TERRI AGNEW:	…and ICANN accountability call, taking place on Tuesday the 9th of June, 2015 at 14:00 UTC.
	On the call today, we have Yasuichi Kitamura, Cheryl Langdon-Orr, Olivier Crépin-Leblond, León Sanchez, Gordon Chillcott, Eduardo Diaz, Tijani Ben Jemaa, Jean-Jacques Subrenat, Sébastien Bachollet, Seun Ojedeji, Alan Greenberg, Loris Taylor, and Fatima Cambronero.
	We have apologies from Maureen Hilyard, Alberto Soto, and Heidi Ullrich.
	From staff we have myself, Terri Agnew.
	Our Spanish interpreters today are Veronica and David.
	I would 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:	Thanks very much Terri. Olivier Crépin-Leblond speaking. And have we missed anyone in the roll call?
	Hearing no one, the roll call is complete. This agenda is going to be primarily, yet again, on the, first a quick update of the ICG, then we'll have a discussion on the latest developments in the CWG IANA stewardship. Looking at our main topics which remain for us to fight for, I guess, or to be resolved, find a solution, primarily the escalation PTI Board composition.

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.

I think is on, but primarily I think escalation, best level expectations. We've had a document that has landed in our mailbox in the past 24 hours on this, and [inaudible], aspire to having the final document that will be sent over to the different supporting organizations and advising committees.

And then we'll have a second part of the call that will deal with the cross community working group on accountability. León Sanchez will be leading this. And that will be a follow up of the call that happened just a few hours ago, hence the agenda is not updated yet, and perhaps, León, could you update it as we speak now, and then we'll be able to reload it in about an hour's time.

[CROSSTALK] …changes to the agenda? Yeah, thanks for this León. Any amendments to this? I don't see anyone putting their hand up, so the agenda is adopted. And the action items in agenda item two, were just to do with the Doodle call for this week's call. So let's go directly to agenda item number three, and see what has been going on in the IANA coordination group.

I'm not sure whether Mohamed or Jean-Jacques would like to take the floor on this. I see that Jean-Jacques Subrenat has put his hand up, so Jean-Jacques, you have the floor.

JEAN-JACQUES SUBRENAT: Thank you Olivier. Hello all. As was the case already last time, I didn't have much new stuff to report from the ICG. I confirmed that the main preoccupation item on our agenda, on the ICG, is about timelines now. As you can imagine, it is as a result of two things, on the one hand, that

some of the operational communities have been a bit slower than was anticipated in submitting their proposal.

And the second element is the letter from the administrator of the NTIA to various people, including the chairs of the ICG, in order to ask for some indication of how we [inaudible] and the communities represent. They considered that may or may not be spilling over of the timeline, or delaying the timeline to be clearer.

So, we send out, at this hour, the signal [inaudible], at our last meeting. The ICG has sent out letters to the operational communities, and also to the chair of the Board of ICANN, asking for elements which we could include in our response to the NTIA about meeting those timelines. So much for timelines.

On the other hand, there was a discussion among the ICG members about some aspects of how the final proposal would be presented. And some of them were arguing, this is my case, that we should really not only stay sharp the various elements received from the operational communities, but also include some added value. So the discussion was about, oh, about, but we're not into the past, creating artificially value by the ICG, to justify, in a way, our existence.

But finally, the discussion resolved on the fact that yes, the ICG has a duty to try to add value by highlighting, and by perhaps giving background, and giving more depth to the elements we have received, or will be receiving, and which, for the most part, on the technical nature.

This may sound like a bit of a philosophical issue, but that's where we are now. And we will see more clearly our task ahead when we get the responses about the timeline, and remember that the trick work, or the important word in the timeline discussion, was implementation. So that harks back to the discussion we had last time.

That's all I had to say for this time. And I hope Mohamed is on hand to complete that and give more insight. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Jean-Jacques. Olivier Crépin-Leblond speaking. And looking at the list of participants, I don't see Mohamed at the moment. But are there any questions or comments with regards to what Jean-Jacques Subrenat had to say on this?

Jean-Jacques, it's Olivier speaking. I had a question that has come up last week, and now that we are seeing a better, a more complete… We're reaching [inaudible] complete version of the names proposal, do you see the ICG having to perform any major amount of work in bringing the three proposals together?

Because I believe that the ICG has already looked at the CRISP proposal, and has already looked at the ITF proposal. What's the plan from here onwards? Do you foresee any stumbling blocks which might require having to go, either go back to the drawing board, or having to get the communities to work together?

JEAN-JACQUES SUBRENAT: Yes, thank you Olivier. This is Jean-Jacques. That was really part of the discussion over the [inaudible] mainly, over the past one or two weeks. There were some of my colleagues on the ICG, who very clearly started out by saying no. Our task is to simply layout, as we receive them, the three proposals from the operational communities. And we stitch that together, and it's a nice thread, and we send it off to NTIA via the Board of ICANN.

And some of us argued that was not really what would best reflect the intention of the ICG in being created, and that we should see in which way we could properly add value to these tasks. [Inaudible] the commonalities and also the differences for incompatibilities, if any, between the three operational communities planned.

So this discussion is not entirely overlooked, but we are going towards a mixed solution, which has yet to been formally approved, of setting out the three operational proposals, with an overview, or what do you call it? A process or conclusions, that would highlight some of the more important points. A sort of executive summary whether it's at the beginning or the end. Does that answer your question Olivier?

OLIVIER CRÉPIN-LEBLOND: Yeah, that's great. Thank you very much Jean-Jacques. Olivier speaking. I don't see anyone else putting their hands up, so I think we probably need to move then to our next agenda item. Thank you for this update Jean-Jacques, very helpful. And hopefully, we will have an answer with regards to this timeline very soon.

And so we can now move to the CWG IANA work…

JEAN-JACQUES SUBRENAT: Olivier, just a moment.

OLIVIER CRÉPIN-LEBLOND: Yeah, Jean-Jacques, please go ahead. Jean-Jacques Subrenat.

JEAN-JACQUES SUBRENAT: Yes, sorry. I should have mentioned this earlier. This is Jean-Jacques. Just to remind some of you who are interested that our next ICG meeting, number 18, is programmed for tomorrow actually, the 10th of June at 12:00 UTC. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Jean-Jacques. 12:00 UTC tomorrow, you say is the next one. If you could please put it in the chat [CROSSTALK]…

JEAN-JACQUES SUBRENAT: Yes.

OLIVIER CRÉPIN-LEBLOND: Yeah, type it in the chat so that's recorded as well. Everyone can see, thank you.

Now, Olivier Crépin-Leblond speaking. We have the next agenda item, number four, cross community working group on IANA stewardship. There was a call that took place last week, with continuation of the work, looking at the comments that have been received. There has

been an enormous amount of activity on the mailing list, and the latest version of the final proposal being forwarded to the mailing list.

Unfortunately, my computer was out of action over the weekend. I did not forward the latest copy to the IANA issues mailing list. I'm not sure if anybody else has, but if you haven't seen it, then I think it would be worth forwarding this over to that mailing list, because it's of course, worth a read. There has been plenty of feedback. We have seen some, certainly some response. So yeah, so well that's the first thing on the table.

That thing took place, that took place last week. So I think we could take this out of the, that was a presentation that took place the week before last week, in Geneva. And last week we had a similar presentation that took place over in the EuroDIG in Belgrade, that went very well as well. What we're particularly interested now in, I guess, is first the answers, or the final, I believe it is the final report of GTA, the service level expectations.

I think that Alan will probably be able to correct me if I'm wrong on this. I've seen the latest copy in the email. There is also the escalation process with escalation flowchart, and I wanted to have a good look at the escalation flowcharts. Check if we are okay with the escalation to GNSO and ccNSO. Alan pushed back during the last call, the last CWG call.

No one else followed up. I followed up by email. There has been some pushback. I haven't been able to respond because of issues. I'm not sure where we are now. So it will be helpful to look through. And look

at the separation. I've also obtained some feedback from members of the At-Large community, regarding what's currently being setup, and the concerns from some, that we are setting the IANA for a separation, setting it up for an ultimate separation, regardless of what the performance will be, due to a number of loopholes that might be seen there.

And are therefore, there is some grave concerns about where we are, and what this overall proposal is going to include. But I think we need to start discussing things point by point. So let me see if there is, I don't see anyone putting their hand up yet. And I think maybe we can start with the, well, Alan Greenberg, should we start with the service level expectations? And have you had a chance to read through these? The ones that have been sent over to everyone?

So just to remind you all, the service level expectations are the ones that are replacing the service level agreements that IANA has signed with NTIA. The group was, of service level of expectations, I think essentially, nearly essentially composed of registries, because they argued that it was their business that service level, I don't think there was any argument about that.

You know, nothing against it. So they came back and they wanted to improve on the service level agreement. So they have higher service level expectations. However, I have read through the, some of the feedback of previous times, when service level, the service level agreement had difficulty being reached, and in fact, IANA behaved very well. So they only had a couple of problems, which actually were

caused by the registry not answering in time, and therefore delaying the whole process.

