OLIVIER CRÉPIN-LEBLOND: Let's start the call please.

TERRI AGNEW: Okay. We'll go ahead and begin at this time.

Good morning, good afternoon, and good evening. Welcome to the At-Large ad-hoc working group on IANA transition and ICANN accountability, taking place on Tuesday the 22nd of September 2015 at 14:00 UTC.

On the call today we have Gordon Chillcott, Olivier Crépin-Leblond, Cheryl Langdon-Orr, Tijani Ben Jemaa, León Sanchez, Eduardo Diaz, Avri Doria, and joining us a little later today will be Alan Greenberg.

We currently have no one on the Spanish channel.

We have apologies from Sébastien Bachollet and Seun Ojedeji.

From staff we have Heidi Ullrich, Ariel Liang, and 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 interpreters. Thank you very much and back over to you Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Terri. Have we missed anyone on the roll call?

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.

Okay. It appears that the roll call is completed. It's Olivier Crépin-Leblond speaking. And today we have an agenda is a bit different from the usual. We'll spend the first 20 minutes or so, looking at the At-Large summit recommendations. If you recall, in our last call, we had to go through these very quickly. We didn't have very much input on these.

We've got Ariel Liang who will share her screen, and I wanted to go through another pass of those. The reason for us starting with this is because Alan Greenberg is going to be delayed into this call, and it's important that we manage to get Alan and pretty much everyone from the CCWG accountability on the call.

So as soon as we joins us in about 25, 30 minutes or so, then we can go into the CCWG accountability, and that will be the major amount of discussion that will take place ahead of the meeting, that will take place in a few days in Los Angeles. And then finally, we'll close off with just an update on the IANA coordination group progress, and the CWG IANA.

Is there any addition or are there any amendments to make to the agenda as it is today? Okay. So the agenda is approved.

Next the action items. That was just one action item for a Doodle, so we can swiftly move on to agenda item number three. And that's the review of the At-Large summit recommendations. And as we did last time, I think we can probably just read through these, each one in turn, just to remind you all, these are recommendations from the At-Large community back in London last year, and they have been going through the At-Large summit implementation team, and are currently being expanded.

Our goal here, now, is to find out how we can implement these effectively, and add to our notes. You will notice that underneath each one of the tables, there is a set of notes and a set of follow-ups. For some, there are some action items that seem to be affected, for others, it's just a set of notes and we just have to see if we want to add to those notes underneath.

Of course, you're not going to be able to scroll through these in your own time, because it's on Ariel's screen at the moment [inaudible], and Ariel will be, is to edit the additional notes when we go through these recommendations.

So let's start then with the first one. And the first one on the list is recommendation number three. The question, or the recommendation was, ICANN should continue to shape accountability model, reaching not only Board members, but all parts of the ICANN community in order to develop a more transparent and productive environment. The last notes that we had last week was that the content of the recommendation is on the radar of the CCWG accountability, and is within the scope of its work.

The CCWG is making recommendations as part of the organizational reviews. It was also mentioned that this was not a recommendation for just the At-Large community to implement by itself, but it's an issue that is an active issue of the whole ICANN community, not the [while] ICANN community, that has to be changed.

And At-Large is, of course, part of the process. Is there anything else that we need to add onto this? These are obviously, the point here,

given the green light to our ALAC members, especially members who will be in Los Angeles, to press on these issues, and make sure that it's not only accountability of Board members, but accountability of all parts of the ICANN community.

Are there any comments on this? León Sanchez, you have the floor.

LEÓN SANCHEZ: Thank you very much Olivier. I think that this is an issue that has been raised by many stakeholders in the second public period of the CCWG on enhancing accountability. So we discussed in our calls today that this would be, of course, an important issue to tackle in our LA meeting. And there have been many comments around that this might be the main issue to, if not the main, one of the main issues to take care of or address, with regards to the single membership model, or any other model that the CCWG ends up proposing.

Because there is the feeling that if we give the community too much power, then the risk of not having the community itself accountable to anyone, then would be arrived in some other unintended consequences or issues. So I believe that this would be widely discussed in LA, and maybe also in Dublin. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much for this León. It's Olivier Crépin-Leblond speaking. And I think that's a very complete input for this. I suggest that we mark this in progress, pending the work of the CCWG. This is

certainly in hand in the CCWG. I don't think we need to revisit it in a few weeks, we first have to see the feedback of the discussions.

Okay. Sounds good, and then we could just move to the next one, I guess. And the next one is, ICANN should examine how best to ensure that end users remain at the heart of the accountability process, in all aspects pertaining to the transition of stewardship of the IANA function. A lot of input received during our call on the 16th of September.

The ALAC and At-Large have been advocating for end users to balance the power of other interested parties, and we will continue to do so. So that recommendation, in a sense, has already been implemented. We're not in a position to say what the end user rights, in fact, the end user rights are more important that other rights. Of course, being in a multistakeholder model, it's quite normal.

And so the question here is, should the ALAC advocate that the end users concerns trump other concerns? And the answer that was given last week was that in some cases yes, and in some cases no. And that there is certainly, in some cases, there is 100% overlap between the interests of registries and end users. In other cases, it might be different.

Is there anything else to add to this at the moment? I do sense on the one hand, it says the recommendation has already been implemented. So the floor is open for comments on this.

And León I see your hand up, is that a new hand?

LEÓN SANCHEZ: No, I'm sorry. That's an old hand.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for taking it down. So are there any other thoughts? Tijani Ben Jemaa, you have the floor.

TIJANI BEN JEMAA: Thank you Olivier.   Tijani speaking.   We cannot say that this recommendation has been implemented, because we don't know if the end users will be at the heart of the accountability process. The end users are working for the accountability, but we don't yet what kind of accountability we will have.

So we may say it is in progress. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. It's Olivier speaking. Would you say it's in progress, then pending the results of the CCWG accountability? Would that be a fair…?

