
TERRI AGNEW:

On Monday, the 24th of August, 2015 at 19:00 UTC. We will not be doing a roll call, as it is a webinar. But if I could please remind everyone on the phone bridge, as well as computer, to mute your speakers and microphones as well as state your name when speaking, not only for transcription purposes, but to allow our interpreters to identify you on other language channels. We have English, Spanish, Portuguese, and French interpretation.

Thank you for joining. I'll now turn it back over to Alan Greenberg for opening remarks.

ALAN GREENBERG:

Thank you very much, Terri. There won't be a lot of opening remarks. As I hope everyone is aware, ICANN over the last – I don't know how many months it is now, but it's getting to be a lot of months – has been working on a project to increase accountability.

Accountability essentially says to make sure that ICANN is responsive to the community as a whole, and the community includes all the various parts ranging from governments through At-Large to the people who are involved in the gTLDs and ccTLDs, the addressing of the Internet. All the various component parts of ICANN.

We're doing this in conjunction with a proposal from the US government to transfer the responsibility for IANA from the US government where it has resided essentially since the start of the Internet through to the various operational communities. One of the

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operational communities that IANA serves is the names community that ICANN is focused on – at least one of our focus points.

Along with the transfer of IANA, we have to make sure that if the US government is no longer in the process, that ICANN is completely in line with the desires of the community as we go forward. And the mechanisms that Leon will be describing today are the changes that we're looking to make in ICANN to allow the community to effectively not replace the Board of Directors, but to augment the Board of Directors and make sure that the direction of ICANN is meeting the community's needs and the intent of the community as we go forward.

Without going into a lot more detail, I turn it over to Leon Sanchez. Leon is a member of the At-Large Advisory Committee appointed by the NomCom from the Latin America and Caribbean region. He has been one of the co-chairs of the CCWG, the cross-community working group. I cannot think of anyone better to bridge the gap between what the working group has been doing and the At-Large community. Leon, I turn it over to you.

LEON SANCHEZ:

Thank you very much, Alan. As Alan has accurately described, we're in the middle of transition in the ICANN world and the IANA environment. The Cross-Community Working Group on Enhancing ICANN's Accountability released its second draft proposal for public comments that was on August the 3rd. The public comment period will be open for 40 days, so the second public comment period will end on September the 12th at 23:59 UTC.

We still have time, and everyone interested in contributing with some comments to the proposal still has time enough to build a document or a comment, or post comment to the forum raising their concerns or questions, or of course that received all those proposals that might help us do our work in a better way.

As you might be aware, there are two tracks running in parallel in the issue of the transition, the NTIA IANA stewardship transition. We have one track which has been addressed by the CWG, the CRISP, the IANA plan and coordination by the ICG. The second track which is the one that's been run by the CCWG on Accountability in which five members of the At-Large community have been working very hard along with some other members of the rest of the ICANN community to build a proposal that can enhance ICANN's accountability.

When we reach a final proposal, this proposal will be sent to the ICANN board for review and approval, and then in turn sent to the NTIA for continuing the process, in which we will have a single proposal that encompasses not only the transition plan, but also the accountability and enhancement that we are looking forward to build for the future of ICANN, and of course the IANA functions, the IANA operator.

Our goal, and the CCWG Accountability, is to deliver, as I said, a set of proposals or a proposal that would enhance ICANN's accountability towards all stakeholders. When I mean all stakeholders, of course we also are thinking on those that are maybe not part of the ICANN community but could be in fact affected by the actions or inactions of ICANN. This is one fact that has been also put into our proposal when

coming to designing the different mechanisms that I will speak about in a moment.

For this goal, we divided our work into two different work streams. Work Stream 1 being focused on the mechanisms that are essential for being implemented or put in place before the transition actually takes place. And Work Stream 2 focuses on addressing accountability issues for which a timeline for developing solutions would need more time and that would extend beyond the IANA stewardship transition.

So Work Stream 1 is only the things that are essential to be in place or implemented before the transition, and Work Stream 2 is everything else that is not essential the transition and it could take some more time. Even further to the implementation of the transition.

Just a reminder of how the ICANN community is organized, just in case you are not aware or not familiar with the structure of the ICANN community. We have our Board of Directors and we also have three supporting organizations and four advisory committees, each one representing key stakeholders.

While ICANN board has the ultimate authority as things stand today to approve or reject policy recommendations, supporting organizations are responsible for developing and making policy recommendations to the board. Advisory committees formally advise the ICANN board on particular issues or policy areas.

Most of the CCWG accountability efforts are focused on ensuring accountability of the Board of Directors. In fact, this was one of the comments that we received when we posted our first draft proposal for

public comments in our first public comment periods. Some of the comments raised the issue that our proposal was being too board centric. We were only focused on holding the ICANN board accountable towards the different constituencies and stakeholders because we weren't doing enough when it came to having the community, the different supporting organizations and advisory committees being accountable as well to not only the community, but also maybe to the ICANN board in some aspects.