And I have a concern that if the registries don't actually perform their part of the deal correctly, that might put the IANA department into a breach of its service level expectations, depending on how they, how these are drafted. Unfortunately, I haven't had a time yet, or chance, to read through those new service level expectations. And I open the floor for a discussion on this.

And what's currently on the screen is not related to the service level expectations. That's the escalation flowchart, which we will be speaking about, in a moment. Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you very much. I can add no real wisdom to this, but I can add a few things from the various discussions. There is certainly is an understanding that the current reported service levels, incorporate not only the IANA time to provide the service, but the response time of the registry which is embedded in the middle of it. And they currently, my understanding again, is that they didn't have a ready mechanism to separate those two out.

But there is an understanding that is indeed an issue, and that some of the poorer performance that we've seen over the last number of years, doesn't happen often, but it does happen, especially from some ccTLDs that don't pay all that much attention, are attributed to the registry delay in it. So, I don't know what the current level of SLEs are. There has certainly been a fair amount of pressure from some people, to say,

let's just keep them the same, and you know, see if we can develop something better as we go along.

I think there is an understanding of the issue. I don't really think this is an issue where anyone at this point says, we will be able to use this to setup IANA. It's not at all clear that a move to IANA is going to benefit registries. Again, if the registries were a really self-contained cohesive group, of you know, large ccTLDs, or large gTLDs, one could imagine a scenario where they would try to achieve some other end, or try to move IANA to a group run by them, or something like that.

But given the range of groups involved, that doesn't seem all that likely to happen, and so the answer is, I don't know what the current version is. I've been focusing on the accountability issues for the last number of days, to try to get a grip on that. And I haven't paid attention to the SLE document that did come out over the last 24 hours.

But I'm not particularly worried about it. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this Alan. Olivier Crépin-Leblond speaking. So just, last, quickly, the document, and it appears that they are asking for a small improvement to the service level expectations. They had a… The group had a call with IANA staff yesterday, and with ICANN staff, and they are working towards something on there.

I would say, I do agree with you, that if they are doing these… If they're drafting these service level expectations hand in hand with the IANA department, I would imagine that this would not cause any problem for

IANA to be able to sustain those service levels. But the question still remains, is there, does the ALAC think that service levels should be improved at the same time as the transition takes place?

Does this group here think that we should take the opportunity to do that? There are two points of view on this. Some are saying yes, it should, because we should continue to improve service levels at every available opportunity, and that sounds like the right opportunity now. Others are saying, well hang on, we've got already so much on our plate. Why should we do this on top of everything else?

Although let's just make sure the work is, has taken place. And is now on the table. So it might well be that we can proceed forward, and have those service level expectations included in the overall final proposal. Alan Greenberg, your hand is up.

ALAN GREENBERG: Thank you. I'm going to put on one of my hats from a former life of someone responsible for a large complex system. The cardinal rule that most people follow, who live in those worlds, is change is little as possible at the same time. And trying to ramp things up, and link things, but don't necessarily do them all at the same time. So I would totally support identical service levels, I would suggest, I would support an intense to clean up the service levels, so that we're actually measuring an IANA service and not someone else's problems at the same time.

And certainly, I target the let's get better as we can. But I really don't see a lot of need, and I say need, to change things which are working right now, have been working for quite a long time, and whether good

working relationships associated with all of the parties. So I would except things that the various parties decide, that a change is needed. I don't see it as one of the priorities that have to be done at the transition, or directly linked to the transition. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Alan. Olivier Crépin-Leblond speaking. I note that Eduardo Diaz has also put in the chat, "This should be done after the transition." And Sébastien Bachollet has agreed with Eduardo on this. And Sébastien asks, "Can we discuss, maybe at the same time, the transition and service evolution?"

I think that's a rhetorical question. Should we discuss both of these at the same time? But I see that the general mood here, unless someone thinks otherwise, the general mood here is that the improvement of the SLAs today is not something that is desirable, but at the same time, I don't think that it's going to be a deal breaker. I haven't seen anyone say, "Let's not [inaudible], if this improvement of SLAs is in there." But it's definitely not a focus for us.

That's helpful, I believe the SLAs are going to be discussed in the next CWG call, or which is going to take place a few hours for now. So that's going to be helpful for us.

Next the escalation…

ALAN GREENBERG: Olivier, it's Alan. Before we go on, yeah, one thing that's changed in the discussion in the last couple of weeks, is the registries have, I won't say

woken up, because there has always been a back room, a back discussion on it, but the registries are very concerned about IANA, once the transition is done, or perhaps once separation is done in some future transition, that the prices go up, and either they are direct prices charged by IANA, or ICANN has justification for raising its fees, because of the increased costs.

They're, I would say, painfully aware that the actual new architecture with the PT IANA corporation is going to raise prices already. And there is concern that raising service levels just for the sake of raising service levels, when they're really okay right now, is another opportunity to increase costs, which might be passed on to registries. And they are, they have a fear of that, that goes down to their souls, I think.

So that's been one of the things recently that is balanced. Let's get the best service levels possible. Let's change the 21 days to three hours and things like that. And that alone, I think is a reasonable statement, it's a reasonable fear, because these fears ultimately get passed on to registrants. They see these costs get attached to registrants. So it's a balancing thing.

And I really don't think this is one of those go to the wall issues for us anyway. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Alan. It's Olivier speaking. Actually I do have a question for you on this. You're right, you're absolutely right. They have raised this point. The question that I had was whether they had raised the point… I mean, whether this was a real issue, or not. The reason I ask is

because I always thought that the IANA function was provided on a zero cost basis. So I'm not quite sure where the issue of the registries being billed would come into this.

ALAN GREENBERG: Well, it's a zero cost basis, but it's a zero cost basis, by ICANN, which at this point, is in a potentially contracting budget situation, or having to address, perhaps significantly larger IANA costs. So, yes, it's not bill for as such, but ultimately what ICANN does bill for, for its various contracts largely with gTLD reigistrars and, to a lesser extent, registries, goes into the general funds, which funds, among other things, IANA.

So, the worry that if it's 10 million today, or whatever the number is, five million, 10 million, doubles, then ICANN has to find the money somewhere. So there is going to be a tendency either to reduce the service level, reduce the amount of money to IANA, which could result in a reduced service level, or have to find the money somewhere else, either divert it from some other project, or ultimately say, "We need more money."

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. It's Olivier speaking. And I'm not sure I can follow that, because the overall ICANN budget we have seen, is quite large. Looking at the budget of the IANA functions, that is barely 10% of the overall ICANN budget. If even that was to double, that would be a very small percentage of what ICANN would be passing on as costs to registries, if this was the case.

I do have a concern in that I have read, and I'm not quite sure of the context there, that I have read some registries say, "Well, maybe we should pay for the IANA services directly." And to me, that immediately raises a red flag regarding separation, and regarding the setting up of a separate IANA that would have nothing to do with ICANN. Very concerned here.

ALAN GREENBERG: If I may, Olivier. We've asked for very specific costs. So at least we can know what they are. And yes, sometime in the future, we could, IANA could bill either ICANN, the PTI directory, or PTI through IANA could bill, clearly that would be problematic for many of the ccTLDs, where their current amount of money going to ICANN is zero, or close to zero, and therefore wouldn't cover the associated services, or might not cover the associated services.

But anyone has ever been involved in large budget operations, knows that yes, if your budget is cut by 6%, it's only 6%, or if the expenses go up by 6% with other revenue going up, but you tend to not be able to cut out a single item of that $6 million, but it gets distributed around. Any time there is pressure, I mean, if you look at the things that At-Large have not have funded at times, or times where we've had cutbacks, and we have, it's small items.

We complain about travel issues, because they're trying to save a million dollars in a $5 million budget, or trying to save a half million dollars on it. You know, so all of this penny pinching and cutting, if expenses go up without a comparable rise in income, has to be

addressed by the financial managers. And it's always painful. And they're trying to avoid that happening on the IANA side. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks for this Alan. Next is Sébastien Bachollet.

SÉBASTIEN BACHOLLET: Thank you Olivier. Yes, Sébastien Bachollet. Two points. The first one is that, I have no problem that some of the points we will be discussing is not a deal breaker, but we have to take into the account at the end of this discussion, all the points where we say, "Okay, this one, no it's not a deal breaker."

But if we add all of them, we have to discuss if, at the end, it is not a deal breaker, because little by little, we will be taking forward, taking possibility, things going against us, and against what we think is good for ICANN, and for Internet users. And we have to be careful.

Second point is about the budget. It's not so difficult to decrease a budget, and nobody discuss that. I think it's a bad decision, but we don't have any more gala dinner at ICANN meetings. That's been the only possibility to have a gathering of the various community, is where providers are organizing something. And that's by choice, from my point of view.

Then don't be surprised if the increased costs, they will not ask the registry, registrar to pay more, because they are too much now, too much people who will say no, no, no. But you know, the ATLAS 3 will be

in trouble. And other things that we are doing. Then we have to be very careful all those. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this Sébastien. Olivier Crépin-Leblond speaking. And the, of course, the budget veto is another thing that we have, that we're going to have to look at closely. In principle, it looks good. In practice, that could indeed be used by some to restrict the budget to specific agendas in ICANN, and reduce the budget for what might not be seen as core agenda.