TIJANI BEN JEMAA: Exactly. Exactly.

OLIVIER CRÉPIN-LEBLOND: Okay, excellent. Thank you Tijani. That looks like it's another one that's on the pending column. But that's fine. At least we don't need to revisit this until the conclusion of the CCWG accountability. Then we

can go straight into the next one, that's number six. ICANN multistakeholder model should serve as the reference in encouraging all participants, individuals or parties, to declare and update existing or potential conflicts of interest each time a vote placed or a consensus is sought.

And here, the status is actually on hold. On hold because of the following. The wording of this recommendation seems to be a bit overreaching on the one hand. For example, that was given, imagine before each ALAC vote that one would have to declare and update existing potential conflict of interests. I guess it's an ongoing thing, but there is no specific explicit declaration before each vote.

So we do expect the members, the ALAC members and so on, to update their conflicts of interests regularly. Secondly, the conflicts of interest update between the, every community group has some type of rules already in place. So in a way, that's, that is already in place. And the other thing that was said was that the conflicts of interest issues, with regards to the CCWG accountability work stream two, in which case, we have plenty of time.

This one, I guess it's pending work stream two work. Would that be okay as well? Or we can keep it on hold until work of work stream two, CCWG accountability work stream two. And we don't need to revisit this again in the near future.

I know many of these recommendations seems to be very obvious, but they are, obviously they are just a reaffirmation from our 150 At-Large structures, that these things are important for them. Tijani Ben Jemaa.

TIJANI BEN JEMAA: Thank you Olivier. Tijani speaking. I know that you cannot change the recommendations, but I would like to say that we need to put in our, in this column, that the conflict of interest should be updated each time there is a change for each member. Other than before each vote. And we can say that it is pending until work stream two is completed, because the conflict is to be dealt with in work stream two. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this Tijani.

There should be updated if the members change their status, if there is a conflict of interest. Okay. That's fine. Any other comments on this?

So I guess this will also help our community members, or delegates on, when they will be in work stream two, it will help them be able to draw from this and feed into the process at that time. [CROSSTALK] …you're moving your sensor around, your cursor around.

ARIEL LIANG: I want to talk.   There is an action item for this particular recommendation. It's the assignee should modify the wording of this recommendation.

OLIVIER CRÉPIN-LEBLOND: Okay. And the assignees are IANA transition and ICANN accountability. So that sounds like us.

Tijani, your hand is still up. Is that an old hand?

TIJANI BEN JEMAA: Old hand. Sorry.

OLIVIER CRÉPIN-LEBLOND: Okay. So there is an action item to modify the working of this recommendation. Ariel, what I suggest maybe is perhaps to email this recommendation to our mailing list, and rather than us just trying to rewrite this, get us to work on it online and make some suggestions online. I must say, I don't think it's a good use of our time to go around and try and try to draft something on the fly like this.

Okay, thanks. Let's move on. Let's go to the next one. Number seven, a periodic review of ICANN's multistakeholder model should be performed, to ensure that the processes and the composition of ICANN constituent parts adequately address the relevant decision making requirements in the corporation.

And that's a work stream two issue, so we can also put it pending work stream two work. A lot of this is pending work stream, the different work streams in CWG, CCWG accountability.

TIJANI BEN JEMAA: Olivier, can you read again the recommendation? Because I am not sure we are speaking about the same thing.

OLIVIER CRÉPIN-LEBLOND: The periodic review of ICANN's multistakeholder model should be performed to ensure that the processes and the composition of ICANN's constituent parts, adequately address the relevant decision making requirements in the corporation. Number seven, it's on the screen at the moment.

TIJANI BEN JEMAA: Yes, I see it. It doesn't have to do with diversity here.

OLIVIER CRÉPIN-LEBLOND: I believe not.

TIJANI BEN JEMAA: Okay. So why do you say it will be [CROSSTALK]… two?

OLIVIER CRÉPIN-LEBLOND: Because it says… It's Olivier speaking. It's in work stream two. If you look at the note from the 9th of September, in work stream two, the CCWG will discuss how the rest of the community should be accountable to [inaudible] and the rest of the Board. This recommendation may be addressed after the IANA transition.

TIJANI BEN JEMAA: This is, sorry to speak like this. Tijani speaking. Can I speak?

OLIVIER CRÉPIN-LEBLOND: Please, go ahead Tijani.

TIJANI BEN JEMAA: Okay, thank you. So this point that will be addressed in work stream two, is about the accountability of all parts of ICANN, which is the first point you raised at the beginning. So it is not this recommendation. I don't think that this recommendation is about the accountability of all parts of ICANN.

OLIVIER CRÉPIN-LEBLOND: Okay. So it's Olivier speaking. So what would you suggest then? What are your comments on this then? How would this fit with accountability?

TIJANI BEN JEMAA: It is speaking about the decision making, and the distribution of power, for distribution for decision making, if I understood well. [CROSSTALK]

OLIVIER CRÉPIN-LEBLOND: It's Olivier speaking. It's a very open question. I guess that's what we are here to discuss.

I mean, it's Olivier speaking again. To me, this reads as an actual review of all of the component parts of ICANN. So a review of whether the GNSO is structured in a way that fits the decision making requirements in the corporation, and review of the way the ALAC is structured, the review of the whole idea of having supporting organizations and advisory committees. This sort of thing.

But it feels like a pretty heavy process. I do sense that the usual organization reviews, or the ALT reviews, which we have had, does in some way, address this when one looks at each one of the SOs and ACs. Overall though, the only path that I can see at the moment for addressing this would be the CCWG accountability.

TIJANI BEN JEMAA: I don't know. Tijani speaking. I don't know, but I feel that it is not exactly in the scope of the CCWG. It's about the review of all SOs and ACs, and this is something different. As the CCWG is not about that.