What we have now, what you see in your screen, is the current accountability framework. In the CCWG Accountability work, we identified four building blocks, which are the ICANN community formed of course by the SOs and ACs as you can see here, the ICANN board which has as I said the ultimate authority to approve or reject any policy recommendations, the principles which would be our bylaws, and of course the independent appeals mechanism which so far has been of concern by many because it has some areas that can be improved, to put it in some way.

So while we recognize that this is the actual framework, we also thought of designing different escalation paths. The CCWG on Accountability is recommending that we give the multi-stakeholder community more governance powers. What happens here is that we are replacing the US government in its historical relationship with ICANN, and as the contractor of the IANA functions and the steward of these IANA functions with ICANN. We want to vest these powers into community, so now the community can serve as [inaudible] in the absence of the US government in this historical relation.

The NTIA set different requirements for this transition, which I believe you are all well aware of them. But just a reminder, they stated that any solution that we came up to would need to be a multi-stakeholder – based on the multi-stakeholder model. It shouldn't be government-led or multi-government led effort. It would also need to be mindful of the stability and resiliency of the Internet.

Thinking of the different ways of enhancing ICANN's accountability, the CCWG came with of course these four building blocks, as I explained earlier. What we did is to think of these building blocks as the basic structure that would provide the enhanced structure for the future of ICANN, and of course the future of the IANA stewardship.

When you look at the new structure that we're proposing, we're proposing an empowered community, which as I said, would be the one that would have the powers that the US government would be giving up when they cancel the contract with ICANN on the IANA stewardship. And the basic powers that the community would have in front of the ICANN board would be to review or reject the budget, the strategic operations plan, and changes in the bylaws.

They would also have the ability to remove individual board members or recall the whole board. In exchange for this, of course, the ICANN board would be able to keep an eye on the community with the structural reviews as community accountability mechanism to the whole board and the rest of the community.

Then we have the principles, which as I explained earlier, are bylaws. With this proposal, we would be classifying or making a difference

between the bylaws and would be categorizing them as fundamental bylaws and ordinary or regular bylaws.

Fundamental bylaws would be those that would meet a higher threshold and a different procedure to be changed, and would of course be the leading principles for all ICANN operations and all community operations.

Then we have the ordinary bylaws, which would be pretty much the same as the current bylaws, in which the board would still have the ability to approve, or reject of course, a change into these bylaws and the community would only have the ability to reject a bylaw change of the [inaudible] bylaws. While in the fundamental bylaws, the community would be actually the one that would be needed to approve the change in the fundamental bylaws.

Then we have the new IRP, which would bring some [inaudible] desired enhancements to the current IRP. This new IRP would be considered by seven members in a standing panel, and these independent appeals mechanism would be binding in its ruling to the ICANN board and would, of course, be thought as an accessible means to bring some review and redress to the community. Not only community, but as I said, maybe to those outside the ICANN community that can be directly harmed by ICANN's actions or inactions.

So this is what we are proposing in our second draft document with regards to the four building blocks that I explained, and of course the different powers that I will go into detail in just a minute.

As I said, the principles would be ICANN's mission, commitment, and values. Today we have an Affirmation of Commitments that is a document that has been signed between the governments of the United States and ICANN. In these Affirmation of Commitments are some core values that the CCWG considers that would need to be added to our actual bylaws, and would either go or fit into the mission statement or into the core values.

The mission statement, as you can see in your screen, describes the scope of the organization activities. And one of the most heavy concerns that we heard from the public comments and the community was that we should keep ICANN from going mission creep. By this I mean preventing ICANN from deviating from its actual mission, so we need to of course keep an eye on how we draft the mission statement for ICANN in these new bylaws.

This doesn't mean that we are going to change what ICANN actually does today, but we will be suggesting some enhancements to these mission statements, so that we prevent actually ICANN from going mission creep.

Then we have the core values. This would be a guide for not only the ICANN board, but also the ICANN community, larger community, to guide all decisions and actions within ICANN.

The CCWG has recommended on dividing [big system] core values into commitments and core values. We have some existing core value provisions in our bylaws and we would be looking into dividing this into commitments and core values.

May I remind you to please mute your microphones if you're not speaking? We have some background noise. Kindly please mute your microphones.

So with this, we would be, as I said, including some of the Affirmation of Commitments into the ICANN bylaws. Not all the Affirmation of Commitments would need to be included, as there are some clauses in this AOC that don't actually need to be incorporated into any bylaws at all.

Then we have the fundamental bylaws which I referred a minute ago. These fundamental bylaws, as I said, would be bylaws that would need a higher threshold and actually would need community approval to be changed.

Today ICANN bylaws can be changed by a resolution of the board with a two-thirds majority. What we are proposing in the CCWG is to actually revise these bylaws to establish a set of fundamental bylaws which would protect certain provisions that we are designing and certain powers that we are trying to provide the community with, so this would not be taken away that easily by board resolution.

What we are proposing to include in the fundamental bylaws would be the mission, the commitment, and the core values. The framework for independent review process, the manner in which fundamental bylaws can be amended, the community mechanism as sole member model which I will explain in just a minute, and the community power to reconsider and reject the budget or strategy and operating plan to

[reconsider]/reject changes to ICANN bylaws, remove individual ICANN directors, and recall the entire ICANN board.

We would also be including the IANA function review and the separation process required by the CWG on stewardship, which is of course the proposal by the naming community.