And that is very likely to fall within the activities that At-Large does. But we are over now, still in the first part of this agenda. We're looking at the actual service level expectations and the escalation flowcharts. So let's continue with Alan, and let's make a list. And in the agenda at the moment, we do have a list of the points here. Issues to be flagged. Perhaps we can also add the budget onto that as well. Alan Greenberg.

ALAN GREENBERG: Thank you. Sébastien is right in that, you know, if we do have budget problems, and ICANN is likely to have budget problems one way or another as we go forward, they're not going to be easy to address. And yes, sometimes the easy cuts are not the ones that we, as a community, may really want. But on the other hand, I'm not sure it's going to be to the advantage of the community to say, [inaudible] to financing, and spend more than you get, and reduce the reserve, for instance.

I think that would be rather bad planning for the future. Regarding things adding up to the extent where we do not believe we can support this proposal, that is a discussion we're going to have. It's going to happen in Buenos Aries if we're going forward at the timeline that we believe it is. I'll point out the ALAC does not have a veto. We can say, categorically, we reject this proposal 100%. The whole discussion we've been having, from the very start, is no single stakeholder group has a veto.

So I think we can presume, if we are the only one that says we can't go forward, we'll be in an interesting situation. It will delay the process, because the CWG is obliged to come back and talk to us, but it's not likely a veto as such, in conjunction with someone else, however it may well be. But yes, we are going to have to have that discussion, and we need to start preparing for it. And it's quite clear that there are a number of issues that have been important to us, that are not likely to go the way we wanted them to.

And we're going to have to judge whether this is enough to severely impact the new IANA, or it's something we're going to live with. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Alan. Olivier Crépin-Leblond speaking. And let's make a quick list of these issues, as we are speaking about those. We've discussed the service level expectations, that probably isn't a deal breaker, but it is an issue that we've looked at. The escalation process is

one that we're looking at, in a moment. The escalation process, I believe, includes the separate ability process.

The DTI Board composition I think is probably another one, and finally, the budget veto is one more. Can you think of other points which we need to flag as being those that are important to us? Can anyone on the call think of those please?

Because I think it's a good time to establish that list, and we can then, since we have that list, that we will be able to discuss each one of these points with the ALAC, when we meet in Buenos Aries. But it's important to have that list ready by the time we reach there. We can't just make it up there and then.

I note from Sébastien, membership. Correct, that's another point. And of course, I gather the two proposal, stewardship and accountability, are going to be closely linked there, since they will both be sent to the NTIA.

ALAN GREENBERG: But accountability is on a different timeline.

OLIVIER CRÉPIN-LEBLOND: It is on a different timeline, correct, yes.

ALAN GREENBERG: In Buenos Aries the critical issue is going to be the CWG, because that has to go to the ICG. The other one is working in parallel with that.

OLIVIER CRÉPIN-LEBLOND: Alan, it's Olivier speaking. Do you believe then that the issue of membership will not be discussed there and then, and made a decision there and then? Because I was under the impression that the path of the accountability was going to the Board, or is that later?

ALAN GREENBERG: I'm not at my desk, Olivier. I can't put my hand up. If the pre, the working sessions in Buenos Aries for accountability, starting on the Friday, their intent is to try to resolve, or address the public comments, of which there are many that are critical to the current plan going forward. And hopefully to have coming out of that, with, I won't say a finished document, but a finished idea of where we're going.

So, the things like membership may well be resolved by the time we get into the bulk of the Buenos Aries meeting. They may result in the minds of the CCWG. There is, of course, going to have to be a second public comment period and things like that. So it would be closer to there by then.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this Alan. And I note, also, in the list, we have membership and Eduardo Diaz has put legal enforcement as well. It's important. And that will no doubt be discussed by the CCWG when it meets prior to our meeting in Buenos Aries.

Okay. Let's go now and have a look at the service complaint resolution process that we have on the naming related functions. The diagram

that we have on the paper, that's included there, is probably not entirely accurate, but let's try and see if we can look at the details of this. It's very detailed and I think that some of it will probably be okay with all of the internals, but then there is a time where there needs to be a big question mark, basically.

So the way that it's starts, and I hope that we can all see this in your screen. If you cannot, the diagram is actually linked to the agenda under escalation flowcharts. And I've put it in red next to it, check if we are okay with the escalation process here. Check if we are okay with the escalation to GNSO and ccNSO. Good question.

And so, it starts with a complainant, and if the complainant has an issue with IANA functions operator, it goes to the IANA customer service, it then goes to the IANA function liaison for [inaudible] management, then to the IANA function program manager, and then there appears to be an optional step by the ombudsman, if they believe they haven't been treated correctly. And only if all of these internal process fail, well it then reaches the customer standing committee, at the bottom of the process that we see here.

If I can put my little green arrow. Here we go. So then it goes over to the customer standing committee. As we know, the customer standing committee itself is composed essentially of registries. I think we're all okay with that. If we're not, please put your hand up. And then, once it goes from there, so the customer standing committee would then look at the problem, and so if we have… If the complainant has a problem, the mediation doesn't happen, and this, again, is an optional step, the customer standing committee will review the situation to determine

this issue is part of the system performance issues, or an indication of systematic problem.

If that's the case, then it will escalate using the IANA problem resolution process. If that's not the case, then… Sorry, that would move forward, sorry, if that's not the case, I guess the process ends. This little thing here, the RIP, so IANA review process, which is initiated, I believe, is probably be the next step up. And so what I've been told in the last inquiry that was made is that once that happens, the…

So here we have the IANA problem resolution process, sorry. That's again, an internal thing. So the next step up is this. So it will go over to the GNSO and the ccNSO. And so the GNSO and ccNSO will both examine the problem, and it will then use its own processes, or both the GNSO and ccNSO will use their processes to launch, or not launch, an IANA functions review process.

The IANA functions review process is not shown on this, the IFR, that would be IANA functions review team, that I believe is multistakeholder, unless that has changed as well. I know there was some discussion on this, and please, do put your hand up if you do have more information on that.

And the IANA functions review team would then either decide on a separation, or a non-separation. If there is a separation then a working group, a cross community working group on separation would be created, with various members of the supporting organizations and advisory committees. That group would have the work of putting together the RFP, and making, I guess, making the final selection of the

new operator, once it is selected. That's my understanding of it. Please, let's discuss this, and see if the understanding is correct, and where we have a real problem with this.

Or if we don't have any problem, that's fine too. Sébastien Bachollet, you have the floor.

SÉBASTIEN BACHOLLET: Thank you Olivier. I don't know if you describe well, it's not something that I follow carefully. Then I will trust you. But my point of view, and I know that you've already discussed that, I guess, but it's everything must be multistakeholder. Because if not, just a little story. When I arrived at ICANN. In 2001, I discussed with the people from AfriNIC at that time, and they told me, "Hey guy, you don't need to participate. You are end user in France, and we gather the end user in France. And I am your voice within ICANN."

And I discussed with representative of the government and they say, "You know you don't need to be here because we are elected by the citizen, and we are the voice of all end user in France, and you don't need to be here." And I can go more in that direction. And today, as I said, registries, we are the only customer, but we are the customer of the customer of the customer.

And I think it's important to have that wherever it is. I don't say we need to have the same number of people participating in this specific issue, but I really think that it's important that everything must be multistakeholder. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Sébastien. It's Olivier speaking. So let's bank this and take this for discussion. And let's have Eduardo Diaz next.

EDUARDO DIAZ: Thank you. This is Eduardo. I just have a question. When I look at all of this diagrams, I don't see the PTI Board, I mean, involved in any of these escalations, or did I miss that?

OLIVIER CRÉPIN-LEBLOND: Yeah, thanks for this. It's Olivier speaking. You are correct. And in fact, it might well be that we have the PTI Board that is involved in that as well. As I said, the diagrams are not that recent. They're dating from the 11th of May, and we are now in June, so things have evolved. Perhaps Alan might be able to shed a bit of light on this.

I must say, I'm not quite sure to what extent the PTI Board is involved. I would have thought that it was maybe in the first part of the resolution process. So when we're looking here at the IANA functions program manager, and here. So phase one would probably be where the PTI Board would be involved, but I might be wrong. Alan Greenberg, do you have a thought on this?

ALAN GREENBERG: I have a few thoughts. Yes, this chart is out of date. As Donna has said, who has led the group doing this, this was all created before we even knew we had a PTI Board, or they would have any power or authority.

We've now pretty well decided that we will have a real Board, and part of their job is problem solving, if there is a problem in the PTI.

So I'm assuming these have been updated. I haven't actually looked at new documents. But I can't believe a structure, anything else other than, go to the PTI Board or involved with the PTI Board before you escalate outside of PTI. Because it doesn't make any sense, if your aim is to actually try to fix the problem.

And ultimately you cannot simply go to the senior executive within PTI. That person could be the problem in any given world. So, yes, I think the Board is going to have to be involved. And if it isn't in this diagram, or the next diagram, then it will be in any real world process. So that's number one.

Sébastien's comment that everything must be multistakeholder, I don't agree. Again, we're living in a real world, and multistakeholder is slow and sometimes ugly, and sometimes you simply have to do your business. And I think that's fine, but at critical decision points, not necessarily because the decision will be different, but just for the optics of deciding how we do things that are going to have major impact and directional changes.

