TERRI AGNEW:	Good morning, good afternoon, and good evening. Welcome to the At-Large Ad-Hoc Working Group on IANA transition & ICANN Accountability taking place on Thursday, the 1st of October, 2015, at 13:00 UTC.
	On the call today, we have Tijani Ben Jemaa, Olivier Crepin-Leblond, Cheryl Langdon-Orr, Barrack Otieno, Tomohiro Fujisaki, Eduardo Diaz, Gordon Chillcott, Alan Greenberg, Avri Doria, Sébastien Bachollet, and Jean-Jacques Subrenat.
	We show apologies: Seun Ojedeji.
	From staff, we have Heidi Ullrich; and myself, Terri Agnew.
	Our Spanish interpreters today are Sabrina and Veronica.
	I would like to remind all participants to please state your name, 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 anybody in the roll call? Not hearing anyone shout their name out, so the roll call is complete. Today the agenda is going to be dealing with accountability with IANA stewardship transition and with a follow-up on the ICG, sending responses or questions to the IANA Stewardship Working Group.
	The question I have here for everyone is a proposal, to skip agenda item #3, which is the review of the At-Large Summit recommendations and go directly into the work of CCWG accountability, transferring the 20

minutes from the At-Large Summit to the IANA Coordination Group and the CCWG IANA sections. So we have some time to discuss those other topics later on in the agenda. Are there any objections to this change?

Okay, no objections. Are there any other amendments to the agenda? No other amendments. So the agenda is amended as I've listed it just now, and that goes to agenda item #2, review of action items. They've all been done. They all related somehow to the recommendations that we had spoken about last week. The ATLAS II recommendations.

We'll swiftly move on then to agenda item #4. That's CWG Accountability with an update from Alan Greenberg. Alan, you have the floor.

ALAN GREENBERG: There's both nothing and a lot going on. We have a meeting scheduled I believe tomorrow morning – I think tomorrow morning – which should be interesting. There's lots of discussions going on. There is new proposals coming out. In the meeting on Tuesday, a lot of it was focused on Fadi presenting the board's view of – or perhaps his view of – where there was agreement and where there was not. One of the issues that came out at the very end of the meeting when he was asked for exactly what is the board's objection to the membership model, he was talking about concentration of a power. But he focused on the statutory powers of a member.

Someone immediately came back with the idea that if statutory powers of a member are the problem, we'll say that the member can only exercise those powers if the board also agrees, which I thought was a

rather neat idea. It sort of violates the separation of powers of the executor versus the masses or whatever we are. But other than a theoretical objection to it, I thought it was a rather neat idea.

Keith Drazek later came back with a list of… He had put together of what he had heard in various discussions in the mailing list, in LA, in other places of the possible objections the board had to a membership model. It was actually a rather good list, and certainly far wider than just statutory powers. It's up on the e-mail. It was in response to somebody, but it's up on the pod right now and attached to the agenda. I'm not going to read through it. You may want to click on it on your own time and look at some of the issues.

It's a pretty good complete issue from my perspective of the kinds of things that have been raised. It's not so much that membership is a bad thing, but there are so many details that we don't know about. For instance, it is quite possible that we may end up with just the GNSO, the ccNSO, and the ALAC participating, which would give the two registry and business constituents – business organizations, because essentially that's what the ccNSO and GNSO are – a super majority vote. Is that what we really want to do? Can we say that the member adequately represents all of the stakeholders if it's that focused?

There's been a lot of talk on the fact that we should formally say that the GAC – and maybe all ACs, depending on who you listen to, should have an advisory role to the member, but not participate in voting.

Again, since it's quite clear that advisory roles are just advisory and no one has to listen to us that that's somewhat problematic. It's an

interesting list. It gives a little bit of perspective, which unfortunately, the board has not been as clear on, but I think that Keith is pretty astute as having divined what the full – or at least a reasonable and complete set of reasons is. I think it's worth looking at.

Other than that, there's not a lot to report right now. Out of LA, it was not the most satisfying meeting. Because of a number of specific events, there was a bad taste left in a lot of people's mind that this is just not worth putting time into because we're not going to reach closure on anything which is going to satisfy the board and the community. I'm a little bit more optimistic than that, but it's going to be a hard slog. I don't think I have a lot of other comments. Olivier, you have your hand up.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. I'm desperately trying to look for Keith's e-mail in the mailing list. I can't find it for some reason. Thanks for sharing.

ALAN GREENBERG: You've got the full timestamp there. You should be able to find it.

OLIVIER CRÉPIN-LEBLOND: I'm looking for it and I can't find it. It must've been lost somewhere in my mail. Anyway, thanks for sharing this on the screen and in the agenda. I wondered what was the position of the At-Large community on the points which are made there? Is it worth us discussing those and

saying whether we actually agree with what the board is saying or are we not agreeing with what the board is saying?

I guess I can share my point of view. I'm actually very receptive to what the board is saying, and certainly when those points are summarized as Keith Drazek has summarized them, I have very similar concerns to those of the board.

That said, as I think I've said in the past, it's a bit of a pity that this is coming so late in the process. This is a big concern that I have now. Certainly I'm quite in line with what the board is saying on these points. I'd be interested in finding out what others think. Obviously we [inaudible] things differently. Thank you.