Then the last thing we would be including in the fundamental bylaws would be the post-transition IANA governance and customer standing committee structures, also required by the CWG stewardship proposal.

So these seven issues or aspects would be included as fundamental bylaws in our proposal, and of course if it gets approved, we would need to redraft some of the bylaws that currently [confirm] the structure and the ICANN actions. So we now would have a set of fundamental bylaws.

The appeals mechanism is of course the IRP, the Independent Review Process. As I said previously, we do have an IRP currently, but this IRP hasn't been as effective as the community would have expected. So what we're trying to do here is to design a new Independent Review Process, an appeals mechanism that would bring significantly enhancements to ICANN's existing independent review process.

This IRP would be [aimed] to bring review or to provide review or redress to any person or entity that would be materially affected by an action or inaction in breach of the ICANN bylaws by either the ICANN board or staff, of course. And this would be a trigger to request an independent third-party to review this action.

What we have here is the design of this new IRP. We would be thinking of having a standing panel formed by seven members. If there would be the need of actually launching an IRP, then those who launched the process would need to convey a panel of three people. This would be the review panels. Then from there we would be of course triggering this IRP.

As I said, the standing panel would be [conformed] by seven members. The selection would be carried out by not only ICANN, but the community as well. ICANN would need to organize a community effort to identify proposed candidate members, and the board would actually confirm these members.

This doesn't mean that the board would choose the members of the standing panel, but would only confirm whether the selection made by the community is feasible or not.

Of course there are certain skill sets that would need to be fulfilled by those wanting to be included or considered to be part of the IRP, and we would be looking at legal experts that would have this, of course, legal expertise. Expertise in working with ICANN and the Domain Name System. Also we would be looking to people that could have access to other experts upon request.

We are trying to build diversity into our proposal as well, and we would be proposing to have reasonable efforts to achieve diversity, including no more than two panelists from an ICANN region. This would fit into our process of not only enhancing the accountability with ICANN, but also fostering diversity into our community as [we usually] do.

When we have a review panel, we would have three people selected by those triggering the DIRP. We would have one member chosen by each party, and those two would then in turn designate the third member of the panel.

The expertise would of course need to be relevant to the dispute in question and there should be access to other experts upon request. How the decisions are made and the effect that these decisions have on ICANN's board and ICANN's processes are that these decisions are to be binding on ICANN. This would address one of the most raised concerns with the community with the current IRP, and this would of course be binding to the extent permitted by law.

And possible decisions from these review panels [could] be the action or inaction is not consistent with the bylaws, or maybe that it is consistent with the bylaws and the substantive decision on sole member rights could also trigger a different mechanism after the review panel [ends].

So in the case of requesting for reconsideration, the past process that described was the review process. This one is request for reconsideration which is also in the path of escalation for the different mechanisms that we have [assigned] in the CCWG, and this one proposes a number of key reforms to ICANN's request for reconsideration, or RFR process.

Here any person or entity materially affected by ICANN's action or inaction could request a review or reconsideration of an action by the board. The key reforms proposed include expanding the scope of

permissible requests to include board or staff actions or inactions that contradict ICANN's mission, commitments, or core values.

We would also be including extending the time for filing a request for reconsideration from 15-30 days. We would also think of the grounds for [summary] dismissal to be narrowed. We have narrowed the grounds for [summary] dismissal and the ICANN Board of Directors must take determinations on all requests. Rather than just having that committee handling staff issues, the board would be involved in all and each of the processes.

Then we would be requiring ICANN Board of Directors to make determinations on all requests after receiving recommendation from the Board Governance Committee, rather than the BGC deciding. Then we would also be including tasking ICANN's ombudsman with initial substantive evaluation of the requests to aid the Board Governance Committee in its recommendation.

We will also be providing requestors an opportunity to rebut the board, and the Board Governance Committee's recommendations before a final decision by the entire board. We would also be providing enhanced transparency requirements [inaudible] in issuing determinations. This would of course add to the certainty and the predictableness that the community demands that ICANN operations have. We would be thinking of building more certain environments for all the ICANN community and those affected by ICANN's actions or inactions.

Then, as I previously described, our work has come to a proposal in which if you followed our previous work, the first proposal that we

came with was to have a membership model in the ICANN structure. These carries a series of complications and complexities in its implementation.

So we listened to the community. We got your feedback to our new proposal. And what we came up to was to have sole member model instead of a membership model, a multiple membership model. With this sole member model, we would have a single member as a member of ICANN. And here the community mechanism in which SOs and ACs would participate jointly to exercise the community powers would be built into ICANN bylaws. This would be actually the sole member of ICANN.

The decisions of the different SOs and ACs in this community mechanism would directly determine the exercise of the rights of the community mechanism as a sole member.

We have to remember that if everything goes well, these community mechanisms would rarely be actually triggered, and nothing in the way that we do things in ICANN today would need to change. We would only be invoking or triggering this community mechanism in case we had the need to decide on whether to exercise one of the community powers or not.

So what you have in your screen is the comparison of the current and the proposed structures. In the current structure, if the community disagrees with the board decision or action, they have no recourse to challenges.