I do believe there should be a multistakeholder component. I did not object to the ccNSO being in the loop. I object to the GNSO, because it is semi-multistakeholder, but not inclusive. If that particular phase for verification of a complaint from the CFC was just registry stakeholder group, I would support that.   But the inclusion of a semi-

multistakeholder group, which includes some stakeholders, but not others, I think sends a very bad message.

And on top of that, I believe the GNSO does not have the mechanisms to address those things. Is it a showstopper for me? I don't think the outcome will be really very different. So perhaps it isn't a showstopper. I think it sends a very bad message forward, and one that I think will not help the support of the multistakeholder model around the world. Thank you.

TERRI AGNEW: And this is Terri. We're still getting Olivier back online.

SÉBASTIEN BACHOLLET: Did he crash his computer?

ALAN GREENBERG: Sébastien, why don't you go ahead? It's Alan.

SÉBASTIEN BACHOLLET: Okay, thank you. Yeah, I get your point, but it's not really to do with the business. The business will be done by the IANA team, and the business will be done by the registries. Here is to discuss, how ICANN [inaudible] to service, and the service it's not just between IANA function and the registry. It's, at the end of the day, it's also concern of us as end users.

And really, I think, for this type of grouping, it must be, we must try to find a way to have a multistakeholder approach, not equal, but a

multistakeholder approach. Regarding the ccNSO and the GNSO, I guess you're right. But a constrict of the ccNSO was because [inaudible], the manager of the cc disagree with any other constituencies in the ccNSO, it [inaudible] to be only the manager.

But we will have complaint of the people not member of the ccNSO. Then it will be a charge. But once again, I really feel that the voice of the end user, not five, but a voice of an end user could be useful in this arena. Olivier, are you back?

OLIVIER CRÉPIN-LEBLOND: Yes, I'm back. Sébastien, thank you. It's Olivier speaking. And I dropped right in the middle. Thank you Sébastien. I was dropped right in the middle of, or actually in the beginning of, Alan's points. So I missed, unfortunately Alan's points. I'm not quite sure whether, Alan you mentioned the CSC as well? I do apologize for this.

I'd ask for more comments, I'm not going to ask for the whole thing to be repeated. [CROSSTALK]… My personal point of view is that the CSC is fine being primarily, or nearly essentially, registries, just an operational. Above that, I do cringe at having the GNSO and the ccNSO in the escalation path, rather than actually having a multistakeholder process, because I believe that it is, that essential task, that then decides on whether a review is needed or not.

And I felt, I have felt, that should be actually an ICANN wide thing, discussion. That would include the GAC. I have a real concern that the GAC is not included in this, and the ALAC is not included in this. So we are reaching a functions review, a premature functions review that is

triggered, there and then, for whatever reason it is triggered, using processes in the GNSO and the ccNSO, that don't exist yet.

And I'm not sure we can give a green light to this, if we don't know what the process is. I inquired regarding the GNSO, and I was told, well, you're confusing between the GNSO council and the GNSO stakeholder groups. Actually I'm not confusing between the two. I'm pointing out that these are two different things.

And when we mean the GNSO, does that mean we want the vote of the GNSO council? Or does that mean we want the cross community or a working group of the GNSO that will include all of the stakeholder groups, plus other people outside? Big question mark there, no answer. Alan Greenberg, perhaps you do have an answer.

ALAN GREENBERG: Yeah. As said, when you dropped. On the ccNSO, I don't have a problem, because it's essentially a conglomeration of registries. If the corresponding entity on the other side with the registry stakeholder group, I would support it at that level. I think there needs to be another intermediate level though.

My largest objection is the GNSO, a does not have processes, that are, really designed to do this on moderately expedient level. Number two, it includes, as voting members, parts of the multistakeholder model, but not all of the parts of the multistakeholder model. I find the optics of that exceedingly problematic.

So that's really the basis of my concern. Whether this will cause a review when it's not warranted, or ignore a review which is warranted, because the groups can't come to closure on it, is really hard to say. I think it sends really wrong messages, saying some stakeholders are more important than others. How important it is, we don't know. It's going to be one of the things that we'll have an opportunity to talk to the GAC about in Buenos Aries.

They may or may not have a concern. We raised a very strong concern, and got moderately little support. I'll translate moderately little, none. At least on the call where I raised it. Olivier, as you said, chimed in after the fact. There was, you know, lots of discussion. And the discussion was basically, we've decided already, and I think that's where it stands, and I don't think it's likely to change at this point.

How important it is operationally, I think is far less of an issue then how important it is in terms of optics and supporting the concept of the multistakeholder model. Thank you.

Have we lost Olivier again?

OLIVIER CRÉPIN-LEBLOND: I was muted. Thanks for this Alan. It's Olivier speaking. My own recollection of the follow-up discussion after my, the concerns I have raised on the mailing list, where, I don't think we've already decided is GNSO and ccNSO. I think we can still push back on that. I have concerns that the GAC representative completely misunderstood the whole point, and mentioned the CSC in there, when the CSC has nothing to do with this.

So, we kind of, the discussion basically sidetracked into a direction which wasted everyone's time. And I think we should raise this again. I certainly will challenge the working group into asking for an exact procedure of how this is going to be run in the GNSO. Absent this, I do not see this as being something that we can accept as it stands at the moment. Alan Greenberg.

ALAN GREENBERG: I presume you're doing this on the call later today?

OLIVIER CRÉPIN-LEBLOND: Indeed, yes. It's Olivier speaking. If I get the green light from this community, of course, from this working group here…

ALAN GREENBERG: My only point is…

OLIVIER CRÉPIN-LEBLOND: But if they object, then let's not do it. But, you know, I have real concerns on this.

ALAN GREENBERG: My only point is there is not an awful lot of calls before this report is frozen. So we cannot delay if we're going to raise it again. But I would do your best, although we only have an hour between this call ending and that one starting, to try to get some support from other people,

because without any other support, it's just, again, a waste of another 20 minutes of time.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this Alan. Tijani Ben Jemaa.

TIJANI BEN JEMAA: Thank you Olivier.   Olivier, from my point of view, you can ask the group, and ask the question, but this doesn't mean that we'll accept the [inaudible] of the ccNSO plus GNSO. This is only to see what kind of, how it will work.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this Tijani. That's a good point. And I guess that's the way I will put the angle on this, and the way I will aim it. Just one thing to have an answer on the issue of how the GNSO will be running this internally. And we do have the chair of the GNSO council there, and if we don't get an answer, I think we should then ask for a detailed description of how this would work, and to indicate that we have serious concerns if this is not actually shared with everyone else.

Because that doesn't smell right. Alan Greenberg.

ALAN GREENBERG: Olivier, the way you're describing it right now, you're saying if someone comes out with an operational manual for how the GNSO handles this,

we're happy with it. And that's not what I'm hearing from some people. When I raised the issue, let me finish. When I raised the issue…

OLIVIER CRÉPIN-LEBLOND: I'm not saying that Alan.

ALAN GREENBERG: That's what it sounded like.

OLIVIER CRÉPIN-LEBLOND: Alan, what I'm saying is, we need to see how it works, then we'll be able to have a better idea of whether we would accept it or not. But if we don't know how the system will work, and we're just told, "Trust us. It will be done according to GNSO procedures." Then I'm afraid I have no trust in that.

ALAN GREENBERG: But you're implying that if the procedures are good, then the answer is okay. Because otherwise, you wouldn't be bothering and asking what the procedures are.   All I'm saying is, when I made the statements the other day, I made it clear that there were some people within At-Large and ALAC, who felt this was a showstopper. And I was cautioned, well, don't make your decisions right now. You know, there is always opportunity for discussion and stuff.

But I think I'm hearing from people on this call, and I don't know if it's enough to sway a vote, that it might be a showstopper in some people's

minds. And if that's the case, that message needs to be, without sounding like it's a threat, they can't be shielded from that reality either. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this Alan. Tijani Ben Jemaa.

TIJANI BEN JEMAA: [Inaudible] Sorry. Okay. Alan, I am one of those people, and I think that asking the question doesn't mean that we accept afterwards, if they give a procedural or a way to make it run. Because there is a real problem of multistakeholder. We said everything in the transition was about the multistakeholder model.

If we, today, we decide to run the naming function, absolutely inside the registry stakeholder, I cannot see it as a multistakeholder model, and I cannot personally accept this model. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this point Tijani. That's all banked, and so set for the next call. Right. Let's then move on to the separation process, I believe. Are there any comments on the separation process as such?

So once the full, once the separation working group has worked up, that we have the separation process that's being detailed. Eduardo Diaz, you have the floor.

EDUARDO DIAZ:　　　　　　　Thank you. This is Eduardo. I just wanted to mention something about the previous conversation. I wanted to give my opinion on the GNSO, ccNSO, being a filter in this process. I am [inaudible] in one way or the other. I don't see that as a showstopper.