ALAN GREENBERG: Although I appreciate that Keith has summarized them and expressed some with some clarity, I think they map almost exactly to the concerns that we have been talking about, perhaps without as much clarity. That's the reason that, in our formal response to the CCWG, we said that we are sympathetic to the board's position. We have a number of objections – certainly I have a number of objections – to the details of the board's positon, but not their rationale for doing so or the end result. So I think we're in quite good alignment there. Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: I guess the next question is: where do we go from here? Seeing the exchanges on the mailing list and having listened to the great majority of this last weekend's discussions, are we at an impasse, as one would

say, where we're basically stuck now? There are some who disagree with those positions quite strongly and there are some who don't, so where do we go from here?

ALAN GREENBERG: Tijani put his hand up. Do you want to answer that or do you want to go in a different direction, Tijani?

TIJANI BEN JEMAA: No, Alan. Go ahead, and then I will take the floor. Thank you.

ALAN GREENBERG: Okay. Well, right now we're at the stage we were supposed to, in Los Angeles, among other things, go over the community responses, the 100 or whatever number – 100 and some odd – responses that we got from public comment. We didn't do that. So we're now doing that. We're going to be starting that in WP1 and WP2. The board's comments are among those, and I think we have to factor them in. The people who are leading the process say that we have to respectfully look at all of the comments. Some of them are very supportive of the single-member model. Some are very negative about it. I think we're going to have to factor that in.

Now, in parallel with that, the real question you're asking I think is what is the way of coming up with something which the board will accept? Now, maybe we will come up with a way of twisting the membership model to factor in the board's concerns and make it work. I have strong doubts about that. I think if we're going to come to closure, it's going to

be on something other than the single member. I know there has been discussion of the single designator. That may or may not be more acceptable. I don't know.

I hope we're going to come up with something that will ultimately be acceptable. We know that there are people within the CCWG who do not care about the transition. They're willing to get accountability even if the accountability proposal causes the US government to reject it. Now, of course we don't know what they're going to reject. We don't have the crystal balls to know that, but some people hypothesize that plan X or plan Y would not be acceptable.

The issue has been raised of let's accept really poor accountability, but with the ability to ditch the board. And as soon as we have transition, we'll ditch the board if they don't give us the membership model they want. Now, I can think of no way to guarantee there is no transition than to tell Congress, "Here's the model we're going to use for you to approve it, but we're going to change it immediately afterwards." That's [inaudible] a guarantee to say it's not going to go forward because we're not trusted.

Now, there's no way we can stop in the long term a change in model. We need the ability for ICANN to morph into other things as the years or decades go forward, but on the other hand, coming up with a plan saying come June 30th or September 30th next year we're going to change it all is almost a guarantee to say it will not go forward.

There's a lot of things that are being put on the table today and I really don't know how it's going to go forward. I'm hoping that, like in the

CWG, we will have a magic moment where suddenly the water's clear and we have a way to go forward and the people who are objecting to it suddenly are, if not happy, then are willing to go along with it. I wish I knew exactly what that was, but I certainly don't. That's where I see. I know what we need to do. Exactly how we're going to do it, I don't know. But then again, I didn't know how we were going to do the CWG one until it magically happens.

My cartoon about the flowchart with "And then the magic happens", we need one of those here, too. Tijani, up to you.

TIJANI BEN JEMAA: Thank you, Alan. As Alan said, we as At-Large representatives on the CCWG, we are united for [inaudible] to the board [dates]. But we have some difference in our [analysis]. For example, the board thinks that the fact that we have only one member [inaudible] all the powers in the hands of this member and this may bring [inaudible].

We as At-Large members, we feel that the sole is better than the multiple numbers, the membership model, the sole membership model because the sole member will make all the community act together. One [inaudible] of the community cannot act alone, which will avoid capture, because our fear was that the GNSO, for example, for people who have money and a big interest in this process may go and play [inaudible] since they have the [inaudible] status to go and sue and raise anything. So we think that the sole member is better than the member, the membership model.

Also, we think that rather than the sole member, we may have the sole designator member, which will solve the problem of the budget, which is a big problem. I think it is one of the most fear we have, which will let the powers depending on the [consensus] [inaudible] the community.

For sure there is a problem because all the community will not be representing, all the community will not be [inaudible] to decide the power, because of some problems, especially for the GAC. The most important program is the GAC. SSAC, RSSAC, I don't think [inaudible] big problem. But the GAC especially.

This makes the board [say] that this will perhaps make the full power in the hands of small part of the community and this may bring [the capture], which is not [true] more or less, but better than a normal membership model or a normal designator model.

That proposal doesn't fly. I told that to [inaudible] also because they proposed that the enforcement be done through the SO and AC chairs, which I think not acceptable [inaudible] from the beginning. They said this cannot be accepted.

So I think that our conception of [inaudible] same as the board, but our conclusion may be close to their conclusion, that we don't have to have a membership model because it may bring us some [inaudible]. Thank you.

ALAN GREENBERG: Thank you very much, Tijani. On the chairs acting, I think I and you and a number of other people made that clear, that that's probably not

acceptable. Empowered designators would be more acceptable than that. I don't think that's crucial. I think the board made a very strategic mistake, in that instead of changing – they could've taken the whole membership model, made it a designator model, and taken the whole chapter out of the proposal on voting and whatever, and essentially used the mechanism.