SÉBASTIEN BACHOLLET: Olivier, it's Sébastien, if you could put me online, thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks Tijani. And Sébastien, you have the floor.

SÉBASTIEN BACHOLLET: Okay, thank you. I'm sorry for the noise. I agree with Tijani, it's not just a CCWG activity. I am asking for a [inaudible] review of ICANN, and not just a silo by silo review. It's not the case. But I think that the first work that will be done during the work stream two about the accountability of each part of ICANN, and accountability to one part from another part of ICANN, will be a good step ahead.

That's not answering the whole thing, but we need to introduce that at the level of the reviews. And as maybe it's in ATRT, maybe somewhere

else, but we need to find where we can put this global review of ICANN. This is entrenched with systematic review of the organization. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this Sébastien. It's Olivier speaking. So are there any other comments on this?

I'll letting you all think and mull about this a little bit. Is anyone else on the CCWG accountability that has a view on this?

The [inaudible] agreed that it is wider than CCWG accountability, and it goes much further. In effect, it's somehow a follow-up to the R3 paper that the future challenges working group had sent out for comment. The paper that was looking at completely turning the ICANN structure upside down and redrawing it from scratch. And that looks like another attempt at looking at the overall structure and saying it's still suitable for today's needs in ICANN.

It's a significant request, if the ALAC decides to make this request. As you will notice, the recipient would be the ICANN Board. So the ALAC asks for something like this, we have to be absolutely sure that this is what we want to have. So I would urge you to think about this one quite carefully.

Okay, let's leave it at that and maybe let's not put it pending CCWG accountability work stream two, because I think that this one is one that we're going to have to readdress soon, and perhaps if this group doesn't want to look at it, we could actually have the ALAC as one of our

possibilities to widen the debate within At-Large, but let's leave it at that for the time being.

Let's move on. And we're now in recommendation 13. ICANN should review the overall balance of stakeholder representation to ensure that appropriate consideration is given to all views proportionally to their scope and their relevance. That recommendation is pretty close to seven, isn't it? It's then it looks at the overall review of the ICANN multistakeholder model, and the balance of stakeholder representation.

There is a note underneath that says that part of the CCWG accountability work that the stress tests, for example, regarding the GAC advice, may be relevant to this recommendation, but that's just one thing. Is there anything else to add to this, a part, I mean, I would support, or I would suggest sorry, batching this with number seven. These are two aspects of the same question.

So perhaps see question number, see recommendation seven as well, because the comments that we're making seven probably apply here as well.

Well, it's a figure of speech. It's not similar to recommendation [inaudible] recommendation seven. I'm worried that the terms used, saying similar, people will start digging in say that it doesn't mean the same thing. So it's not similar, but it's along the same lines.

Okay. We'll leave this one open. It's not on hold, I guess, it's also in, is it on hold or is it in progress? Since the other one, I think, was in progress, so put them both in progress. I see that Alan Greenberg is joining us, so we can slowly move on.

Let's see, I don't see anyone… Tijani, is that a new hand? No? Tijani…

TIJANI BEN JEMAA: No, no, sorry.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. Now, let's move to number 14 then. Before we move to 14, I sense that seven and 13 are going to have to be something that the whole of the ALAC needs to discuss, and we need to be absolutely sure of what we wish to have, because I certainly, personally don't think that it's something that can be done right now for a full review of ICANN to take place right now. It might be something that work stream two decides to do.

It might be something that work stream two decides not to do. But at the same time, we do have to be careful of what we're wishing for as a community, because when you start pulling the [inaudible], you never know what's going to be built in its replacement.

Let's go. The next one is number 13, sorry number 14. ICANN should adjust its contractual framework to minimize conflicts between its requirements and relevant national laws, completed, partially completed pending the outcome of the CCWG accountability.

It did not say here whether it was CCWG accountability work stream one or work stream two. And I asked those on the CCWG accountability whether you would say it's in one or two. Perhaps León might know, or Tijani, yeah, Tijani Ben Jemaa?

TIJANI BEN JEMAA: Thank you Olivier. As I said last time, the jurisdiction will be discussed in work stream two. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you. But let's make sure that it's work stream two. Thank you Tijani. Olivier Crépin-Leblond speaking. Let's move to the next one. We're reaching the bottom of the page, that's good. So it's number 15. ICANN should examine the possibility of modifying its legal structure by taking a truly global organization and examine appropriate legal and organizational solutions. That's firmly into work stream two.

I don't think there needs to be any further discussion on this here, at this very moment. I was in a meeting this morning that was discussing several aspects of the CCWG accountability work here in the UK, and there were a lot of raised eyebrows about the amount of discussion that will probably end up, at the moment, the Pandora Box of jurisdiction is going to be opened.

So that's definitely going to be something which everyone is going to have something to say about that. Okay. There is nothing to add here Ariel, so we can move on to the next one, and that's number 20. And that one is a little strangely drafted. Input the user perspective wherever necessary to advance accountability, transparency, and policy development within ICANN.

Here again, we are saying it's on holiday, could be in progress pending the outputs of the upcoming At-Large ALAC review, which is the next

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review that will take place in At-Large. I guess this one is on hold, it's not in progress. So is there anything to add to this?

At the moment, there were questions during our last call on who should be doing this, because ALAC is a volunteer based group, it certainly requires a lot more people to follow through. I don't see anyone putting their hand up on this. Maybe we have exhausted everything on this, and this is something that will have to be taken up by the At-Large and ALAC review when it starts its work.

Okay, I don't see anyone putting their hand up. Then we can move to the next one. And that's number 25, the last one our list. To enhance ICANN's community efforts on building a culture of transparency and accountability, as called for in the recommendations of ATRT II, all [inaudible] of the Board decisions, now requires an effective mechanism of checks and balances, capable of providing true multistakeholder oversight and effective remedies.