I mean, it's not where… Showstopper. I'm sorry. What did I say? Sorry. It doesn't matter. Showstopper. Okay. The main reason is, you know, it's, I understand the idea that it's not a real multistakeholder, and the CSC is not a multistakeholder, the TPI is not a multistakeholder. It's just another one in the process, and it's basically a filter, which, you know, it could be a major filter, but there is something really wrong with IANA, in the IANA function, it will escalate to a real multistakeholder, a committee, which is the IFR, or whatever it's called. And that would be a real multistakeholder that will have an actual power of making a big change in IANA.

In that one, is, I mean, [inaudible] that has to be a multistakeholder. So it's like what Alan said, you know, the GNSO and ccNSOs, you know, they filter this one way or another. We don't know. But the one that will have the power of making changes, you know, within the IANA functions is a multistakeholder that, separation of one of the IFR. That's my opinion. Thank you.

OLIVIER CRÉPIN-LEBLOND:　　Thanks very much for this Eduardo. Olivier Crépin-Leblond speaking. And now we have a question with regards to separation, as you mentioned. So we do have the IANA functions review team, that will be a multistakeholder group. And then we have the separation cross

community working group. There were long discussions during the last call, on the actual composition of these groups.

First we have the GNSO registries complaining that there were more people from the ccNSO registries, then the GNSO registries. And therefore, there was a rise of one more GNSO registry, so that there would be a par, so an equilibrium between the registries from the ccNSO, and the registries from the GNSO. That I believe, was from the IANA functions review team.

Then when it went down to the SCWG, we were then told that the ccNSOs wanted to have the same level of people as the registry stakeholder group, plus that non-ccNSO top level, ccTLD operator. And so they also added one more person to their list. I'm just wondering, what we're playing here, because I was quite happy with the first lists of, the first composition that was given, which had a majority of the different parts of the GNSO, but also the other parts of the, of ICANN's committees.

And that gave a small percentage to registries. Now the new must provide a larger percentage of the committee to registries, and I do wonder if it comes down to voting and things, how that would play out. If it's just an opening discussion, and so the floor is open for discussion on this.

If there are any views on that. Tijani Ben Jemaa, you have the floor.

TIJANI BEN JEMAA: Thank you Olivier. First of all, may I ask you if there the separation community decides on the separation, or does it only intervene after the decision taken about the separation?

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. It's Olivier speaking. I believe that the IANA functions review team decides on the separation. And I believe that the separation cross community working group intervenes after the decision has been made on a separation. Alan, am I correct?

ALAN GREENBERG: I think so. That's not why I raised my hand, but I think you are.

OLIVIER CRÉPIN-LEBLOND: Okay. So Tijani, back to you, I believe your question might have been in two pieces.

TIJANI BEN JEMAA: Exactly. So, since the decision is taken inside the IFR, I think that the composition of the separation group will be less technical. And we need also to try to make it balanced so that it will be the decision of the whole community and not only the naming function client or customers. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Tijani. Olivier speaking. And let's hear from Alan Greenberg.

ALAN GREENBERG: Thank you Olivier. I think this largely goes back to a comment Sébastien made earlier, if I could paraphrase it. The whole is the sum of the parts, or maybe more some of the parts. We have essentially seated, I think we will end up having seated any question on the PTI Board, the multistakeholder. That was supported by a number of us, and objected by others.

The CFC is multistakeholder only in that there are liaisons but not members, and the liaisons do not have certain rights. We accepted that. We accepted that the registries may have a larger part than other constituencies and other stakeholders, such as us, on the IFR. That's now being eroded to some extent.

All of these together add up to the multistakeholder involvement in the overall process, has been shrinking steadily. And at some point, these little tiny decrements all add up to something which sends the wrong message. It may or may not result in the wrong results, but certainly sends the wrong message. And I think that's the substance of our main point. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Alan. Olivier speaking. Are there any other points or questions here? Sébastien, as someone who has mentioned this to start with, is this what you meant? What Alan has summarized her with regards to the different committees?

SÉBASTIEN BACHOLLET: Sorry, thank you Olivier. Yeah, I would like very much to have, and I don't have yet, sorry for that, an overview of what are all of the, if I understand well, there will be a PTI Board, customer standing committee. I don't know if IFR committee. I have the impression that it's a function, but IANA function review team, it's another committee.

It is those three committees, or groups, or whatever you want to call them, or there are others currently contemplated to be created for the IANA stewardship transition?

OLIVIER CRÉPIN-LEBLOND: Thanks Sébastien. Olivier speaking. I believe there is a PTI Board. There is the customer standing committee. There is the IANA functions review team, and there is the separation cross community working group. That I believe are the four bodies being created. Am I missing any? Alan Greenberg?

ALAN GREENBERG: Yeah. Olivier, you're missing the group that will likely be created by the accountability group as the managing body, as it were, on behalf of stakeholders of IANA, which will be the composite group of the members, or the designators, or the, whatever the names are that we end up, the group that are empowered to do things, to approve budgets, to do whatever.

So that group, de facto exists. The CWG has said we don't want to create another group. That group, whatever the form it will take, will exist, without a name at this point, but it will exist.

SÉBASTIEN BACHOLLET: Yeah Alan, I was just referring to the CWG, but you are right. The CCWG is what they call sometimes a community. Some people name it 29 member group. But yes, I… Have we any idea of how many members and liaisons will be in PTI Board, and CSC, and in the IFG, and in the separation cross community working group?

ALAN GREENBERG: Those are all individual answers.

SÉBASTIEN BACHOLLET: Yeah, yeah. [Inaudible] Sorry Alan to put in all at once, but yes.

ALAN GREENBERG: Well certainly, the CSC is well-defined. Well we don't know how many because the liaisons are all optional. It's up to us to decide if we want a liaison or not. The other groups have defined numbers, and I have claimed, I don't know whether it made it into the final report or not, the earned [inaudible] version of the report or not, if there is only one person, then there must be alternates allowed.

I think those are all defined somewhere.

OLIVIER CRÉPIN-LEBLOND: Yes, thanks for this Alan. It's Olivier speaking. I think maybe we should ask, perhaps, staff to give us, staff from the CWG to give us a summary of the composition of these groups. One to each other. I must say, I

have lost track now that we're seeing push forward, push back, and snap decisions during the call, that there should be one more person, you know, from the cc registries, and then 10 minutes later…

So as to restore balance, or was it the other way around? Yeah, sorry. So there should be one more person from the GNSO registries, gTLD registries, so as to restore balance on one committee. And then the next committee, which was balanced to start with, was being un-balanced by adding one person to the ccNSO registries.

So I'm a little lost as to how many people now are on each one of those committees. And it would be helpful for us to ask. Perhaps not during the call, but I might fire off an email over to Grace and to the chair, the chair [inaudible] and Jonathon Robinson, and get them to summarize what has been going on.

Perhaps it would be helpful to do it during the call. I don't know. Tijani Ben Jemaa.

TIJANI BEN JEMAA: [Inaudible] Thank you Olivier. So, about what Alan said, that would be the accountability in any way, the community group constituted by the CWG. This is exactly as you say, let's have a [inaudible] constituted [inaudible] only and don't only have this community, this community group that will make it accountable to the community.

If the PTI, the IANA, the new IANA, will be constituted only of one or two stakeholders from the closeted corridors of ICANN, I will not be

satisfied saying, anyway that we will have the community group that will make this PTI accountable. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Tijani. Olivier speaking. Are there any responses to this point?

Seeing no one put their hand up on this, so I gather there is agreement from Sébastien.

Yeah, I must say, I'm a little confused as to how many people now we have set up for PTI as such. Let's just follow up on the call that is going to take place immediately after this call, or an hour after this call. I note that the time is ticking, and there is much to be discussed on the accountability side of things.

And so I think we've exhausted all of the CWG IANA discussion points, and therefore I hand the floor over to León, or Alan, for the CCWG accountability, which also requires much discussion. You've got about 50 minutes, or 40 minutes on this. Thank you.

LEON SANCHEZ: Thank you Olivier. Should I go ahead Alan?

ALAN GREENBERG: Sure.

LEON SANCHEZ: Thanks. So as you might be aware, the public comment period closed on June the 3rd. We received comments from some 48 organizations and individuals. And we received more than 400 comments to the draft proposal. And in today's call, we went through the documents that compile, and classifies or, yes classifies the different comments made by the community so far.

And the sense is that there is an overall support for the broader proposal, I think, while there is of course some, there are some points that continue to raise concerns. And there are even some comments that openly oppose, to some point, in the proposal so far. So I think that, myself at least, Alan and others present in the call correct me if I'm wrong, but from my point of view, the most commented sections, or the most commented issues were the membership model, of course.

There are still concerns around whether we should up for a membership model, or a designator model. There are still many questions around that need to be answered. With regards to this point, and I will be addressing this in more detail in next agenda item, council provided us with a memorandum that takes care of different questions that governments or advisory committee representatives to the CCWG raised.

And with regards to, of course, unincorporated associations. So I think it's vital that we go through the answers that council provided to these questions. As I think that some also apply not only to the GAC, those through any other SOs or ACs that have concerns, with regards to, for example, with liability. But as I said, I will [inaudible] to that document in short.