They are concerned that the number of people who will opt in will be so small that there will not be enough transparency and ability to say this represents the community. Their model changes in that there is no opt-in. Any of the ACs or SOs can petition and participate on a case-by-case basis. We don't know if that's particularly acceptable to the SSAC and RSSAC, but that could be built into the single mechanism model just as easily. That is, don't have an opt-in or opt-out process, but on each issue, everyone [inaudible] decide if [inaudible]. On each issue, any group could opt-in or opt-out. That makes it essentially functionally equivalent to what the board is specifying at this point.

We'll see how we can go forward. As I said, I don't have the magic ball. Olivier, you're on.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. Reading over the past few days the mailing list, there was some discussion about a parallel board to modify the single member model. It just looked very absurd from where I was sitting. What's the view of the members of the working group, our members, basically?

ALAN GREENBERG: Oh, I think that one was tossed out as a freebie and was shot down pretty quick. Chery?

CHERYL LANGDON-ORR: Thank you. Any of the terribly good ideas that come in – the one that Olivier just outlined may not have been the most wonderful of them. But at this stage, I think we need to ensure that [inaudible] is constantly being applied to anything we're planning on putting forward, and that we must go – we must insist as the ALAC. As we have said a number of times throughout the process, that we wish to go for the simplest version of what will give a community the mechanism it needs as possible.

My reasoning, however, is not to be so much bloody minded on rejecting other things coming out now. Whatever comes out between now and what we may be able to put [inaudible] file document has to be simple and effective, and implementable, because all of that information has to be clearly documented in detail or NTIA will not accept it and it won't even come to Congress to be rejected.

Throughout, we've been told that we need more details and no, "Oh, we can do that, even though it's substantive, in work stream 2." If we've got substantive things as opposed to commitment to continuous improvement and those sorts of things, in work stream 2, they will simply say, "Fine. When that's finished, come back again. We might listen to you."

I just think we need to be pretty vigilant as we go forward [inaudible] ahead of us to try and make sure that we're not adding complexity in

any way, shape, or form; that we end up with something which is as simply and efficiently implementable as possible, and which can be passed on in its most complete form. Thank you.

ALAN GREENBERG: Thank you, Cheryl. I don't know what to say. We have lived through the CWG and Contract Co where the relationship between Contract Co, the M-something-something – I don't know remember the relationship. This group that was a nebulous group floating in air that was going to control what Contract Co did. And all of its other arcane relationships with a large number of people saying it's simple as anything. Why is anyone having a problem with this?

I think we have a credibility gap of people recognizing complexity when they see it. This concept of make no changes, as few changes as possible in parallel, is really not understood by the vast majority of the people involved in this discussion. If you look at the comments from the engineering parts of the community – the IETF, the IAB, the RIRs – they coming out saying keep it simple, guys. But a lot of the other people are looking at it and saying, "But it is simple." I don't know how to fix that.

Is that a new hand, Cheryl, or an old one?

CHERYL LANGDON-ORR: Only to briefly respond. I understand the dilemma of when someone has created something and put it forward to the group, then they and those people that have perhaps helped them in that process should be

able to – understand [inaudible] cannot necessarily understand why other people don't.

I actually think that's one of the useful potential outcomes of working in small groups. I still think that needs to be done under our existing structures, but I do think we need to… I'd love to have more time to do more of those breakout type activities, so that people can actually achieve an understanding of what they're talking about. I'm convinced we had the luxury of time there, and we'll have to come up with some other clever working mechanisms. I shall stop now before I get too depressed.

ALAN GREENBERG: Thank you, Cheryl. Avri, do you want to weigh in? Can you speak? Your comments I think are substantive and worth discussing a little bit if you can. I'm not sure I have the ability to read that long of sentence.

AVRI DORIA: Yeah, I can speak.

ALAN GREENBERG: Go ahead.

AVRI DORIA: Thanks. Basically, in trying to take the board's comments seriously, to try and take into account that we have two – maybe three – ACs that do not want to commit themselves to voting, given that we're trying to be

consensus and there seems to be a very strong urge against making decisions on a voting basis, even though of course the board makes its decisions on a voting basis, but be that as it may.

I [floated] the idea and I haven't got much feedback on it yet. It's to keep the model that we have proposed and that's been through review and has received a lot of strong positive comments and then a bunch of comments of issues with it with a few comments of preference against, but in any case…

To not make it a voting mechanism, but to have it be a mechanism that can be triggered by two of the AC/SO and can be frozen by two of the AC/SO. In short, it would go two of the AC/SOs say a decision on relating to one of the powers has occurred and we want to either voice our objection, for example, to a new bylaw or we need to voice our support in terms of fundamental bylaw, what have you, that that triggers – as long as two of the AC/SOs say yes – we want to use our prerogative.

Triggers, basically, the effect of a cross-community working group open to all of the AC/SO broader community, and it discusses the issue, it comes up with a recommendation. That recommendation is then reviewed by all of the AC/SO, and if two of them within a confined period of time – very much like a last call in some other organizations – reviewed by all of them, if two of them raise their flag saying, "No, we can't support that," then it's frozen until its either renegotiated, rediscussed, and everyone can accept it or it goes forward if there aren't two.

Basically, you take away that [inaudible] vote, does voting make sense? Do I have to participate in everything even if I don't care about it? It's basically that the whole community is able to comment, is requested to comment at the end of the process. Do you object?