And this one is something that's already addressed in work stream one, that's part of the big discussion taking place in the CCWG accountability, and most likely to be discussed in the forthcoming Los Angeles conference a few days from now. I guess we can probably learn more about his, or have more about this next week, or the week after, or in Dublin.

Okay. I think, a green tick from León, yup. That's good. And that really concludes our recommendations run down for the time being, for the ATLAS II recommendations. So we'll just have to follow up on the mailing list regarding the two recommendations, particularly seven and

13, that Ariel is going to be sending over to the mailing list. [Inaudible] Ariel, is that correct, or am I getting completely confused?

ARIEL LIANG: Yeah, I want to clarify. This is Ariel. I think it's the seven and 13 to send to the ALAC list, because this is what we want the ALAC to clarify what they want, in terms of organizational reviews. And recommendation six is to send the IANA issues group mailing list.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. Thanks for this Ariel. It's Olivier speaking. And let's now then move on to the next thing, which is, let's have a look, back on the thing, CCWG accountability. How could I forget about this? Agenda item number four ladies and gentlemen. And we have a meeting, or the working group has a forthcoming meeting in Los Angeles.

There is a draft that was submitted by the Board to counteract, or an alternative, shall we say, to the single member voting model. And that's really going to be, I guess, a big discussion on how that will move forward. I had a discussion this morning with the multistakeholder advisory group on Internet governance specifically on ICANN issues, here in the UK.

And participants around the table that were actually from the most of the… It was a good sprinkling of the different component parts of the multistakeholder model, so there were people from the ccNSO, and GNSO, and so on, all said that it was going to be a very interesting meeting, certainly hoping that everyone is going there, ready to actually

discuss issues quite openly, and not actually dig their heels in, in any way.

So as long as the mood is positive for this, there is a high hope that there, there might not be just, there might not be a magic moment, as one sometimes sees, but certainly some progress, or some opening of the door for further, and I guess at this point, one would start speaking about negotiations with the Board, although I understand that the intent is not to have negotiations in this small setting there.

So it might well be that there will be a follow up further on in Dublin, but I guess it all really depend on the progress that will be achieved in Los Angeles. With this, I guess I can transfer the floor over to, or hand over the floor to, I don't know whether it's Alan or whether it's León who wishes to take the lead on this?

LEÓN SANCHEZ: I think it will be Alan, as usual.

ALAN GREENBERG: Okay.

OLIVIER CRÉPIN-LEBLOND: Thank you León. Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you. This has explicitly, the meeting has explicitly been described as not a negotiation between the CCWG and the Board, and that's being

said on both sides. So I guess it's going to be an intellectually stimulating discussion where we each try to persuade each other of the merits of what we're saying, but not negotiation.

I'm not 100% sure I know the difference, but nevertheless…

OLIVIER CRÉPIN-LEBLOND: If I can jump in, it's Olivier. I can say it's setting the scene, perhaps, would be the act one.

ALAN GREENBERG: All right. We just came off of, what I thought, was a pretty productive CCWG meeting, with Thomas setting the stage for the kinds of things we need to be aware of and need to be considering. We added a significant number of things that we haven't looked at before, that indeed, have always been in the discussion, but not formally in the discussion.

In terms of, you know, how simple is the model, how simple is it going to be to explain, how much do we have to consider the political issues in Washington and around the world for that matter, in what we're doing? So there is a whole number of things that are sort of on the table which we're always, largely swept away before.

He is encouraging, or has encouraged the group, to read the comments, and we need to react to them. There were a number of interventions where it basically said, hey you guys, you signed off on the draft proposal, you can't go back now. Whereas certainly a number of us signed off on the draft proposal, to get a draft proposal out. Not necessarily because we believed or supported everything in it.

So there are some very diverse opinions, and we'll see where that goes. From an At-Large point of view, I think we've had had very significant debate going into our, leading up to our statements. I think all of the people representing At-Large have a strong understanding of where we want to go, and on top of that, what we can accept if push comes to shove.

But that doesn't mean we easily give up on where we want to go, but nevertheless, one of the issues that has become critical in my mind, is both the IAB and the regional Internet number organizations, have made very strong statements saying they're not supporting the proposal.

The IAB statement basically said, you don't need all of that stuff once you have the ability to kill the Board, you have the ability to force changes at a later time. And the NRO essentially came back and said we like the designator model, without going into an awful lot of detail.

So it's not just the Board that is saying something isn't perfect in the current model. Those commenters are not the majority, but they're rather important ones. So it remains to be seen where there is going to unfold. The single member designator model, although I raised it once briefly, and it was, it disappeared within minutes, has been added into the matrix that the lawyers will provide comments on, so it is conceivably on the table, if that's what it comes down to.

And from my personal perspective, one of the real problems with the Board's proposal is they're saying the chairs of the ACs and SOs can take action in court, or something like that, and I think that is really

problematic, but a single community mechanism as the designator, in fact, makes a lot of sense in that case, and that is the legal entity that can take action should the community, as a whole, choose.

I think there is danger in each individual SO, or conceivably parts of SOs, taking legal action, and in fact the comment from [inaudible], identifies that as one of the weaknesses in the current model. So, I think we have our marching orders. It's not at all clear how this is going to unfold, and we're going to have to play it by ear, to a large extent, but we've got, we've had lots and lots of briefings, and we'll see where it goes.

I don't have a lot else to say other than that.

I see Tijani's hand is up. And Olivier's. I don't know what order they came in. Tijani first.

TIJANI BEN JEMAA: Thank you Alan. It will not be a negotiation really. It will be a CCWG meeting. Most of the Board members will be there. They will participate in the discussion sure, but it will not be a negotiation meeting. We will put everything on the table in this meeting, and I appreciate it very much, the proposal of Tomas, for the way we would do it.

I think it is very intelligent, but really we have very good leaders, and I am really satisfied, because they listened to everything, and they try to make everything clear, and to give to everything the possibility of discussion of contemplation. So this is, I think would be, very successful meeting, but I thought I had a very strong comments against that from

the members, but I think it will go in this way, otherwise it will not be successful at all.