[As you can see], the community, the board, the board decision for action, and if we disagree, then we have no recourse. With the proposed mechanism – and by this I mean the mechanism as sole member model – if the community disagrees with a board decision or action, they can challenge it, exercising the powers through the community mechanism [as] sole member.

Here we would have a board decision, and then maybe disagreement from the community, and we would have of course the five powers that I spoke of earlier and that we'll review in the closing of this session. And we would be able, as community, to decide whether we would exercise one and each of these powers, should the need arise from a disagreement from how the board is acting or making decisions.

This is the comparison between the current and the proposed models, and as I said, it is really important to emphasize that having a sole member model would not change anything about how we do policy or how we do [our data] work within ICANN. Everything would remain this same and this community mechanism as sole member would only be triggered if and only if the community decided that there would be the need to exercise one of the five powers that are being vested into the community with this new proposal.

These five powers, as I said, are the reconsideration or rejection of the budget or strategy operating plan. These have been widely discussed. We are aware that when we speak about the budget, we don't only speak about ICANN's budget but also the PTI budget. We would be having processes and mechanisms for reconsideration or rejection of the budget. That would of course address the concerns that have been

raised with regards to PTI budget. It's not the intent to go in deep details in this session, but I can assure you that if you have any concerns with regards to what would happen if the community would reject the ICANN budget would the PTI still have a budget to run the IANA functions, etc.? This has been thought of and this is also included not only in our proposal but I believe in the CWG's proposal. So we can all remain calm if rejection of the budget should come in the future.

Then we have the second power, which would be the reconsideration or rejection of changes to ICANN [inaudible] bylaws. What this would mean is that the community would have the ability to actually reject or tell the board to reconsider any changes that the board wants to make to standard bylaws.

Today we don't have this power. Today we can comment on any bylaws changes proposed by the board, but as I said, the board would have the ultimate decision on whether changing the bylaws or not, or listening to the community or not. So this second power would actually enable the community to reject or ask the board to reconsider any standard bylaws changes.

Then the third power would be to approve the fundamental bylaws, to approve changes to the fundamental bylaws. As I said in my explanation earlier, this power would form part of the process set out for agreeing any changes on the fundamental bylaws. It requires that the community would have to give positive [inaudible] to any change, and it would be a co-decision process between the board and the community and that such changes would require [inaudible].

In this case, if we [inaudible] the board saying that they would approve a bylaws change, but since it's a fundamental bylaw that's been changed, then the community would need to actually approve this fundamental bylaw change. And it would require, as I explained, a very high threshold in the community mechanism as sole member to actually be approves. So this would in a way enhance the way that fundamental bylaws would be needing to be changed.

Then the fourth power we have here is the removal of individual ICANN board directors. In this case, the committee or organization that appointed any given director could end the term and trigger a replacement process.

The general approach consistent with the law is that the appointing body is the removing body. There are of course certain situations around removing individual ICANN directors. One example could be if we have a situation in which any appointing organization would have the ability to actually remove a single member. Then this member might actually not be able to perform its duties to ICANN the organization as a director. Then this could of course lead to some [inaudible] problems.

So what we've been thinking of and what we've come up to is to, of course, have a set of [inaudible] that would trigger this mechanism, but this of course would also be left to each of the communities to decide.

Then we have the fifth power which would be the recall of the entire ICANN board. This power would allow the community to actually remove the entire ICANN board.

As you may foresee, there would also be some concerns, what happens if we actually remove the whole board. Would ICANN remain board-less for a second or not, and how would this affect the stability and resiliency of the whole DNS and IANA functions?

Well, in our proposal, we have been thinking of course of the situation. It has been stress tested. There have been a series of stress tests performed by the team led by Cheryl Langdon-Orr and I can assure you that these stress tests have been very well performed.

When we have a situation in which we recall the entire board, there will be a caretaker board that could of course replace this board momentarily and would keep all things running by the clock. So there wouldn't be anything to worry about if we decided actually to remove the entire board.

What we have here next are a couple of examples of how actually the community model as a single member or sole member would actually function if we decided that there was a need to trigger any of the mechanisms to exercise community powers.

What we have here in this overall scheme here in your screen is, first, the cost, which would be the ICANN board or board member action causing significant concern to members of the community.

This would trigger a petition and this petition would be of course led by at least one SO or AC, depending on the powers that is willing to be exercised. This would start the formal discussion and decision-making about whether to exercise a community power or not.

This would happen generally in a maximum period of 15 days from the announcement of the decision that might trigger the powers that are going to be considered to be used.

Then there would be a discussion. In this discussion, the whole community – and by this I mean all the SOs and ACs – would discuss the proposed use of the power online or through the proposed ICANN community forum. If this happens to be something that can be discussed on a face-to-face meeting, this of course would happen face-to-face; otherwise it would need to be performed online or maybe in some kind of remote session by the community mechanism as sole member.

This discussion period would last 15 days, starting the day after a valid petition has been received. So we wouldn't need to wait of course to [inaudible] the 15 days after the decision that triggers the powers has been announced, but this could also happen after the petition has been received.