If there are no objections within bounded time, then it can go forward. If not, it is frozen. This is, in some sense, very similar to what the IETF's IESG, the Internet Engineering Steering Group, does. It's their process called DISCUSS, where any one of the area directors within the IESG can say, "Oops! I see problems with this. My problems are ABCD, and until I've seen the solutions for ABCD, this does not go forward."

It's very similar. It's building on a working mechanism that we've seen work in the IETF for years, obviously adapted, though, to our needs. So that's the general idea of what I wrote. Two AC/SOs trigger. Two AC/SOs after discussion can freeze.

Oh, and one other thing that was added to that. People ask within [inaudible] or the accountability, what about the board? Can the board be included in this community mechanism? And in thinking about that – and this is just my personal view. If they were willing to participate in that community mechanism on an equal footing with the AC/SO, then I think something like that would be workable, but that would kind of be a tradeoff then with their ability to veto what the community… So we'd have to discuss some sort of arrangement.

But in theory, I see how that could conceivably work. Thanks.

ALAN GREENBERG: Thank you, Avri. Cheryl, you've got your hand up. Then I have a comment on it.

CHERYL LANGDON-ORR: Thank you. Avri, I honestly did not pick that up in the list and I wanted to thank you for [citing] it here. I'm wondering if you could ensure in some way that a discussion on this with that particular explanation is re-introduced, either via the list again – perhaps with less traffic, people may not miss some of these things. It might be why you didn't get much of a response. Or see if we can have it plugged into the next agenda. Thanks.

ALAN GREENBERG: Thank you, Cheryl. Just a quick question for Avri first, and then a comment. When you say two AC/SOs, you mean any two, not necessarily one of each. Is that correct?

AVRI DORIA: Yeah. That is what I originally wrote. One of the notes I have written for myself is to consider the question of whether it needs to be one of each or not, but my original proposal is for just any two. But I could see varying it to one of each. To me, that's more of a detail than anything. I hope my mic is a little less muffled than it was previously.

ALAN GREENBERG: It's good enough. I guess my feeling is if we included the board, and therefore the board and one other group can essentially veto together,

I'd probably be willing to accept it. I don't know if the board would be. The real question still comes up that even though any AC could chime in – or SO for that matter, could chime in – on an issue, will they?

I've had discussions with SSAC people and the question I said is, "Fine. You don't want to get involved in things. You want to be an advisory committee on security and stability. What happens if there is a proposal which is guaranteed to impact security and stability? Would you vote on that one?" This was still in the context of voting. The answer was no. There are many people in the SSAC who feel we should give advice, but if they don't want to listen to us, if they want to do something which will cause the Internet to self-destruct, that's the prerogative of ICANN and we're not going to stop it from happening. We'll simply give sage advice and hope they're listening.

It is questionable, even in a self-destruct model, whether these other groups would participate or not in order to blackball the idea. We're still in a position where we may have very few groups willing to either initiate a request or kill it. That's part of what I find problematic.

As I said, if the board was one of the groups – so the board plus one other group could veto it – I think ALAC could probably live with that. We're willing to live with the current proposal pretty much from a point of view of the powers alone. I'm not sure at all the board would consider that acceptable.

Who do we have? Tijani, go ahead.

TIJANI BEN JEMAA: Thank you, Alan. Even if they don't want to vote, [inaudible] to vote. We are asking them for advice, and if their advice is no, the proposal will not go. The proposal of Avri can work. There is no problem. But Avri, I like very much your [inaudible] proposal, but I am sure it will not be enough to solve the problem.

Because if you keep the sole membership model, as you said in your proposal, the board will tell you that the [inaudible] rights that this member has cannot be overwritten. The member can do whatever they want. I think if we stick to the sole membership model, we will always have the [inaudible] of the board. If we don't use this model, if we use any other thing only by changing the bylaws and by internal agreement, I think it may work. I find it very well.

But including the board and the decision of the community, this looks to me very bizarre. If the board is [inaudible] the community to decide on this, the decision will be against what or for what for a decision of the board or against a decision of the board? This is not, for me, something that can be understood. It may make things much easier, but it will not be – I don't know. It will not be real [inaudible] more or less I don't know [inaudible] wanted. Thank you.

ALAN GREENBERG: Thank you, Tijani. Two things. If formal advice from an AC constitutes a blackball that is one of the rejections to count towards the two that will kill something, I think that changes it very much. But it would have to be really, really clear. At that point, I think the whole stage changes.

In terms of the board participating in this model – that is, they constitute one of the two or one half of a veto, yes it's bizarre, but most everything we're doing is bizarre. It doesn't go along with normal governance models, but I don't much care about that.

Avri?

AVRI DORIA: Yeah, thank you. Actually, yes. From one perspective, the whole multi-stakeholder model governance is bizarre, and one of the things that ICANN has very much been is a [inaudible] where we work out new modalities, new methods, by which to behave in a multi-stakeholder manner in doing our governance. Here we're talking about situations where the community in its consensus viewpoint and the board are basically sharing a decision, and we've decided on things like whether it was the fundamental bylaws or regular bylaws or separation, that indeed these are decisions that neither community alone or board alone seems appropriate for making the decision. What we need to do is find a way.

Now, in the CWG, we've started making some steps along that in practice and we're getting further and further along the path of having the board participate as stakeholders in their own right. Of course there are stakeholders with special prerogatives. Some [inaudible] than others. But participating as stakeholders in the process.