I think that the most important thing in this meeting will be the comparison between all of the models on the table. And this is the way to choose the best. So some, the rejected the fact to bring back the designator model, but they are wrong. So I think it will be a fruitful meeting, we will have the opportunity to make an informed decision, very informative decision, regarding all of the information that we will have.

So I think that we are really going in the right way, and I hope that we will reach consensus during this meeting so that we can go forward for the final proposal. The political issues are very important. And when Tomas raised it, I wanted to say that we don't have to consider only the NTIA, the congress, and the US Congress position only. Sure, without their consent, the transition will not be done, but suppose they agree and the transition will take place, what about all of the other governments who are against?

So all the other parts of the world will not be happy with this, and this may open the floor for what was before [inaudible] etc. etc. I think that others said that before me, so I didn't raise my hand, and I think we are really on the right way. Thank you.

ALAN GREENBERG: Thank you Tijani. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. Olivier Crépin-Leblond speaking. A couple of things. First on the comparison on the models, I note that Grant [inaudible] has published a table that is going to the CCWG list but I'm told also by others who are deeply into the discussion that this is just not enough, and the comparison needs to go deeper. So the different proposals have to be put next to each other.

Who is going to be tasked with that? Is it staff that will be doing this? Or how is that coming along? That was the first question. Shall I go through a number of questions or…?

ALAN GREENBERG: My perspective is we will be getting some input from legal counsel on the Board positions and the viability of them, and presumably that will be integrated into their matrix. That's all I really know about that though.

OLIVIER CRÉPIN-LEBLOND: Thanks. It's Olivier speaking. And I know León is saying, comparison between models would be made by legal counsel. So that's one thing. Secondly, I totally understand that everyone is saying, this is not going to be a negotiation, and certainly, it shouldn't, I think, in my view, because of the number of stakeholders that will not be able to make it to Los Angles for various reasons, but mostly because it was announced at such a late time.

So there will be a lot of people that will be missing from the discussions, and people who are actually members in the working group as well. So

that obviously isn't. But as I said earlier, it's more like setting the scene for a wider discussion that is probably likely to take place in Dublin, and that's my personal point of view on this.

I really cannot see today, where there is a, there are two proposals on the table, and perhaps more than that, I cannot see an agreement or a consensus to take place there and then, in Los Angeles, especially this is not a decision. And this is also where I would also like to make the point is being qualified as soon as being just one of the different stakeholders. Well it's not just one of the different stakeholders.

In the CCWG, the Board has to agree explicitly to what is being proposed. If it doesn't, Board members will vote against it and the whole thing is dead. So one has to really think about this carefully. Thank you.

ALAN GREENBERG: Tijani, why don't you go next?

TIJANI BEN JEMAA: Thank you very much Alan. Olivier, for your information, Dublin is not now our target for delivering the final, final report. We may… We are almost sure that will not in Dublin. So the discussion we start in LA, or will continue in LA, and I am sure it will continue in Dublin, the final report will come later. Thank you.

ALAN GREENBERG: Thank you. A couple of things. León put in the chat, that Fadi said that the proposal will be forwarded as is. That is correct. But one can presume there will be a cover letter with it. And…

OLIVIER CRÉPIN-LEBLOND: That is absolutely incorrect. I'm sorry. The CWG proposal will be passed on as is, the CCWG proposal has to be passed by the Board. There are two different things, and Fadi is, I think he's making confusion here, if indeed he has said that.

ALAN GREENBERG: The provision is, and it's complex because the agreement was, if the Board finds things not in the public interest, they will come back and negotiate, or come back and discuss it, or will send it back to the CCWG. There are claims now that what the Board has identified right now has not been not in the public interest, but simply we don't like.

And it's moderately clear that if the Board does not send it back to the CCWG under the terms of the agreement, then they will forward it, but presumably they will forward it with whatever comments they choose to make.

So I think it's a combination of all of those, depending on exactly what the disagreement is. So you know, and that will be what it is, and we don't directly have any control over that. The timing is interesting, however. If you go back to when the current version of ICANN was approved, in late 2002, they ended up having a face to face meeting, an unexpected face to face meeting, at the end of 2002, for a fourth

meeting in that year, just to have a face to face meeting to be able to approve what was going on and discuss it in the final discussions.

It is very hard to imagine in today's significantly more complex world, with a lot more players in this, that we would have a fourth meeting this year. Yet it is quite clear that if we have to wait for Marrakesh, it's too late. So we're in a position of, can we… I agree with Tijani, there is no way we're going to have a formal proposal to approve in Dublin.

At least I don't believe there is. If that is indeed true, that we don't have a proposal, then it would have to be agreed to intersessional. If we're to meet the IANA transition timeline. That is problematic for two groups. It's problematic for the ccNSO and it's problematic for the GAC. Both of them have privately said that they can probably approve it intersessional, if what is to be approved is a variation, a minor variation, of what we talk about in Dublin.

So that translates into coming out of Paris, coming out of LA and going into the one day of meeting on Friday before the ICANN meeting. We have to come out of that meeting with something relatively agreed on. If we can, then we can fix it in the next few weeks, go out for yet another public comment, and get it approved.

If any of those don't work, then we have serious problems, I think. So if we cannot, out of LA plus the one day of Dublin come up with something that we pretty much all agree on, subject to details, then I think the whole thing is in jeopardy. If we can do that, then it's possible that we can get this approved and meet the timelines that we were looking at.

The Dublin approval is because of certain groups requiring face to face meetings to do the approval. And we're presuming that they can in fact do it intersessional, if there are not many changes from Dublin. Thank you.

Tijani, is that a new hand or an old one?

TIJANI BEN JEMAA: Yes, a new one.

ALAN GREENBERG: Go ahead.

