgroups within Working Party 1 or 2, and the Stress Test Working Party. A very important part of the work you're doing will lead into legal questions that should be put in front of the law firm that we engage with. If you could help us as a Legal Sub-Team to have these legal questions as soon as possible... I'm aware you haven't finished your work so far, but I'm also mindful that the program we're making, maybe legal questions might have [horizon 01:33:06] already.

So if you have those legal questions in mind, and you could put them forward to me or any other Member of the Legal Sub-Team, that would be very helpful for the work we're trying to do here, and of course it will

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speed up the process for getting the right legal advice and trying to accomplish our goals in the timeline sense. Now I think this is everything I have to update you on, on the CCWG on Accountability. I'd like to go back to Olivier for Any Other Business.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this update Leon. Thanks for the input that we've had in this Working Group, and with this I open the floor for Any Other Business. I don't see anyone. Leon, just one question for you. As far as coordination between our representative on the CCWG is there any regular coordination that's needed at some level, or are the current arrangements fine, in your view?

LEON SANCHEZ: You would definitely need coordination between the two groups. So far the coordination has taken place at the Co Chair level, but I do think - and I would encourage those that are collaborating [unclear 01:35:16] to have maybe a coordination call or a mailing list, on which we could try to synchronize what we're doing. Part of this call objective, of the call that we're holding right now, is trying to coordinate a report, but at some point there might be a need to have a deeper or more detailed coordination between us. So yes, so far I haven't considered any mechanism for this, but I'd welcome any ideas on how we could better coordinate between the two groups.

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OLIVIER CRÉPIN-LEBLOND: That's great. Thank you for this. Tijani?

TIJANI BEN JEMAA: Sorry Olivier, it's okay. Leon has said everything.

OLIVIER CRÉPIN-LEBLOND: Okay. Any Other Business? I see no one with their hand up. Now we have to decide on a Doodle for next week. This is the week before the meetings in Istanbul. Are we okay with a Doodle with a similar set of times as we've offered on this occasion? Or do we wish to have different timing? I see a green tick from Leon and one from Beran. We're okay with the timings. I don't see anyone suggesting different times. Let's have a Doodle again on the same sort of timings. I think that again, because there are two meetings of the CWG - one on Tuesday and one on Thursday - it might be worth having our call at the same time as this week, as we have for the second week running. I'm just wondering if that could save us a Doodle.

In other words, it would be 30 minutes after the end of the CWG on IANA stewardship transition call. Are there any objectives to this? I'm turning more specifically to people in the Antipodes who are having to...

CHERYL LANGDON-ORR: We can object until the cows come home. It won't make any difference.

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OLIVIER CRÉPIN-LEBLOND: Okay! I'm just trying to be as fair as possible. I'd even be ready to wake up in the middle of the night and run a call, but obviously it's also difficult to get...

CHERYL LANGDON-ORR: I love the appearances of helpful democracy. Just get on with it, Olivier!

OLIVIER CRÉPIN-LEBLOND: Thank you Cheryl! Oh well, we'll just have to have it at the very convenient time for me of 12:30 UTC. Let's have it at the same time as this week then, the call. I think we've managed to find a time that's quite convenient as far as the coordination is concerned, and also of course the CCWG has its calls as well at the same time, so we can have a good update. Friday is too late. Thursday is usually a good time. Maybe have an extended Thursday afternoon set-up slot, if we could please, on this Terri?

TERRI AGNEW: Certainly.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much. With this I'd like to thank our interpreters - Veronica and David, for having remained an extra 13 minutes beyond the allocated end of the time. Thanks to all of you. Thanks to all of you for your input. We have an enormous amount of work in front of us, but

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we're slowly chipping at it, and hopefully we'll go through this and find solutions and answers, and make ICANN... [audio cuts out 01:40:05].

SPEAKER:

This conference has exceeded the time limit for a single participant call. You will now be disconnected. Goodbye.

**[END OF TRANSCRIPTION]**