Then the third step in this process would be the decision-making, in which actually the SOs and ACs have voting rights in the community mechanism would capture votes to decide whether the power would be actually exercised or not.

This [inaudible] period would also last for 15 days, starting the day after the conclusion of the discussion period. The outcome would then be that the ICANN board would act in accordance with the community decision.

This would be an overall view of how the different exercise of the powers would be taken by this community mechanism as sole member. We now have some more precise examples on how this would work.

For example, when we're talking about reconsidering or rejecting changes to ICANN standard bylaws, the process would start with the board trying to amend the standard bylaws in ways that the community does not support. Think of anything that is in the bylaws and think of anything that the board would do to actually amend those bylaws against the community's interests or without having the community support.

This would trigger a petition, and this would of course need to be a petition by one SO or AC, and then we would be holding discussion by the whole community as I described. Then the decision would be taken by casting the votes by the different SOs and ACs.

The petition would be needed to indicate by signature following the decision of the simple [inaudible]. And by this we mean enough votes to exceed [50%] of that SO or AC's governing body. So if an SO or AC has simple majority vote to actually sign the petition, this would be the trigger to this process. Then in the discussion, we would have a mixture of formal and informal discussions, advice and considerations within the forum and informally within the SOs and ACs.

And after [inaudible] the discussion period, then the cast of the votes would need two-thirds level of support to actually succeed and veto whatever changes the board would be trying to pass against the community's support.

If the decision came to actually reject or have the board reconsider any changes to the standard bylaws, then the board would absorb this feedback, make the adjustments and propose a new set of amendments to the bylaws after [its judicial] processes.

This is very important to emphasize that we would be doing here is to actually provide the feedback to the board to help the board to make the adjustments, but the community wouldn't be the one to make the adjustments to the proposed bylaws. So we're not taking the bylaw that we don't like and redrafting it, but instead we are only saying what we don't like about the new bylaw, why we don't like it, and maybe proposing a way forward so that we can have the amendments properly supported by the community. But this all would need to be taken back to the board, and the board would need to run its regular process on amending bylaws.

Then the next example is recalling the entire ICANN board. In this case, we have a set of problems that have become so entrenched that the community wishes to signal its lack of confidence in the board. This would be triggered by a position of at least two of the SOs or ACs, and at least one of each – I mean, at least one of which must be an SO. This would trigger the petition.

This would be initiated by indicating or assigning the petition, [approving] by a simple majority of each of the SOs or ACs governing bodies. In this case, we need to have one SO and one AC signing the petition to actually trigger or beginning the process.

Once we do this, then the discussion would begin, and as in the previous example, the community would run a mixture of formal and informal discussions during 15 days. After that, the community would be in the position to actually make a decision, and they would need to cast their votes. If 75% of all the votes available within the community mechanism as sole member model would be in favor, the recall of the board could be effective.

This would then come to an interim report replacing the ICANN board that has been removed, except for the president. The exception of the president is of course because the president of the board is the CEO of ICANN and that is one thing that the community wouldn't be able to actually recall, but only the rest of the board members.

The next example is an example of how the community mechanism would have different votes assigned to the different SOs and ACs. We have a model here in which the ASO, the GNSO, the ccNSO, the GAC, and the ALAC would all have five votes within the – the [CMSCM] I mean. Then the SSAC and the RSSAC would have two votes each.

This would be the initial design for the participation of each SO and AC in the voting within the sole member. This would of course be done according to a set of rules described in the ICANN bylaws that would be created specifically for this purpose.

Here we also take into account that each SO and AC would be responsible for defining their internal processes for voting under these rules. Of course, as I said, nothing in what we do on our day-to-day basis within ICANN would have any change. This proposal would be respectful

of internal processes and rules of each SO/AC. And in this case, the chair of each SO or AC would be responsible for communicating the votes or decisions of that SO or AC to the ICANN board.

This pass-through of [inaudible] votes and decisions would become the act of the sole member. As I said, the initial design of how each SO and AC would fit into the community mechanism of sole member and the number of votes that each SO/AC would be able to cast should the need to trigger the mechanism arise.

As I said earlier, our proposal has been stress tested. This is also one of the requirements set by the charter of the CCWG on accountability. The purpose of this stress test is to determine the stability of ICANN in the event or consequences or vulnerabilities, and of course to assess the [inaudible] of the system and proposed accountability mechanisms available to the ICANN community.

The stress test team came with five different scenarios or situations in which there would be the need to actually stress test our proposal. The first thing, the financial crisis or insolvency of ICANN. The second one being the failure to meet operational obligations. The third being legal or legislative action. The fourth being failure of accountability. And the fifth, failure of accountability to external stakeholders.

As you can see, this is a very complete set of stress tests and situations that have been run by the stress test team within the CCWG as I said. These stress tests shows us that the proposal that we have come up to in the CCWG actually has some solid grounds to actually be successful in any of them that has been stress tested. We have to recognize the

excellent work that the stress test team has carried, as I said, led by our dear Cheryl-Langdon Orr.

We have also our timeline here on the different work streams and the implementation. As I said in the beginning of this [inaudible], we divided our work into two work streams. Work Stream 1 that those are changes that must be implemented or committed to before the IANA transition takes place. And Work Stream 2, which would be those changes that would take more time and that are not essential to be in place before the stewardship transition actually takes place.