So, another issue that I think was widely discussed, was the affirmation of commitment incorporation into the bylaws, within this stage was that there is, of course, support by most of the community to incorporate the affirmation of commitments into ICANN bylaws. But they are weary and of course, they raised concerns with regards to how they must be incorporated, and which of the affirmation of commitments must be incorporated for example. There is still a concern that, or discussion on whether having ICANN rooted in the US should be something that needs to be incorporated, not only from the affirmation of commitment, but also put as a fundamental bylaw into ICANN bylaws.

So this is, of course, a point of discussion by many. Some have raised the concerns that if we don't address this issue, the whole transition might be derailed because of the concerns by the US Congress around this issue. And of course, this is something that needs to continue to be discussed and addressed through our Buenos Aries meeting, and our face to face meeting.

This is, of course, another point that I should have added to the agenda, but I will jump into it in any other business. And we also have very certain discussions on stress tests. And there was also some, there were, of course, some comments with regards to stress tests. And I think that most useful comment was made on the call, and that is that should we stress test our own proposals before we come to a final version of the proposal, and that was a comment by Jordan Carter.

And it seems to have had a little bit of traction. So I think that the working parties will be looking into, maybe, the stress testing the proposals from the CCWG, just double check that we're heading in the

right direction.   And the way we are going to address the different comments, is by allocating them to the different working parties.   As you may have seen, if you haven't, there is a link to the comments compilation document in the agenda.

And well, of course, these comments were grouped by topics, and there is also a mapping of the designation for the different working parties of each of the comments.   So next on the work of the CCWG will be for working parties to have a look at the different comments that have been mapped for them to take care of.   And of course, continue to assess them and see how they can fit into the proposal.   And of course, provide the proposed wording to incorporate these different comments into a new proposal.

And we will, of course, be discussing this in our Buenos Aries meeting, as Alan suggested.   The end would be to have a final document after Buenos Aries, but rather go in detail through the different comments. And of course, receive comments from communities that rely on document translations.

And the date for receiving comments on languages different or other than English, has been extended to June the 12th.   And we will be receiving comments from communities.   I am aware that LACRALO is discussing so far, whether they should file some comment, which would be the right approach to do so.   And I certainly hope that they do file some comments, just as AFRALO has filed their comments.

And well of course, the last point that I think that raises this concern within the community is the fact that with a proposed membership

model, there is an open door for legal action. And this was, of course, addressed by different comments. But I do remember the comments from AFRALO on this topic. And they suggested that any proposal should be as simple as possible, and avoid as much as possible, going into court, or allowing parties to go into court.

And I see Alan Greenberg's hand is up. So Alan, could you please take the floor. Olivier, do you want me to handle the queue?

OLIVIER CRÉPIN-LEBLOND: Yes, León, it's Olivier speaking. Please handle the queue. You're firmly in charge of this. Go ahead.

LEON SANCHEZ: So Alan, could you please take the floor?

ALAN GREENBERG: Thank you. I just wanted to point out the one thing that we didn't discuss to any great extent, although I think it may have been mentioned in the call this morning, was that we have steadfastly ignored the comments from [Young Shulty] on how do we put in place processes to verify and ensure the accountability of parts of the community?

That we are in a mode that says we cannot trust the Board, we don't know who the future Board will be, they maybe horrible people, and we're going to have to make sure they don't do horrible things. That's the whole premise of where we are. But nobody is talking about, how

do we know we can trust the community, make sure the community or parts of the community do not get captured? That some parts of the community don't wonder off, and effectively allow capture by the rest of it.

It just has been a subject that has been completely silent, with the exception of, how do we ensure accountability of the UAs? If the body trying to guarantee accountability is not a legal person, and therefore, cannot enforce its accountability. That part we've talked about and not resolved really. We've chose to live with that level of fragility, but we haven't looked at issues of accountability the community [inaudible].

And if we make the community the ultimate authority, we can't ignore that. Thank you.

LEON SANCHEZ: Thank you very much for this Alan. And you were right, I was neglecting to mention this. Thank you for bringing it up. And yes, there are many comments also in the comment compilation, that try or raise the concerns, the exact concerns that you have just pointed out. And this goes back to the question of who got the guardians, of course.

And I think that we need to continue to thoroughly discuss at which point, we can have certainty or not, of course, on how we can hold accountable, not only the Board and staff, but also for different structures within ICANN. Next in the queue, I have Tijani. Tijani could you please take the floor?

TIJANI BEN JEMAA: Thank you very much León. One of the comments, or one of the concerns of the community, was the private sector which exists in the bylaw, and in the affirmation of commitment, that people don't accept to say, from the beginning, that it is and it will be a multistakeholder. Why isn't it the private sector?

And I think we, this issue was discussed at length during our deliberation, but at the end, it was put in the report and [inaudible] people said it will not, the consensus will not be supported. This is not the consensus of the group. So it's only to ask the community about those issues, and it may be expressed their point of view about that.

There is also another point. The enforceability, you understood what I mean. To answer, to enforce the power of the power that we want to give to the community. And this was, a lot of concern that was raised about that, and especially about going to the [inaudible] in any case. Of course, we as ALAC, we said that all the [installing] the Board members, it might be something necessary but for all other issues, is not necessary, and even not desired. Thank you.

LEON SANCHEZ: Thank you very much Tijani. Next in the queue I have Sébastien Bachollet. Sébastien, will you please take the floor?

SÉBASTIEN BACHOLLET: Yes, thank you. I don't know if it's something that was not discussed in some meetings, but it's a discussion I've had with other people, and it's one of my main concerns. It's accountability of each and every

organization within ICANN. And we are trying to say, and I agree with Alan, it's something that we need to put in front of our discussion, because at the end of the day, even if we come with a very good solution to all the ICANN Board.

We will have questions either by NTIA or Congress to, and the ones who are taking care of the Board, how will we take care of them? And it will be interesting. And just, I would like to note, the email I just sent to the list, and we just received it on the list of the CCWG, it's about a proposed bill for the Congress to add up to more, if I understand well. And I think it's really interesting because it talks about the fact that I will not read all but, the new bylaw must be in place before the transition.

I would like to come back to the discussion we had, I guess it was last meeting or two meetings, I had, is that, if it's inside the bylaw, why we need membership to be sure that it will be in the bylaw? If we have our, if the community gets the power within the bylaw, I think we are done, and we don't need UA and so on and so forth.

I know that there will be people to push for that, but I really think that we can make a step back and find another solution. Hopefully, there will be additional comments as other language report came to people, and I really hope that some give us a point of view, welcome, at that moment. Thank you.

LEON SANCHEZ: Thank you very much for this Sébastien. And if I may, I have something, the fact that the membership model seems to be the most effective way

to achieve the goals that we're trying to reach, doesn't mean that it's of course, the only way to do so.

And from the reading of the memorandum that council sent, addressing some questions from GAC representatives, we will see that what you just said might be possible in fact, to establish different provisions into the bylaws, and then of course, have other legal documents such as contracts that would then enable the community to enforce, in some way, the powers although there might be, of course, that lack of legal enforceability through courts, at some point.

But this is a position that the committee has to take in the end, when it has to weigh upon whether they want to have this possibility, or whether they are willing to sacrifice, let's say, some piece on the proposal, for let's say less complexity sake, that some have put it.

So next on the queue I have Tijani. Tijani, could you please take the floor?

TIJANI BEN JEMAA: Yes León. This is only to say that this later solution that you just mentioned, is gaining support among our working group. Today I felt the role supporting this approach. I think that this is less harmful solution for the community. Of course, it doesn't have the metric to ask the Board by the court, by the jurisdiction. But it is in the bylaw, I think it is sufficient to enhance the accountability of the Board to the community. Thank you.

LEON SANCHEZ: Thank you very much Tijani. And now we have council's memorandum on our screen.   And I see Sébastien has raised his hand again. Sébastien, could you please take the floor?

SÉBASTIEN BACHOLLET: Thank you Léon. Just to Tijani's point, what he just said. We have to also think about, we can use IRP, and then it's also [inaudible]. We do not need to go to the court, we have our, or we will have our internal tool, and I really think that it's the best way to go, then to ask Californian court to decide between bodies of ICANN, what it's good and not good. Thank you.

LEON SANCHEZ: Thank you very much Sébastien. So, I think that this covers pretty much, on a very high level point of view, the comments received from the community so far. And we can then jump into the next point of the agenda, which is the memorandum from council. With regards to the questions from some GAC representatives. And I of course, don't need to go through each one of the questions, because we only have 20 minutes to go, as far as I can tell.

And I do want to, for example, go through question number two, which is relevant to what we just said. And the question is that if the GAC decided not to create a legal person, such as an unincorporated association, to become a member of ICANN, would that prevent the GAC from participating to the exercise of the six community powers? In such a case, which of these powers would be presented?

And I think this is relevant because I don't think it only applies to the GAC, but it would also be applicable for other SOs and ACs, and the response from council is that the GAC, or let's say, any SO or AC, decided not to create an unincorporated association, they could choose an alternative way to participate, and serve, let's say, they could designate their chair to serve a member, within the ICANN corporate context.

This is something that has been commented and proposed by Alan on the working group, and of course, on these calls. And has been, of course, also discussed. And it also mentions that if they decided not to form an unincorporated association, they could continue to provide non-binding and influential advice, as it currently does, so this wouldn't really modify the way they are working now.