TIJANI BEN JEMAA: Okay. Thank you very much. I am optimistic, and I think that in Dublin we will have most of the, or the most important part of the work done. I mean, the conceptual issue will be agreed on in my point of view. We will have to refine it, to adjust it, etc. until having the final proposal, and it will be after Dublin, so perhaps we will manage to have GNSO and GAC agree on the proposal even, because they will see that the final proposal will be very light variation of the proposal agreed on in Dublin. Thank you.

ALAN GREENBERG: Anybody…? Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. It's Olivier Crépin-Leblond speaking. And whilst we have been speaking, there was also discussion on the chat as to who has the final word, the actual process by which the board engages with the CCWG. León was very kind to actually point us to a resolution, the link is in the chat, which speaks to us how the Board commits to following the specific principles when considering the cross community working group recommendations.

Now what's interesting is that, we also, the multistakeholder advisory group on Internet governance in the UK discussed this morning, and what's interesting is that there is here a process by which when the CCWG report is ready, and goes in front of the Board, and the Board will initiate a dialogue, if it decides that it is not in the global interest to implement the recommendation.

But what we are seeing at the moment is, I guess one could qualify it is as early engagement from initially Board members, and at the same time, one says well early but late, because it is a bit late in the day to start engaging in this way and saying, well, we don't agree with this, we don't agree with that. So I'm not quite sure where we are in this process. Whether we have already reached this dialogue with the, between the Board and CCWG before the recommendation have been formally, I would have guessed, first they would have been endorsed by the different SOs and ACs, and then passed onto the Board, or whether this is something that is outside the process and is in early engagement and therefore cannot be a negotiation, but is feedback from Board members as to what the Board thinks, or various members are likely to think on the Board. Thanks.

ALAN GREENBERG: Tijani.

TIJANI BEN JEMAA: Thank you. I want to make it clear that the procedure will be as follows.
                           When the CCWG issues its final, final report, the Board has no way to
                           touch it or modify it. They have to submit it to the NTIA as is. They will
                           submit their comment on it, and if the comment is contrary with our
                           proposal, it will be problematic, sure.   And I am not sure what will
                           happen with that, but as a procedure, the Board has transmit our report
                           as is.

                           So the discussion if this is not in the public interest, etc. should come
                           before the issue of the final report. Not after that. Thank you.

ALAN GREENBERG: Thank you Tijani.   To answer Olivier's question, is this late or early
                           engagement? Well number one, it's late. There is no question it's late.
                           And we should have seen more substantive Board engagement earlier,
                           and there is some good reasons why it didn't happen but it's not worth
                           rehashing right now.

                           On the other hand, this is early engagement in lieu of, perhaps in lieu of
                           the process that is outlined in the Board resolution that León pointed
                           to, because we really don't have the time to submit a final proposal, and
                           then the Board go back and say it's not acceptable.   Now, that
                           resolution specifically talks about things not in the public interest. The

Board has not used that expression, in their current comments, and they have been challenged, and have been silent on it.

So it is not clear whether their current connections are something that they may choose to put the, attached the expression not in the public interest to or not. So it's not clear whether these processes are, can be invoked for their current discomfort, but regardless, we don't have the time to go through that process outlined in the resolution.

So it really comes down to something that the Board feels comfortable with, that they will not issue a cover letter that is stinging and negative, and do not feel compelled to go back to the CCWG and say, "Work on it again." So that's where we are right now, and we'll see whether we come out of it or not. Thank you.

Olivier is that a new hand, old hand?

OLIVIER CRÉPIN-LEBLOND: Yes Alan. It's Olivier Crépin-Leblond speaking, thank you. I'd like to get one thing clear, and because I see, I think we're mixing maybe CWG and CCWG, or what will be transmitted to NTIA at the end. The way I understand it, the CWG IANA, or CWG stewardship has created a report that will feed into NTIA, and it's not an ICANN process, per se.

And it will feed, of course, well, the whole process, and let's not go into the details, but it goes to the ICG, etc. The CCWG accountability work is something which was launched by the Board from within ICANN, as I understand it, and therefore the Board has control over that. If they don't wish to transmit it, if they wish to…

ALAN GREENBERG: Echo. Please mute.

OLIVIER CRÉPIN-LEBLOND: I'm not sure where that comes from. It's muted. It's not muted. And so, at this point, it seems to me like we have a potential block that goes into several layers. First, the work of the CCWG is going to have to go through each one of the SOs and ACs, and needs to be ratified. As Alan has mentioned, stress test number 18 is not only a serious matter for the GAC, it's a red line.

The GAC wants to be able to do whatever they want to be able to do, and they definitely do not want to be told by anyone else about whether allowed to do or not. That's what I heard this morning. So that's a serious issue on the one hand. What happens if the GAC does not proceed forward, or makes an objection to this specifically? Then we have a problem.

And then, of course, there is the Board. The Board does not move forward on this, then what happens then? I don't think it's a case of the, of the process, and if you want, say, well now, the Board is overstepping its mark, it's now doing something and it said originally it wasn't going to do anything. I felt, or I thought, it was only the CWG IANA stuff that they were going, not going to, they were just going to act as a conduit back to NTIA.

So I'm a little bit confused now.

ALAN GREENBERG: Olivier, I don't think… Read the document, read the resolution. It clearly says the Board has to be happy with it or it will send it back to the CWG. And there are thresholds in which they can do it, but ultimately…

OLIVIER CRÉPIN-LEBLOND: CCWG.

ALAN GREENBERG: CCWG, sorry. But ultimately…

OLIVIER CRÉPIN-LEBLOND: Let's make sure we don't mix the two.

ALAN GREENBERG: Ultimately it doesn't matter, because any changes in ICANN, under the current bylaws, have to be approved by the Board. If the Board feels, when push comes to shove, it cannot fulfill its fiduciary duty, and meet the requirements that it has signed on to do by approving the changes, it won't.