So the possible tracks for implementation of Work Stream 1 are revising mission, amendments, and core values; establishing the set of fundamental bylaws that I have been describing; and completing the IRP enhancements; establishing community empowerment mechanisms and incorporation of community powers into the bylaws; incorporating the Affirmation of Commitments reviews into the bylaws; and completing the reconsideration process [inaudible].

As for Work Stream 2, we would be looking at refining the operational details of Work Stream 1 proposals. One thing is to say that we will be doing something or establishing this into the bylaws in Work Stream 1. And another thing is to actually go into operational details which would be part of what we would be doing in Work Stream 2.

Then we would also be further assessing enhancement to the participation of governments within ICANN. We would be considering the issue of jurisdiction which has been also a concern raised by many within the community and outside the community. We would also be

enhancing SO and AC accountability, which has also been a concern raised in the first public comment period by many commenters. We would also be [inaudible] culture of transparency within the ICANN organization, which would encompass not only the board but also would encompass staff and each of the SOs and ACs.

We would also be considering improvements to diversity in all its aspects at all levels of the organization, and we would finally be defining the modalities of how ICANN integrates human rights and impact analysis within its mission.

So as you can see, our timeline here, we are now on August 2015. We have launched our second public comment period on August the 3rd and we will be closing this second public comment period on September the 12th. Our aim is to actually have a final proposal by mid-September so we are able to forward this final proposal to the different chartering organizations so they can review it and hopefully approve it by our Dublin meeting in October.

After that, we would be beginning implementation of Work Stream 1, and this implementation is a program to run from hopefully the beginning of November in 2015 and run all the way through July 2016.

In parallel, we would be developing our work for Work Stream 2 and would begin implementation of Work Stream 2 by August 2016 and hopefully conclude by early 2017. But since Work Stream 2 are those issues that are not essential for the decision to happen, then we would be safe and we would actually be having the transition, if everything

goes well, maybe by August 2016. But of course this is only an estimate. We have an [inaudible] here. I don't know what's that.

That's the overall explanation of our second proposal. As I said, we are open for comments until September 12th, and I would now turn back to Alan for opening the floor for questions.

ALAN GREENBERG: Thank you very much, Leon. You can now take a breath.

LEON SANCHEZ: And water.

ALAN GREENBERG: And water, yeah. You'll notice in the chat earlier, I put up a pointer to the wiki space that At-Large is using to draft its comments on the proposal that Leon has been describing, and also a link to the actual current version of the statement. The statement is changing every two days or so as we get comments in and as we've been holding a very significant number of meetings of the ad hoc group that is drafting it. Anyone is welcome to join that group, or certainly go to the wiki space. If you have particular comments on parts of the proposal that you think are either well advised or not well advised, then please make them.

And to the extent that these comments are generally felt by other members of At-Large, then they will be incorporated into the statement.

As Leon was talking earlier, one of the comments that some people have made came to mind. You'll recall that Leon said one of the things that we're building into the bylaws is trying to prevent mission creep. Now, mission creep is viewed as a change in what ICANN does outside of what we were supposed to be doing.

On the other hand, there is a belief that as ICANN goes forward, the world is going to change and there may well be a need to change our mission to meet an evolving world. So if we change the mission without proper due process, then it's mission creep. If we change it after due consideration, then it's simply evolving.

You'll notice that it is the same changes that will happen. We're going to be doing different things, but in one case it's good; and in one case, it's bad. The challenge in the group that Leon has been working with is to try to identify how do we recognize good versus bad, allow the good things and facilitate the good things; while at the same time, trying to prevent the bad things. It's a real challenge to get the right balance to make sure that we're not locked into something we shouldn't be doing. On the other hand, don't change randomly just because one particular person at one point in time thinks it's a good thing. It's an interesting challenge.

I'll open up the floor to any questions or comments by anyone who would like further clarification or like us to provide any input into the process. Holly, you're first.

HOLLY RAICHE: First of all, thank you, Leon. Second, the question I have is this goes beyond the timeline that was originally set by the NTIA. I understand that timeline has been extended. Do we have feedback from the NTIA on their response to any of this? They must have seen some of this. What do they think and do we have the extra year or whatever?

LEON SANCHEZ: Do you want me to respond, Alan?

ALAN GREENBERG: Let me take a first cut. Let me ask a question. Holly, you said we have an extra year. What are you referring to by that?

HOLLY RAICHE: Is there something from the NTIA that says the deadline was originally... I thought it was September this year.

ALAN GREENBERG: Okay, got it. I know what you're referring to. The original target when the announcement was made was a convenient time of September this year. That's because the current IANA contract was expiring at that point, and it would've been really nice if we could have had the transition so the contract wouldn't have had to be renewed.

Due to a number of reasons, partly due to the fact that the names community – the CWG stewardship – could not get a proposal out by

the original time that the coordinating group wanted it. That became clear it was impossible. So the contract would have to be renewed.

The timeline we're talking about now is having pretty much everything approved and ready by the end of this year. The US government would then over the next few months after that approve the transition, hopefully, and that requires the accountability processes to be in place already, not just proposed. Then the transition would happen sometime in the second quarter of next year.