This just takes that one step further and says on those decisions where both the board in its fiduciary responsibility and the member, which is the community and consensus and its responsibilities, can work

together to come to closure on something. That's the perspective I'm working on. Can we find a process that can lead to closure when we need to march hand in hand down the aisle? Thanks.

ALAN GREENBERG: Thank you, Avri. I put a note in the chat. Doesn't including the board in the process really just change the threshold to one? If the board supports it, they can propose it and see if the community rejects it. If the community wants to do something that the board doesn't do, then really having the board as one of the people contributing to the process really just changes the threshold to [one to] veto, perhaps with better optics, though.

We have Tijani, then Jean-Jacques.

TIJANI BEN JEMAA: Thank you, Alan. Avri, do you [inaudible] want to split the sole membership model with your proposal?

AVRI DORIA: Yes, I still believe. I think single member model is a bad name for it because people focus on, "Oh, it's just one and that one can do bad things." In fact, I didn't answer one of your questions. Yes, I still believe that the community consensus membership model is indeed the one we should work on. I think that the answer that I've gotten from Sidley at times is that the powers can be limited – the power can be limited – in the bylaws. We need to confirm that to deal with the board's issue that, "Oh, my God, the members might go rogue and close ICANN as if." Then

just pointing out that it only takes somewhere between five and seven board members to close ICANN. Strangely enough, it hasn't happened.

I think that Sidley has indicated that those powers can be limited by the bylaws, and if it takes both parties to change the bylaws, we're not going to be able to change the bylaws to give ourselves extra powers.

Also, what I've recommended elsewhere in terms of dealing with some of the [community] accountability issues that people bring up is that this community mechanism should also be subject to the independent review panel (the IRP) decision on its consistency with bylaws, as well as the board was. That adds an extra level, a second pair of suspenders to the [inaudible] solution.

ALAN GREENBERG: Jean-Jacques?

JEAN-JACQUES SUBRENAT: I'd like to develop the idea brought forward by Avri. I think it's an interesting idea. Just a remark, though, about the limitation of board or subordination of board to some other mechanism which has been just mentioned as a possibility just now.

Having been on the board, there's one element which I think is too political and perhaps is not reflected directly in the bylaws nor anywhere else. The board will not be allowed I think to put itself in a position where it [inaudible] risk [inaudible].

ALAN GREENBERG: You've cut out, Jean-Jacques.

JEAN-JACQUES SUBRENAT: …Being turned down. How should I say? Its decision reversed completely [inaudible] balancing out of powers. [inaudible].

ALAN GREENBERG: Jean-Jacques, you're cutting out badly.

JEAN-JACQUES SUBRENAT: Can you hear me now?

ALAN GREENBERG: Jean-Jacques, we can hear every second word or every third word.

JEAN-JACQUES SUBRENAT: Can you hear me now? Hello?

ALAN GREENBERG: Now, yes. Yes, we can hear you now. Apparently you can't hear us.

JEAN-JACQUES SUBRENAT: Off and on again.

ALAN GREENBERG:	Can someone put in the chat to Jean-Jacques that it's cutting out in both directions? Apparently we have perhaps lost him altogether. My only comment is, Avri, if you are proposing that advice from ACs be treated – that negative advice is a no, then I think that might make this whole thing a lot more palatable and you should be really clear on that, if that is indeed what you meant. Tijani?
TIJANI BEN JEMAA:	Thank you, Alan. Yes, I'd like Avri to answer [the] question. Also, I have another question. What do you think if you change the sole membership model to the sole designator model with your proposal? I think it will be less – how to say? Less better accepted and perhaps we will not have the pushback that we had for the sole membership model. Thank you.
AVRI DORIA:	In terms of Alan's question, I think that how an AC or SO expresses itself should be immaterial. Having said that, if advice is what [inaudible] to do, then advice against could indeed count as the blackball. I see no problem with that.

Just to go to another question that Alan posed that I need to think about more and do a little bit of scratch paperwork out is how does it work if the board can be one of the two? It's like I would almost need to set up a truth table that said if it's a board proposal, then if it's not a board proposal, then… And just look at it. |

At the moment, it's a little muddled in my head as to how indeed that would work out and whether that still could work out with the board being one. But I need to think about that one more.

In terms of the designator model, it works on almost everything. For some people – and this is not my driving concern, but it is the driving concern of many is without the membership model, we do not get to share in the decisions about budget and strategy. That is reserved for members, or if there are no members, solely for board. For many people, that will be a concern. As I say, that concern isn't at the top of my list, but the designator model also does not include any method for ensuring the community's role in a separation process.

So I think without the membership model, we actually fail – even though it's not quite as clearly stated. We may fail the CWG test on separation. That needs to be discussed further, but I think that may be one of the issues. Thanks.

ALAN GREENBERG: Thank you, Avri. My understanding is the CWG requirement for separability can be addressed in bylaws. I'm not writing them, but that was my understanding when we were looking at the designator model. Essentially anything other than Budget & Finance, certain things where the board has a fiduciary requirement, can be addressed by bylaw rights.

The issue of budget, I've moved on. I used to object to it purely on a theoretical basis. However, Cherine is going to be on the WP1 call. I don't know, Avri, if you're going to be or who else will be. I had a pretty

long discussion with him in Los Angeles on what his objections are. One of his main objections is not so much on a statutory right that it should be reserved to the board, but that what the CCWG is calling for is not particularly useful, that a veto of the budget essentially vetoes the bottom line. The board is still going to have the ability of moving things around and doing discretionary allocations during the year.