But the question here is, or the concern is, is the word non-binding. And of course, this takes us back to the question on whether we should be evaluating or thinking on forming unincorporated association because to that extent, then the advice given, or the decisions advice for the Board, or the Board action, could have consequences, and of course, those would be binding.

So I think that is one of the questions that is relevant, of course, for us. And then we have some other, some of the questions that are applicable, I think, only to GAC members. Like for example, question four, that refers to the complexity of having a government be part of some foreign association. And discuss that they would require to fulfill for the government to authorize such an action.

And I see Tijani's hand is up. So Tijani, could you please take the floor?

UNKNOWN SPEAKER: Got a real problem with American sanctions.

TIJANI BEN JEMAA: Thank you León. The question two that you read, or the question three that you read, regarding the GAC not wanting to be associated, and an unincorporated association, was asked in the framework of the [inaudible] model. But we spoke about just before we come to this point, was about not losing the membership or the designator model. We don't want, if you want, a legal…

We want it to be something [represented in the] bylaws, an action in the golden bylaws, so that it will not be changeable easily. That oblige the Board to make the community have their point of view considered in several points. This is what was discussed before. What you read, and the framework of the membership model. Thank you.

LEON SANCHEZ: Thank you very much for this Tijani. Any other comments or reactions to what Tijani just said?

UNKNOWN SPEAKER: No, I don't see…

LEON SANCHEZ: Okay. So no more comments on this? And there are other questions that I think are relevant to us, for example, question five, that deals with the fact of how the unincorporated association would act as a member of ICANN, and well here, the council has answered that, of course, the operational issues and the rules of procedure for each unincorporated association would be those established by each SO or AC. So the only roll of the unincorporated association with regards to ICANN membership, would be to act as directed by each SO or AC itself.

So then of course, we have the question of what happens if the people that are designated to act on behalf of the unincorporated association go rouge, and then we go back to the path of who holds accountable those wanting to hold accountable, I mean ICANN accountable. So I think that this is something that continues be of concern.

And then some liability questions. I think that with regards to liability, at least from my point of view, of answers from council, are, I mean, they [inaudible] and lists, and some [inaudible] on the membership model, as we have discussed in many calls. It seems that the membership model, through unincorporated associations, could provide an additional layer of protection from liability, to those acting on ICANN membership.

And this would, of course, provide some ease of mind for those who would be designated as actual officers of the unincorporated association to act on behalf of each SO AC. And this has been addresses on a memo that was submitted by council on May 3rd. And there is a link, actually, on the PDF that I uploaded to the Wiki space. So if you

want to go into further details with regards to this memo, you can of course, access it though the link on the PDF itself.

Then we have some questions regarding sovereignty, which I don't think they apply to us of course. And lastly, some questions with regards to the IRP process. And well, the bottom line here is that whether some SO or AC has decided not to form an unincorporated association, would have standing to invoke the RFP, with regards to any questions that they consider.

Of course, that would be to include the RFP. And the answers is that yes, they could be, regardless of not being an unincorporated association, there could be provisions stated in the bylaws, so that those bylaws ACs that are not members could, of course, have standing to initiate the RFP. And this takes us back to what we were discussing with Tijani and Sébastien, that there seems to be a way of being able to provide the community with these powers, although some of the powers, of course, wouldn't be 100% enforceable through these other mechanisms.

But would certainly provide the community with, some say, a more easier way to address different concerns. So I would like to open the floor now to questions or comments with regards to council's memorandum, with regards to unincorporated associations. Are there any questions or comments on this end?

UNKNOWN SPEAKER: I've got to read this before…

LEON SANCHEZ: Okay, so I see no one's hand is raised. And Olivier's hand is raised. Olivier, could you please take the floor.

OLIVIER CRÉPIN-LEBLOND: Yes, thanks very much for this León. It's Olivier Crépin-Leblond speaking. And thanks for taking us through this document. It's a fair bit to digest, I must say. As a whole, I just had one question. Your impression in the whole document, does this mean that an unincorporated association is something that is workable or not workable, given the GAC concerns and the responses that we're given?

I think that's what's been bubbling in my mind, rather than the details.

LEON SANCHEZ: Thanks Olivier. In my mind, and that is of course my personal opinion, that might occur from other ALAC members. I think that unincorporated associations are something that are workable, indeed. They, of course, carry some complexity, and they might open doors for unintended consequences in the future. But from my perspective, we are not safe from going down that path any way we decide to go.

So for example, membership is, of course, one of the models, the designator model is another of the models. But in both cases, you have to end, form unincorporated associations. The other model is the one that we're discussion Tijani and Sébastien, which we can work some provisions into the bylaws, that could provide some enhanced rights or powers to the community.

But then we would come, in the end, to having the dilemma of maybe not being able to enforce those rights and powers. So then we go back to square one. But if you ask me, the short answer for your question, is just, I think, that unincorporated associations is something that is…

UNKNOWN SPEAKER: Hello? Somebody caught him off, which is nice.

OLIVIER CRÉPIN-LEBLOND: We might have lost León. Olivier speaking. I think we might have lost him. Okay, Olivier speaking. Let's have next in the queue, Tijani Ben Jemaa.

TIJANI BEN JEMAA: Thank you Olivier. Just to answer your question. Yes, it is workable, assuming that you accept the consequence. And sometimes it's not very good consequence. If you accept that all of the community stakeholders will not have the same power, or the same possibility to exercise the powers given to the community, yes it is workable.

If you accept that the community members, or the community, an unincorporated association, can be sued under the Californian jurisdiction, without any coverage, without any security for them, yes it is workable. But I think it is workable, but the cost is very high. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks Tijani. Olivier speaking. Then I have a question then, for you and your view here. If individual stakeholders, or individual constituencies could be made liable as a result, would they then be liable to being sued individually as well? And the reason for my question is, if someone takes part in ICANN today, they are covered by ICANN's liability insurance, if you officiate in the working groups, etc. under specific set of terms.

If in the future, that is not the case, might this give an advantage to those people who are operating on behalf of companies, or stakeholder organizations that are commercial in nature, and therefore have individual liability insurance, and work against people who are operating in ICANN, or taking part in ICANN, on an entirely individual basis? I'm not sure [CROSSTALK]…

TIJANI BEN JEMAA: If you ask to me as a follow-up question, I can answer. If you want [CROSSTALK]…

OLIVIER CRÉPIN-LEBLOND: If you know the answer Tijani, please go ahead.

TIJANI BEN JEMAA: From my perspective, the answer is yes. Yes it is a liability, but this advantage of those who are not covered by their companies. And it would be advantaged to those who are acting for the companies, because they are covered by the companies. Since you have a legal identity in the California jurisdiction, you are [inaudible]. And in this

case, you may have any consequence, if you are working, under a company, of course the company will cover you. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks Tijani. Next is Alan, and León, when you get back on the call please, shout out so that we know that you are back on.

LEON SANCHEZ: I am back.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks León, welcome back. I've given the floor to Alan, and then it's back to you.

ALAN GREENBERG: Thank you very much. A couple of points, first of all, what we've been told at this point, is if you look at the ALAC, and look at how we're constituted within ICANN, if you look at our principles of operation, we could well be deemed to be an unincorporated association, and therefore could be sued, today.

We may not have the protection the California laws gives to our members if we register as an unincorporated association, so in fact, we may be an unincorporated association that could be sued, and don't any have protection for our individual members. Maybe. It depends how the courts would rule. It's not clear, but it's not clear that we wouldn't

be deemed to be an unincorporated association under California law. So that's point number one.

Point number two is I believe we need to formalize the accountability, the indemnification of volunteers within ICANN. Olivier said that a volunteer working on behalf of ICANN is covered. Well, that's not clear. The insurance we have applies to directors, whether ICANN would voluntary, out of its own funds, cover indemnify me as chair of ALAC if I was sued on some grounds or not, is not at all clear, and I believe it should be clarified.

That's regardless of any transition, regardless of accountability, whatever. If we want volunteers involved, we need to make it really clear. Just as we don't make it really clear right now, what kind of medical coverage we have when we travel to foreign countries, if someone were to get really sick. The examples we've seen recently are that ICANN would cover those bills, but we don't know.

And I think we're asking volunteers to take a risk, particularly volunteers who aren't part of corporations, and don't have other people to cover their bills. I think that's a really important issue that we need to be addressing, not being addressed within this group, but I believe it's something that we need to go to the wall over. So I think it's really important.

One of the things I haven't heard of in this conversation, is if we get the way we, you know, there is an old saying. If you want something really bad, that's how you get it. And I'm a little bit worried. We say that we don't want to be legal entities, because there is potential liability. We

don't want real enforceability. That is, we cannot go to the court and ask them to enforce something.

So what we're looking for is, we want things written in the bylaws, with the understanding that the Board will follow them. Now, we cannot put things in bylaws which say, for instance, the community has final say on a budget. That violates corporate law in California, and most places, where the Board must have fiduciary duty, unless it is explicitly handed to formal members.

So obviously, we're given up some of those controls. We have said in the past that we're willing to accept that lack of, that fuzziness, and not be able to go to the court to enforce those specific rules, if we have the ability to ditch part or all of the Board. And we said we don't like ditching the whole Board, because that's too traumatic, therefore that implies we must be able to ditch part of the Board.