The contract was renewed for one year, which gives us a bit of flexibility. That is, if we don't actually make the physical transition by July, then we still have another couple of months without having to renew the contract.

The recent renewal announcement did not extend anything. The discussions that have been had over the last several months, which set the timetable I just described, are still the timetable we're on. Not meeting the original deadline, but that was – the world didn't unfold properly, so we couldn't meet that one.

Leon, you can add anything if you'd like to.

LEON SANCHEZ:

No, thank you, Alan. I think you've explained it very clearly, so I have nothing to add. Thank you.

ALAN GREENBERG:

Thank you, Alan. Olivier, you're on.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Alan. Can you hear me?

ALAN GREENBERG: Yes.

OLIVIER CRÉPIN-LEBLOND: Okay, fantastic. Thanks. Looking at the presentation slide #7 – and I have been focused on this so far on previous occurrences of this presentation and so on. Slide #7 speaks about ICANN Affirmation of Commitments. When Leon made the presentation, he mentioned that some of the AOC recommendations would be carried over, or some of the AOC part of the Affirmation of Commitments would be carried over to the bylaws and others wouldn't.

Has this triage already been undertaken and how will that be chosen?

ALAN GREENBERG: Go ahead, Leon.

LEON SANCHEZ: Okay, thank you, Alan. Yes, Olivier, this triage has been undertaken already. We have selected to put it in some way. Those clauses or paragraphs in the Affirmation of Commitments or values that should be included into ICANN bylaws. As I said, there are some paragraphs built in the Affirmation of Commitments that, because of the nature of those paragraphs, cannot be put into the bylaws. I don't have any example

fresh in my mind to tell you at this point, but I'm thinking maybe of some administrative or otherwise some kind of measure by removing the US government from the equation would no longer be feasible. So those are the kinds of provisions that would not be included in the ICANN bylaws that are actually now in the Affirmation of Commitments. Otherwise, what we believe to be essential to ICANN's mission and core values will definitely go into the bylaws.

ALAN GREENBERG: Any follow-on, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Alan. No, that's fine. I'll follow-up afterwards. I think it's a work in progress. There's still some work to be done on there. I do note that some discussions had been taking place on the mailing list regarding the inclusion of some of the AOC clauses because they would probably be out of date in a few years' time, so then it becomes a little strange on having those added to the actual fundamental bylaws or bylaws, as such.

ALAN GREENBERG: Indeed.

OLIVIER CRÉPIN-LEBLOND: I would say it's a pivotal, though. These are pivotal. And we're looking at the recommendations – sorry, the AOC recommendation 9, recognizing that ICANN will evolve and adapt to fulfill its limited but important

technical mission of coordinating the DNS. ICANN commits to a number of things and I think these should be for the most kept.

ALAN GREENBERG:

The intent is to keep pretty much everything. The detailed wording, in some cases, is changing. It has already changed, for instance, in the ATRT review. The original AOC is very prescriptive and very specific as to what can be, and by implication, what cannot be reviewed in the ATRT process. The revised wording gives a little more flexibility to the ATRT teams to decide what are the critical issues in a given year. There is currently a discussion going on with respect to the WHOIS review and asking with it, too, should be made somewhat more flexible to adapt to the changing WHOIS environment. My gut feeling is that will likely happen.

That's the kind of discussion, but there's no question about the overall intent. There's also an issue, for instance, on the consumer trust one. Should it be referring to rounds of new gTLDs, and how applicable is this going to be in the future?

So there's still some discussion going on in that general area, but the overall intent is that we adhere to what was in the AOC.

Any other hands? We still have a significant amount of time left, with 15 minutes. No questions, no thoughts? We can end early. We do have a question from Alberto Soto. Go ahead, Alberto.

ALBERTO SOTO:

Thank you. I have a question regarding the stress tests. The first said a crisis or insolvency test. I had a doubt regarding intellectual property over the IANA domain name, and everything related to the transition. The board said that they would agree to that transfer, but I also noted that the legal counsel on analyzing risk said that if ICANN files for bankruptcy or became insolvent, then the domain could go to the IETF or the PTI.

I don't – it doesn't matter who gets that intellectual property. My point is that other risks were not included, or other possible recipients – sorry – of the IANA domain name and other possible recipients of intellectual property were not included. Do you include other possible recipients in these tests? Thank you.

ALAN GREENBERG:

I'll try that one, Leon, since it's really a CWG question, not an accountability question.

LEON SANCHEZ:

Exactly.

ALAN GREENBERG:

There are a couple of things to think about. Right now, ICANN owns the trademark IANA, and is the registrant for the IANA.org domain name. If ICANN should go bankrupt today, then there would be a question of where do those assets go? So the problem exists today. It doesn't change it all that much.

The second part to recall is if in the worst case, for one reason or another, we no longer had access to the IANA trademark or to the IANA.org, that wouldn't change anything about what we do. People might have to rewrite a domain name somewhere, and the name on the stationary might have to change. But other than that, it really doesn't alter how we're going to do business.