Vetoing the bottom line does not really stop something particular from happening. That's really driven off the plan. It's really the community process of discussing the plan where the substance comes in, not at the budget level where ultimately the budget is simply the bottom line number and everything else can change.

His point is that we have been ill advised by saying we're vetoing the budget, we can affect what we want. He's claiming that's not the case in a practical sense. I haven't thought about it a lot, but what he's saying does make some sense. I think we're going to have to consider that carefully.

Anybody else with a hand up on this or do we go on to whatever is next on the agenda? I see no more hands. I have nothing more to add on accountability, so I'll turn it back to Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. Wow, that was a very good discussion that we had today. Thanks for conducting this. Let's go through our agenda and move to the ICG (the IANA Coordination Group). There were questions which the ICG has asked the various operational

communities. Some have been sent to the IETF. Some have been sent to the Regional Internet Registries.

The ones that we have in front of us are the ones that were sent to the naming component parts or to the ICANN community cross-community working group. Leaders of the working group and others have shared these responses and have discussed them on the phone call, the last one being just a few hours ago. You now have on your screen the questions that were asked by the ICG and the draft responses which are proposed at the moment.

Bearing in mind this is the version three of the document, and I believe that there might have been further amendments or changes made today on the call just a couple of hours ago which are, therefore, not reflected in the document itself. Sorry, it's not version three. It's one of the versions. It's the one until the 30th of September, which is the one from yesterday basically. Version three is the next document afterwards.

I open the floor for comments. I don't think that we have the time to go through the whole document, but I would expect that members of the working group have read through the comments and that we do have some points to make in this.

Alan Greenberg, you have the floor. You have your hand up.

ALAN GREENBERG: Thank you. Just to note that this is the document going into an hour-and-a-half IANA meeting that we had just prior to this call. There were

substantial changes made to it. I would not put a lot of energy into looking at this version. If you care about the subject, then the next version will probably come out sometime today or tomorrow. That's probably a better version.

I know I can speak to the first two questions where I essentially own the answers and the answers and the answers will completely change from what is on the screen right now. Just a note. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Alan. As I said, this is not the latest. What should we do? Are there any overall comments that anybody would like to make, any suggestions? Having been on the call before this call, is there anything that we should find out or be aware of? We know of Alan's suggested responses and changes and it looks as though these were agreed on during the call. I'm not seeing anybody put their hand up, so this might be a very quick one looking for this. I guess it probably is better to wait for the next response and to take it from that point onwards. Maybe we can move on.

I note that we do have a few members of the ICG on the call. Well, we have Jean-Jacques Subrenat. I know that we had a bit of a problem with him earlier and him being able to speak. Is Jean-Jacques back online and can we hear him without any breaking?

JEAN-JACQUES SUBRENAT: Can you hear me now, Olivier?

OLIVIER CRÉPIN-LEBLOND: Yes, we can hear you, Jean-Jacques. Basically, we happen to have an update from the ICG and where the ICG is on the past couple of calls. Obviously we've received the draft questions, and I gather one of the pieces of work was establishing the draft questions. Not the draft, sorry – the questions from the ICG. Is there any other update that you could provide us with about the ICG?

JEAN-JACQUES SUBRENAT: Yes, thank you, Olivier. It may be useful for you to know that overall out of 150-something public comments received, we have worked through each and every one of them and tried to categorize them in several ways. After that large exercise, it appeared that several points were brought up frequently, but there is no possible response at this stage, for instance, about jurisdiction.

There have been many questions also about the validity of the separation or non-separation models. At this stage, [we're] consolidating all our intake of the public comments into one large chart. I can't give you the details now because we've not finished working on this and it should be at our disposal in a few days I think.

I just wanted to let you know that this has been really a big piece [inaudible] and I think we have responded, or at least taken note of really all the objections or support voiced in that process.

Now, Olivier, about the more specific question you [inaudible] regarding what is on the screen, meaning the question of the ICG to the CWG stewardship. Yes, I haven't been in the very last call, so I can't give you firsthand accounts. But the overall response which I think is [inaudible]

is, yes, CCWG stewardship considers that the requirements expressed by the CWG were met or are satisfied. Do you have any other questions, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Jean-Jacques. No specific questions on the points there. Just regarding the point that you've made just now, are you saying that the ICG will be supplied with a full chart of all of the comments that were made and the responses that will be made to the ICG to the various commenters? Is that going to be published?

JEAN-JACQUES SUBRENAT: To my knowledge, our intention is not to provide the public with the full chart, but to respond globally by category of preoccupation which was voiced, and where we can of course to bring [inaudible]. But some questions, although they are important, we do not hold within the ICG the answer to that. One of them, I was just mentioning, was jurisdiction because that is being treated elsewhere.

We tried to do very honest job by mentioning the points of view and also reminding where that was not explicit what the problem was seen to be and stating that, and the ICG believes in those conditions, it would be wise and it recommends that jurisdiction continue to be treated in [part] two. Thanks.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much for this, Jean-Jacques. Are there any questions or comments from anybody on the call? Cheryl, you have the floor.

CHERYL LANGDON-ORR: Thank you very much. Jean-Jacques, thank you for that. The last thing you said worried me just slightly, and that was making a point of mentioning that jurisdiction should be in a work part 2 activity. Would that not be one of those substantive pieces of work that some members of Congress would think needs to be established, and certainly well-developed, if not completed before they would consider a transition?