So by transmitting the CCWG report to the NTIA, without a statement saying, "We have a problem with it," implicitly says, when it comes to enacting new bylaws, they will do it. Because ultimately, Stickling has made it clear that he will not go to Congress until the new bylaws are in place.

A promise to be good is not good enough. So the process has to result in the Board being willing to enact the new bylaws. And any other words of transmission or comments or negotiation are mute, if they're not willing to do that, the whole thing falls.

Tijani.

Can't hear you Tijani.

TIJANI BEN JEMAA: Hello? Do you hear me?

ALAN GREENBERG: Now we can.

TIJANI BEN JEMAA: Do you hear me?

ALAN GREENBERG: Yes now.

TIJANI BEN JEMAA: Okay, thank you. Thank you. So I would like to agree on everything Alan said. This is… I'd like also to make it clear, Olivier, that the two process, the transition process and the accountability process, are ICANN processes. The NTIA asked ICANN to do that. They ask ICANN to propose a transition plan, and also to give a companion accountability mechanisms.

And that was the request of the NTIA, and ICANN constituted the groups for both tracks. So there is no difference between the two tracks. The Board said that at the end, they will transmit report as is to the NTIA. But as Alan said, if they don't agree, that means that it will not be done, it not be [inaudible], because there is this issue of bylaw.

So if we want it to be… If we want the transition to happen, we have to give a report that is accepted, acceptable by the Board, so that we will not have this issue, this problem of the agreement of the Board. But the Board will transmit report even if they don't agree on it, but the transition will not happen. That's all. Thank you.

ALAN GREENBERG: Anyone else? Tijani has a hand up again. Go ahead.

TIJANI BEN JEMAA: Old one.

ALAN GREENBERG: Okay. León is typing.

León is not typing.

I think we've run out of steam, Olivier.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much Alan. It's Olivier Crépin-Leblond speaking. It has been an interesting discussion that we are having here. Is there…

SÉBASTIEN BACHOLLET: Olivier, I know I am late, but if you can give me the floor, it's Sébastien.

OLIVIER CRÉPIN-LEBLOND: Oh, I am sure I can give you the floor, Sébastien, of course. We still have time. So you have the floor, Sébastien Bachollet.

SÉBASTIEN BACHOLLET: Yes, I just wanted to raise one, two points. The first one is that we have to be very careful that, sorry for the noise. That we don't rewrite the history as we wish was supposed to happen. It's already complicated, but we need to try to stick with the facts as much as possible.

The second point is that I agree with, I guess it was Olivier who said that somebody say ICANN Board is one of the stakeholder. No it's not one of the stakeholder, and Alan very well explained why. It's just not one of the stakeholder. And the other reason is that it's a multistakeholder body, and who come from the communities.

And we come though there just that the other part of ICANN. And I know that it's difficult to realize, but that one that we will have to negotiate with the Board, because at the end, they will have to post on the bylaws, and [inaudible] bylaw will be the yea or no of the whole process. And it's important that during the meeting in Los Angeles, we take care of any [inaudible] with the Board very carefully.

It's not to say we need to agree, we need to say what we need, what we want to say, but we are not just one among other, it's, they are the Board. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this point Sébastien. It's Olivier speaking. I had one more question on the topic actually, and that was to do with the timeline of the whole work. There is going to be this interaction in Los Angeles, and that's obviously not going to reach, since it's not a negotiation, it is not going to be a deal or something done there and then. There will probably not likely to be some, most likely be some conference calls in between Los Angeles and Dublin.

There is likely to be. And I'm just doing pure speculation here, but it's likely to be some more discussion in Dublin, and Alan mentioned, it needs to take place early on in the week, so I would gather Saturday, Sunday, or something, before the ICANN meeting. And then what? What happens if by then, there needs to be another public comment period, if there is some changes and so on?

But this means there are then moved on to ratification in Marrakesh. Alan you've put your hand up.

ALAN GREENBERG: Yeah. I thought I already covered that. The only real opportunity for coming up with a new idea is on the Friday, prior to the meeting, where there is a CCWG meeting all day. I believe, just as if you remember in Buenos Aires, we came into Buenos Aires with a designator model and

came out with a single member, as single community mechanism as a single model, out of the Friday meeting.

I suspect something like that will happen here, if it's going to be successful. This whole thing can still fall flat on its face. But the fact that something is not a negotiation, which means I'm not going to trade you a community mechanism for two [M E Ns] or whatever the training is, doesn't mean you can't decide to change your position, and find compromises, and work together.

The whole multistakeholder model says, you're going to go in with different positions and try to come up with a single one. And that's the intent. We're looking at the comments, all of the comments, and hopefully will come to some position of acceptability. If we don't, then it falls flat, and we've already spent a very significant part of our lifetime, and maybe there is some benefit that comes out of it, but not the one we were looking for.

We have to, if we're going to approve… If we're going to get the transition, it has to be approved and enacted essentially by the end of this calendar year, or very soon afterwards. And you know how productive the last couple of weeks and the first couple of weeks next year are. So Marrakesh is too late to meet the US schedule and the presidential election.

So it has to be approved intersession or at a special face to face meeting, and intersessional implies it has to be agreed to in concept by Dublin so it can be discussed at the Dublin meeting, which means it has to come out of the Friday meeting in Dublin, which means we have two

days in Los Angeles, one day in Dublin, and we have to come up with something pretty concrete. I don't see any way forward if we can't do that.

Does that address your question? And yes, there will have to be a public comment period, and it will probably be a shortened 30 day one or something like that, but yes, if we're going to come to closure and it's not what we're proposing today, then it's going to require another comment.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much for this Alan. That's very helpful. All right. Are there any points, or questions, or comments on this topic?

I think everyone is tired on this one so let's move on to the next topic, and that's the CWG, sorry. The IANA coordination group, agenda item number five. I'm not sure, looking at the list of participants, I don't think we either have Mohamed El Bahir nor Jean-Jacques Subrenat with us today.