The same is true for the RIRs, the regional registries. The domain name is not used very much. Yes, we refer to IANA as IANA, but if we had to refer to it as something else, it could still do the same work.

The IETF has a somewhat more compelling case because the actual domain name is used in code that is embedded in machines around the world. A very bad problem, but it has been done.

They have a little bit more complex problem, but if you speak to the IETF senior people, or the IAB, then their answer is if they have to stop using it, they would stop using it and they would figure out a way to get around it.

Although we get very emotional about the IANA name and the IANA domain name, it's not really all that important. And we are in a situation right now where the regional address registries made a recommendation on what should happen to those assets. Neither of the other two communities made a statement about it, and therefore were likely to do something reasonable that will preserve the use of them going forward.

But it's not a live-or-die issue. It's received a little more discussion that it probably merits, because the disaster the situations are not likely to happen. And even if they do, we'll survive. Thank you.

Any more comments, questions? We have another 10 minutes if we want to use it.

ALBERTO SOTO: Thank you very much. Your reply was really clear. Thank you for that.

ALAN GREENBERG: Thank you, Alberto. Appreciate it. Anyone else have anything? We have Seb iPhone. I'm guessing that may be Sebastien Bachlollet. Or maybe somebody else.

SEBASTIEN BACHOLLET: Yes. Thank you, Alan. It's Sebastien Bachollet. You're right. Can you hear me well? Because I am a very terrible situation with very bad weather around me and I don't know if it sounds good enough.

ALAN GREENBERG: We can't hear you well, but I can hear you. I'll repeat it if other people can't.

SEBASTIEN BACHOLLET: Maybe if I go like that it will be a little bit better.

ALAN GREENBERG: Just go ahead. We'll make due.

SEBASTIEN BACHOLLET: Okay, thank you very much. Just to express [inaudible] that everything was shown very well by Leon and [inaudible] everybody agrees on. I just want to raise the point that I have some disagreement, if not to say a lot of disagreement. I think it's important that every one of you get into the detail and look at what its discussion on the wiki page to see where you want to stay on the discussion.

My general feeling is that we are building an organization. We will be more complex to move, more complex to evolve, and more complex to run.

When we are [inaudible] about the organization at a governmental level, we [inaudible]. We are likely become [inaudible] those organization. We have to really [speak] about that also. I will not [inaudible] I have disagreement, but it's my general feeling I wanted to express here.

Thank you very much for the hard work done by everybody. If you can participate, it would be great. Thank you very much.

ALAN GREENBERG: Thank you very much, Sebastien. I'll repeat very quickly or summarize what Sebastien said. First of all, he made a plea – a request – to everyone get involved. Read the proposal. Read what's on the wiki. Make contributions yourself.

He identified he has a number of concerns. I think most of us have some concerns. If you look at the wiki, you'll see what concerns some of us have. One of Sebastien's concerns, which I think is a very real one, is that we are taking an organization that is basically working and adding a lot of complexity to it so that future changes and evolution is going to be a little more difficult than it would be in today's world.

I think he's right. I also think that, for better or worse, if we want the transition to happen and we want to improve ICANN accountability, we are likely stuck with those changes at this point. It's probably too late to back down on much of what he is worried about without scrapping the whole thing. I don't think the community has any taste to start doing this all over again and do it differently.

I agree with Sebastien. I'm not as convinced that there's an alternative right now, but certainly I would strongly suggest everyone read his comments, and in particular, Sebastien has a minority statement at the end of the proposal right at the last few pages. Look at that, and if you agree with them, make your comments. Thank you.

Sebastien, I hope I moderately accurately said what you were talking about. Anyone have any comments on that or anything else? We have a few more minutes still. Give people a moment to raise their hand if they want to. Is there anyone else in the community or people who are involved in the process? The people on this call who have been heavily involved in it are myself, Cheryl, Sebastien who has just spoke. I think those are the ones who are involved in the working group heavily. And Olivier has been following this very carefully and doing an awful good job at running the ad hoc group, which is the shadow group that At-

Large has helping to advise the people that are actually on the working groups.

No more comments? In that case, I thank Leon very much for the effort and time he's put into both this webinar and of course the last 8-9 months of work and the next year or so. I'm not sure he quite knew what he was committing to when he volunteered. Some of us did warn him, but nevertheless.

I thank everyone for participating in this webinar. There will be another webinar I believe on Thursday. I'm not sure the time yet. I'm not sure the time is set yet. Thursday will be a webinar to review the almost final At-Large/ALAC statement on this report to explain what it is we're worried about, what we're saying about it, and to solicit one last round of input from people. Hopefully, if you have some concerns or interest in it, you've already contributed already. It's really good to get it in early because it's hard once it's already fully drafted.

But the statement is available on the web. Make your comments on it, and we welcome everyone on the webinar, which we'll go over in great detail exactly what it is we're complaining about, what we want to see changed and why.

I thank you all. I thank Leon for his work on this session. And I thank you or the marvelous participation we had in this webinar. Nice to see so many people. Bye-bye.

LEON SANCHEZ:

Thank you, all. Bye-bye.

TERRI AGNEW:

Once again, the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines, and have a wonderful rest of your day.

[END OF TRANSCRIPTION]