The ICG decides what the ICG wants and that's fine, but I would just be a little cautious, I guess. I reacted when I heard that because I sort of thought [inaudible] issue that would be [inaudible] for many, and if we mention it at all and say and we'll get around to this once you've done the transition, thank you very much, that would be something that if it was of great concern to me, I would have that as a bit of a deal breaker. Anyway, that's just an opinion that you may want to reflect upon with the rest of your ICG members. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. Jean-Jacques Subrenat?

JEAN-JACQUES SUBRENAT: Thank you. Yes, Cheryl. Thank you for your remark. The ICG's work is bounded by two things. First, the criteria set out by NTIA, which is our road map in a way.

The second thing is that we are under the obligation to give a [faithful] report and take into account the opinions expressed in the public comment period. We are not inventing anything as you know. The ICG

does not consider its task to come up with ideas or to shield this or that solution.

In the public comment process, our duty was to give an honest account. Of course, not to produce the 150-something comments, but at least to make in a digestable form a truthful rendering of those comments. In that capacity, I was just telling you as a friend of ALAC that it happens that the question of jurisdiction was considered by various commenters as an important issue, and that while recognizing that it will probably not be possible to address this immediately that it would no doubt merit being considered further in the track two. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Jean-Jacques. Are there any follow-ups to this? I see no follow-up. Okay, then let's move on to the next part of our agenda. Thanks for this update, Jean-Jacques, on the ICG. Now we can look at the CWG IANA part of our call. There, too, there is a document for us to review or to at least look through, and that's the implementation action items which Chuck Gomez has very aptly put together. There has been several rounds of feedback. The document that we have on the screen is the version three ready as of just a few hours ago. There hasn't been any significant changes to this document in the last call. At least I didn't note any significant discussion or changes on this. I thought we could open the discussion here.

I know that some people from the At-Large community have pointed out some things which need to be changed and I just wonder whether

anybody has comments on some of these points which are on the screen now.

This effectively is the implementation of the overall transition. There is a significant amount of discussion going on at the moment as to whether VeriSign actually is in this whole – falls within the remit of the implementation. You will notice that on items six and seven, change root zone maintain a relationship to remove NTIA role. And number seven, revise root zone file change process. These appear to be mostly technical in nature. Processes, etc., that if there's some question with regards to the actual contract.

Alan Greenberg?

ALAN GREENBERG: Thanks, Olivier. In terms of the cooperative agreement with VeriSign – that's a cooperative with VeriSign, them and the NTIA – that essentially gives them the responsibility of packaging and distributing the root zone.

It is clear, and there is a CWG requirement, that at the very least that document has to change at the time of the transition to ensure – right now it requires VeriSign to not publish the root zone, changes to the root zone, unless they are approved by the NTIA.

Clearly, that will have to change to say that requests for changes come from IANA have to be honored. There is a question and answer document floating around that has two different things. It says that agreement will be modified as necessary at the transition, or in time for

the transition, and there is another place where it implies – sort of says – that there will be a replacement agreement instead of between NTIA and VeriSign, between ICANN and VeriSign. That certainly, if that is the direction to go in, might be controversial in some areas.

But both of those are out of our hands. At this point, it is an NTIA contract and they have been completely silent as to saying how and when it will be changed or replaced. But there is a requirement that it [will] at least be changed. And the CWG was very explicit in saying that and laying out what the options are.

That being said, there are changes that VeriSign will have to make. For instance, at some point in time, the code will have to be changed and will no longer require authorization by the NTIA. The proposal that was made that was published by the NTIA but called an ICANN VeriSign proposal is a methodology by which at the moment of transition that code no longer has to be changed. It will no longer be the NTIA that is doing the authorization, but something else plugging into the same IP socket, as it were, that will pretend to be the NTIA and do something to allow the changes to go forward. So that's the relatively complex methodology which will allow a change without code changes at that moment, but ultimately code will have to be replaced.

That's the complete involvement of VeriSign in this process as I'm aware, in any case.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Alan. Any other comments or questions on this topic? The second thing that comes to mind, that sort of strikes me

out of this paper, is the frequent reference to the ICG. There is an organization that is responsible for action and one that could be responsible for oversight. In quite a few places it says "ICG?" with a question mark, as to whether the ICG would be ready to take on this responsibility. One doesn't really know.

I see that Alan Greenberg and Jean-Jacques Subrenat are in the queue. Let's have Alan first.

ALAN GREENBERG: I'll say what I read, but Jean-Jacques can say it firsthand. My understanding is it is an active discussion or discussion under… A subject under active discussion in the ICG as to whether it should have this oversight role for implementation or not. That's my understanding. I'll turn it over to someone who may know firsthand.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. Jean-Jacques Subrenat, you have the floor.

JEAN-JACQUES SUBRENAT: Can you hear me?

OLIVIER CRÉPIN-LEBLOND: Yes, very well.

JEAN-JACQUES SUBRENAT: Good, thanks. Alan, I don't know which members of the ICG may have had the temptation, but I can only speak from the point of view of the complete ICG. In other words, in official discussions. My sentiment is that there is no intention or inclination to take over an oversight function. It is the mechanisms themselves, meaning the balancing of this through the CWG accountability, through stewardship work, etc., that mechanisms – the processes – will altogether form a network of responsibilities and guarantees which will form a sort of oversight mechanism.