I should have taken notes earlier. Martin [inaudible] who has hit some of the ICG, provided some feedback over the, all of the comments that were received in the IANA stewardship transition proposal public comment. They have had a full summary done by the secretariat, and they sent, I think it were two calls, going over all of the recommendations, all of the comments that were made and that were received.

And the staff did very well for this. And one of the things that came out was the ALAC and the CDT commented on the… Our comment was specifically on the possibility of a split of the IANA functions, in case one of the operational communities wanted to come out of the discussion, sorry, come out of the overall system as it is at the moment.

So [inaudible] the operation under the current IANA functions operator. And that is something which the ICG is taking very carefully into account. So it might be asking for some amendments to be made or some additions to be made to the proposals, based on this. And the rest of the summary, and I'm only doing this from memory, the majority of responses appear to be quite positive, although there was some significant number of comments that were made that were negative, including some, the usual suspects, asking that the whole process be restarted, and that the whole transition process was not carried out properly.

But all in all, the majority of the comments that were received were positive. And we are in support of the overall recommendations. I don't remember anything else that stood out from that. But if there are any questions or comments on this… And I wish we had someone from the ICG to, or somebody who had followed the recent ICG discussions on this, but unfortunately I haven't had the time.

I don't know if anybody else on the call has had the time to follow the more recent ICG calls.

I don't see anyone putting their hand up. Okay. So that was the update from the ICG. It is good to note that the ALAC comment was well

received, and raised a point that hadn't been quite thought about. Or perhaps was a [inaudible] strategy to the comment, and as I said, [inaudible] was another commenter and he said the same thing, that Matthew [Shears] organization, and a couple of other comments pointed to that direction.

Okay so that's one. And the other one is agenda item six, the CWG IANA. There is a call… So it's the call that was supposed to take place this week, sorry, last week is cancelled. There is a call that is supposed to take place this Thursday, with an agenda that doesn't appear to be particularly breathtaking in any way.

Are there any comments of anybody on this, the forthcoming agenda on the CWG IANA stewardship? Is there anything that we need to discuss prior to the call? I sense most of it is just updates, but there might be some plans to make. Alan Greenberg.

ALAN GREENBERG: I have nothing to discuss other than to service notice that I won't be there. So someone else will have to present what happens out of it if we end up having a meeting because…

OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. It's Olivier speaking. And unfortunately, I'm not going to be there either. And I just find it quite bizarre that… I mean, I guess it's not bizarre because these are two different processes, but it's a bit unfortunate that the travel for most people will take place on that day, travel for people who are following, or who are in the

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CCWG accountability will take place on that day, and so they is likely to be much less a number of people on the CWG IANA call.

I guess maybe if somebody can, I'm sure some of the people on the call here will be on the call on this Thursday, and therefore maybe next week, when we have our next call, we can find out about what happened in LA, but also what happened in that more recent call of the CWG stewardship.

Although I gather it will be much more exciting to hear what happened in LA.

ALAN GREENBERG: It's Alan speaking. I'm actually not travelling at that time, I'm at another meeting, and depending on the substance of the meeting, I may try to have an ear plug listening to the meeting, but that's about all.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks. Anything else on CWG IANA?

I don't see anyone putting their hand up. So that means we have reached the end of [inaudible] part of this call.

And one of the questions that we have to ask ourselves is, when do we want to have our next call?

ALAN GREENBERG: Mid-2017.

OLIVIER CREPIN-LEBLOND: Thank you very much Alan. That's one idea, mid-2017. I would go along with that Alan. It's Olivier speaking. I'd be happy with this, but we might need to meet just once before that.

ALAN GREENBERG: We'll just report then what happened.

OLIVIER CREPIN-LEBLOND: You're laughing, but it might well be that we end up in 2017 still discussing this. Who knows? I hope not. Ladies and gentlemen, let's have a proposal, we just have a Doodle for next week. Maybe not in the early part of the week, because it will probably be a bit too early. I'm not sure when everyone is flying back, but if we're saying either the 29th or the 30th of September, is that okay? Will that give enough time for the dust to settle?

CHERYL LANGDON-ORR: Cheryl here. I get back on my 30th, which is your 31st, so I would be travelling during the meeting's normal time for your 30th. So put me as an apology.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this Cheryl. Are you walking back to Australia.

CHERYL LANGDON-ORR: No, it's [inaudible]… Los Angeles on Sunday [inaudible]… and I would like to leave on Monday night.

OLIVIER CREPIN-LEBLOND: You have to go across the date line, which is an interesting concept. Okay. Well maybe then, should we just then have the call on the 1st? We can have the call on the 1st of October, depending on things. Let's have a quick…

Somebody has put their microphone on…

…computer on too.

I have no idea where that comes from.

ALAN GREENBERG: The little train that could.

CHERYL LANGDON-ORR: It's not me, I've still got my Internet, I've got no computers, day three.

OLIVIER CREPIN-LEBLOND: Okay. I don't know how you can survive that. So let's have a thing, the next CWG IANA meeting is set on the 1st of October, let's have a call, either on the 30th, Wednesday the 30th of September, or Thursday the 1st of October, have a Doodle to check on what date is better for us.

And that's it. And there will probably be a lot of things to discuss on that call. And with this, is there any other, other business? I don't see

anyone putting their hand up. We are, for the first time, three minutes ahead of our usual closing time.

I would like to thank all of you for this call. Thanks the interpreters, Veronica and David, and thank our staff, especially Ariel who did wonders in the first part of this call, whilst she was updating the table of ATLAS II recommendations.

So with this, thank you. For those who are travelling to Los Angeles, good luck, and I'm sure others will be following remotely, and also on the Skype, and on the little mailing list and so on. And this call is now adjourned. Thank you, goodbye.

[END OF TRANSCRIPTION]