The parts that we think are the, causing the difficulties. And therefore, do we have the ability, without membership, without legal status, to definitively ditch part of the Board? Or again, are we relying on their good will to say, "Oh, you don't want me. I'll leave." We can certainly have contracts written, you know, letters issued ahead of time which might have some standing in court, if someone can bring their issue to the court.

The question is, who has standing? I can give the ombudsman standing for that kind of thing. So the question is, if we don't like what is being proposed right now, I think we need a single cohesive proposal that will satisfy us, because otherwise, other people have the ability to

continually knock us down, and present aspects of why what we're saying is not possible, because we have not presented a single united view, or single image that covers all aspects of the conversation.

And I think that's our challenge, if we're going to try to go forward with any of this. Thank you.

LEON SANCHEZ: Thank you very much Alan. Olivier, should I handle the queue again?

OLIVIER CRÉPIN-LEBLOND: Yes, León. Please handle the queue.

ALAN GREENBERG: I note Olivier's hand is up, I don't have the order.

LEON SANCHEZ: I remember seeing Sébastien, then Tijani, and then Olivier. So Sébastien.

SÉBASTIEN BACHOLLET: Thank you León. It's a complicated discussion. But I just want to remind you that we have a [inaudible] and funding ALSs, have a MOU with ICANN. And I don't think that there is something specific about legal issues, but I ask you to check. But if we think that it is something important for our members to participate within ICANN, we may open discussion with ICANN staff to change that.

It is written somewhere that, for example, in the EURALO MOU, where [inaudible] reviewing of the priorities incorporating under the MOU, and when appropriate, recommending improvement in the MOU. Since 2007, I don't guess we have done that really and changed anything, but it could be one way to protect us and our members.

The second point is that, we are putting other tools for the community, and even for the other budget, we may ask for a review, and if not to go to an independent review process. And I am sure that it's, if it ends up like that, it will be quite, quite enough to have the Board moving. I don't think that the Board could do something if the vast majority of the community pushed in one way.

And then I really think that introducing into the bylaws, all or large part of what we are asking today, will be a good step, and will be, I guess, enough not to go through any court. It should be, because I really think, once again, if we go to court, we can close ICANN, and I don't know where the multistakeholder model will go, but not in the right direction. Thank you.

LEON SANCHEZ: Thank you very much Sébastien. Next I have Olivier and we have only six minutes more of interpretation, as far as I can tell. So Olivier, please take the floor.

OLIVIER CRÉPIN-LEBLOND: Thanks very much León. It's Olivier speaking. And Sébastien raised an interesting point here of, again, being able to look at the overall

proposal, might we already have enough to be able to get the Board to do something without having the additional right of a legal stake for suing. That's the point on what Sébastien said.

On the topic that Alan raised earlier, the topic of medical insurance, and of legal liabilities, yes there is a big, there is a question mark there. Medical insurance, I believe, is afforded, but it's, as far as I can remember, not entirely documented. It should be. I think that we do receive some people that travel to countries and so on, do receive more information than they have in the past, but it is unclear.

With regards to legal liability, I have had the opportunity to ask, in a face to face meeting with John Jeffrey, the chief legal counsel of ICANN, when, as the chair of ALAC, I had to file the objections to new generic top level domain applications for specific strings that were [inaudible] to the ALAC.

Obviously there were concerns that I had, that as the person filing those applications, those objections, I might be subjected to being sued by the applicant. And I was told that, as carrying out business within the ICANN SOs and ACs, I would be covered by ICANN's liability insurance. That obviously is something which I don't have in writing, but that was assured to me, and apparently it's somewhere in the operating paperwork of ICANN, but perhaps we should also try and ask for some clarification on this, because that definitely might influence our choice on whether we want to go in one path or another path. Thank you.

LEON SANCHEZ: Thank you very much Olivier. Next I have Alan, and I would suggest that we close the queue with Alan, so Alan could you please take the floor?

ALAN GREENBERG: Thank you. I was going to comment on what Olivier just said about the liability insurance. I'm not at all convinced in writing, anywhere, and even in secret documents. And if you are not, if I am not today, and you were not then, in a position to receive such assurances, in writing, even if it would be under non-disclosure until we needed them, then it is worth to quote our friend Carlton, in the two versions of his statement, either a cold buck of spit or a bucket of cold spit.

If we really are indemnified, I want to see the words. Thank you.

LEON SANCHEZ: Thank you very much Alan. And thank you very much all for these comments. This is something that we will, of course, will need to voice out in our meeting in Buenos Aries within the CCWG. And let's keep it in mind so that we make sure that whichever model the community chooses to go with, we have clear and very precise definition on the amount of liability that volunteers can be held, or can be exposed to.

So, I'm mindful that we only have three minutes left of interpretation. So since we have already, we [inaudible] that we will be having in Buenos Aries, I would keep that section. And of course, if you want to review the sessions for the CCWG for Buenos Aries, you can see the [inaudible] that I have voted into the Wiki, in the agenda today.

And I think we have already covered that part, not only in this call, but before that. And with that, I would hand the call back to Olivier. So Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this León. Olivier Crépin-Leblond speaking. And we have one last question under any other business, is whether we want to have another call next week before we travel, or many of us, travel to Buenos Aries? And so I leave the floor open for this.

I realize that the CCWG will be meeting face to face. León, remind me when that is? Is it the 18th or the 19th already, or…?

LEON SANCHEZ: Thank you Olivier. I was just raising my hand to comment on that. The CCWG will be meeting face to face after Buenos Aries, that will be on the 17th and 18th July in Paris. And the face to face meeting before Buenos Aries will be taking place on June the 19th. We will have an all day session for the CCWG, in Buenos Aries on Friday the 19th of June.

And as I said, after that, on Friday the 17th and Saturday the 18th of July, we will be meeting face to face in Paris.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks very much for this León. Olivier speaking. And so the question I ask is whether we should have a call next week? Do we need another call next week? If so, I'm bearing in mind many people will be travelling. I can see, as far as I'm concerned, I'm fully taken up on

Tuesday the 16th, unfortunately. My best time would be sometime on Wednesday the 17th of June.

And Monday the 15th still looks like a possibility, although it is quite a busy day already, but we could have a Doodle of that. I can see a lot of red stars here, red crosses. So I gather that no one has the time next week to have a call. If I'm correct, will anybody say something? I see big red crosses at the moment.

León has dropped. Okay, so no call next week. Am I correct? No call next week?

CHERYL LANGDON-ORR: Yes, that's correct.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks for this Cheryl. I see the crosses are turning into the red crosses, are turning into green ticks, or at least one of them have turned to green ticks. So we're not going to have a call next week. We'll be meeting face to face in Buenos Aries. What I will ask staff is to remind everyone by sending an email. So Terri, could you please send an email to the working group mailing list, reminding us of the different sessions we have on those topics, both the cross community working group session, plus the…

So the cross community working group accountability, the one on IANA stewardship, the face to face working group meeting that we have as well. And I think that's what we, all we need to know. Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you. I'll just point out there was no meeting next week. We will be meeting on Friday in Buenos Aries, the CCWG, to try to get to closure on some of these issues, before we have a time to talk again. In my last intervention, I pointed out it would be really useful to those who are going to be sitting at that table, if we know what it is the ALAC wants.

And although we have individual pieces, we don't necessarily have something that can exist. You know, we may have said, and I don't know if we said this, but we may have, that we don't want enforceability on all of the issues, but we definitively want to be able to remove part or all of the Board.

And it's not clear we can do that without legal enforceability. So, part of it is lack of information, but part is, we are passing judgment on individual components, without passing judgment on the overall package that would satisfy us. And it would be really useful to know, and I don't know how we get it on this list, the list without another meeting, but it would be really useful to know to those of us sitting at the CCWG table, on the Friday. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this Alan. Let's put it in the action item, to send a note to our mailing list, to ask for this. Just what you said here. Cheryl has also mentioned maybe a breakfast together on Friday in Buenos Aries.

ALAN GREENBERG: I would think that would probably be a good idea.

LEON SANCHEZ: Or maybe a dinner on Thursday?

CHERYL LANGDON-ORR: I don't get in until half past nine at night, so it would be a late dinner. Like midnight.

TIJANI BEN JEMAA: Yeah, I think that the dinner, I think it is better, because the breakfast is too late. If we have different point of view, and we cannot have consensus, it would be a problem. So the best is to do it before.

CHERYL LANGDON-ORR: Okay Tijani. If it's going to be dinner, fine. Enjoy it. I won't be landing until late Thursday night.

[CROSSTALK]

TIJANI BEN JEMAA: Olivier, if I may. We can continue the discussion. Yes, we can continue the discussion online, by emails, before going to Buenos Aries, so that we'll coordinate our positions.

ALAN GREENBERG: Good luck.

OLIVIER CRÉPIN-LEBLOND: Thank you for this. Tijani, good luck to everyone. Have safe travels for those people travelling to Buenos Aries. And let's follow-up online. Thanks to our two interpreters, Veronica and David. And this call is now adjourned.

[END OF TRANSCRIPTION]