As for the ICG itself, and speaking in a private capacity, from what I have heard of the discussions I took part in, the question is rather at what moment do we anticipate that our role will be over? In answer to that, the most frequent guess is that once the NTIA has received and recognized the proposal by ICG on behalf of the communities, if it has no further questions, then we stay in a sort of silent or observant mode for some time until we see that implementation of the transition has commenced, and then as a matter of fact, we fade away.

But I haven't – honestly, I haven't heard any suggestion to the effect that we should, after that, conserve or take on some oversight role ourselves. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Jean-Jacques. Are there any other points or questions? I guess that with this response, it's likely that the cross-community working group will have to look at another group or organization to perform the oversight. What you've said, Jean-Jacques,

is also what I've heard from the ICG. It's an ongoing topic at this point. Any other comments regarding the CWG IANA?

I haven't got anything else to share with you all on this. Alan, was there anything that struck in your head from the call that took place just before this call, the CWG IANA call?

ALAN GREENBERG: I have produced anything I could remember that was relevant to this group.

OLIVIER CRÉPIN-LEBLOND: Okay. Well, thanks for this. So we have completed agenda item #6 and we are now on the any other business part of this call. One of the questions we have to ask is when do we have our next call? Bearing in mind the CWG, and that's the IANA – CWG IANA – is going to have an accelerated number of calls, I believe two per week starting from next week. So that's a little more than what we had. In addition to of course all of the CCWG calls which I understand are also quite frequent at this time.

When should we have our next call? We have two weeks until Dublin, I believe. So we can have one next week. I know that many of us are very busy, indeed. Should we just send a Doodle out or how do you want to try and do this? Are there any days which majority of people would like to avoid? I don't see anybody putting their hand up.

CHERYL LANGDON-ORR: All of them. I'd love to avoid them all.

OLIVIER CRÉPIN-LEBLOND: All, okay. Let's do a Doodle avoiding all the days.

ALAN GREENBERG: I would like to avoid them all, also, but regardless, I am not available at all on Wednesday.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you.

CHERYL LANGDON-ORR: We've got a national IGF is running Tuesday and Wednesday next week. I'm not really joking very much. Unless it's the very end of the week, I will probably do as I've done for any number of Doodles – which is rare for me – list myself as not available.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks for this, Cheryl. So Tuesday and Wednesday is probably not a good day. Tijani Ben Jemaa?

TIJANI BEN JEMAA: Yes, thank you very much. I will not say [inaudible] said. I would like to avoid them all because a lot of work on the table. We see that [inaudible] next week. There is only two weeks until Dublin. I don't think

it is productive to make a call between [inaudible] and Dublin. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Tijani. Alan Greenberg?

ALAN GREENBERG: Thank you. I'm afraid I support that. It's going to be a week from hell next week as far as I can see. To be quite blunt, there are the number of people on this call who are not actively participating in the processes themselves. It's a very small number. We have more people [inaudible] than we have listening at this point. Although I'm reluctant to disadvantage those people who I thank with all my heart for turning out at these meetings, we're all fading quickly, I'm afraid. I think the lack of other participants goes along with the desire of some of the speakers to say maybe not this week.

OLIVIER CRÉPIN-LEBLOND: Point taken.

ALAN GREENBERG: To be honest, the substantive change is going to come in Dublin, not the next couple of days.

OLIVIER CRÉPIN-LEBLOND: Then what I might suggest, then, is I know that we would be meeting on the 16th is when everyone will be in Dublin – the 16th of October. Would

it be possible perhaps to have a short call on the 12th, let's say? That's like four days before everyone is flying over, although I do know that the CWG will be flying a day earlier. I think the CWG flies on the 14th or 13th. But would the 12th be an okay day for us?

I feel a bit unsure about not having a call at all before Dublni. There is likely to be a lot going on and there are likely to be some proposals coming forward. I do feel it's helpful for us all, as members of the group, to coordinate a little bit and exchange views on these proposals. So Monday the 12th of October?

TERRI AGNEW: Just for a quick update, we will not have interpretation available on the 12th. The last day for them is on October 9th. I can't…

OLIVIER CRÉPIN-LEBLOND: Okay. Well, that puts us in a [inaudible] situation. We will not have someone somewhere along the day. If we can do without interpretation on that day, I think that might help everyone, because the week before sounds totally right-down impossible for everyone. I note supporting a Doodle for the 12th from Cheryl. Jean-Jacques says it depends on time. We can put it on the Doodle, basically. Jean-Jacques Subrenat, you have your hand up.

JEAN-JACQUES SUBRENAT: Thank you, Olivier. Just to say that I'm having to take a train and a trip for several hours from morning around 7:00 UTC to about 14:00 UTC.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Jean-Jacques. Put it on the Doodle. I think we usually end up having calls either in the European UTC afternoon or UTC evening, depending on the results of the Doodle. It's quite unlikely that it would be during the time that you're on the train.

Okay, I note interest for a Doodle on the 12th. Let's do a Doodle for various times on the 12th of October.

With this done, I'd like to thank all of you for being on the call. We've got five minutes spare until your next call. Thanks to the interpreters, Sabrina and Veronica, and of course to our staff who has been helping us out on this call. Ladies and gentlemen, this call is now adjourned. Bye.

CHERYL LANGDON-ORR: Thanks, Olivier. Thanks, Alan. Bye, everyone.

TIJANI BEN JEMAA: 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]