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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 Wednesday, the 16<sup>th</sup> of September, 2015 at 13:30 UTC.

On the English channel, we have Tijani Ben Jemaa, Gordon Chillcot, Olivier Crepin-Leblond, Eduardo Diaz, Alan Greenberg, Carlton Samuels, Sebastien Bachollet, Nancy, Cheryl Langdon-Orr, and Leon Sanchez.

On the Spanish channel, we have Alberto Soto.

We have apologies from Seun Ojedeji.

From staff, we have Heidi Ullrich; and myself, Terri Agnew.

Our Spanish interpreters today are Claudia and Marina.

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

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Terri. Have we missed anyone in the roll call by any chance? Not hearing anyone, the roll call is complete and today we have our usual agenda, looking at first the CCWG Accountability. Afterwards, we'll have a short amount of time spent on the IANA Coordination Group perhaps with an update since statements have been filed. There isn't very much going on there, to my knowledge. Finally we'll continue with the CWG IANA.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

Again, a quick latest update, perhaps looking at the CWG stewardship comments to the CCWG Accountability public comments. Finally, we'll have a little some time to spend to look at the review of the At-Large Summit recommendations. At-Large Summit taking place already over a year ago. We have a number of recommendations basically looking at whether they are still relevant, or whether they go in the same direction as the CCWG has gone and giving it a first pass.

So hopefully we'll have enough time to look through all of them. There are a handful of them. That's the third part, if you want, of the call. Is there any additional any other business to add to this? I don't see anyone putting their hand up, so the agenda is adopted and we can move to the review of the action items from our last call. There are less than a handful of action items. They're all completed.

The first one was for Alan Greenberg to finish the CCWG draft – sorry, the draft for the CCWG public comment period, and the rest of it is to do with Terri Agnew to send a note to the IANA Issues Working Group, so that we didn't need a second meeting last week. And a Doodle. They're all complete, and I guess we can swiftly move on to agenda item #3, and that's the CCWG Accountability part.

Alan Greenberg is listed today as being in charge of this. I note that Leon Sanchez is also on the call, so Leon, please do step in. But I hand the floor to Alan Greenberg.

ALAN GREENBERG:

Thank you very much, Olivier. Let me pull up the agenda, so I know what we're talking about. The first item is brief discussion of the face-

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to-face meeting in Los Angeles. There will be a meeting held next Friday and Saturday. The attendance will be the five members who were formally appointed by the ALAC. At this point we believe all five will be there.

We had funding for an additional person and the normal practice would be someone who has been well versed and well embedded into the process. There were two possible candidates for that: Olivier and Seun. Olivier for personal reasons could not make the beginning of the meeting and that seemed to be a problem, because we really don't know at this point how crucial the first four or five hours of the meeting may well be, and therefore I have asked Seun with the agreement of the other members and discussion of the ALAC leadership team asked Seun if he could participate. Although he normally has problems with visas, he does have a US visa at the moment, and therefore that shouldn't be a problem.

So that's where it stands right now. It is not exactly clear how that meeting is going to unfold. The, so to speak, elephant in the room is the major submission from the board, but in addition to that, there are many, many other submissions. We know ours is very critical in some areas in the current draft proposal. I wouldn't be surprised to find that's the case with others as well. It's going to be an interesting meeting.

I don't think I can say much more about it, but I will entertain any questions if anyone has any. Leon may have something to add because he may actually know what's going to happen. No? Tijani, go ahead.

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TIJANI BEN JEMAA: Thank you, Alan. Yes. I was muted, I am sorry. I'd like to ask you, Alan, if you already [inaudible] name of Seun to Constituency Travel because [they] didn't receive anything regarding the process of his travel support.

ALAN GREENBERG: I have notified the co-chairs, Grace and Joseph, and At-Large staff. I am at the limit of what I can do.

TIJANI BEN JEMAA: Thank you very much. That's exactly what you had to do. Thank you very much.

ALAN GREENBERG: Any other questions, issues? Leon? Sebastien, and we have Olivier. So, Sebastien and then Olivier.

SEBASTIEN BACHOLLET: Thank you, Alan. Yeah, my question is that we don't have yet a full agenda of [inaudible] meeting. I would like very much that we request a formal meeting of the CCWG and the board. Not just asking them to be able to come as a wish, but to have a formal meeting. There are a lot of things to discuss with their understanding of our proposal of the CCWG proposal, and our understanding of the board proposal. I think if we don't have any formal meeting... I am not saying a meeting where we will decide something or we will make any decisions, but formal meeting where we can discuss with the [whole] board. We will [miss] an

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opportunity. We are just four miles. Each group are four miles from the other and that's not a big deal. They can travel to us. We can travel to them. But I guess we need that type of element in the agenda.

I know there are a lot of people, participant members of the CWG who will [inaudible] any discussion with the board, but I think it's a crucial portion of the community and we need to have a talk with them. Thank you.

ALAN GREENBERG: Thank you, Sebastien. I don't disagree at all. Olivier next, and then I really am going to call on Leon whether he wants to speak or not. Olivier?

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

ALAN GREENBERG: Yes, we can.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you. I think that as Sebastien explained and as you explained there are indeed some members of the CCWG that might be going to Los Angeles with a pretty hardcore agenda, finding that the board proposals are somehow not at all aligned with what they wanted and are taking this into an "us against them" type of exercise. I'm a little concerned about this.

I think that perhaps because we have discussed some aspects of the – well, the early aspects of the proposal since we were... I believe all of us were on the call between the CCWG and the board. I think we might be in a position where we can certainly help bridging some of the gaps in there. We do have to play things carefully because I think that on the one hand we shouldn't be just jumping on the CCWG bandwagon, going along with things, and basically ending up in an atmosphere of us against them type things, whilst at the same time, we also should be standing for our own points.

Basically, even if those points do not agree with the rest of the CCWG, I don't think it is too late now, since the board has brought some points on the table. They are firmly on the table, and I would definitely be a person against saying, well, the board is bringing things back on the table that it shouldn't. We've already discussed this. You're breaking the bottom-up multi-stakeholder [thing]. We found consensus. This sort of thing.

If the board brings something on the table, then we should be watching for our position irrespective of the other group. Thank you.

ALAN GREENBERG:

Thank you, Olivier. I certainly do not see us being afraid to speak out. On the other hand, we're also not jumping completely on the board bandwagon. As an example, the enforcement mechanism that the board is talking about is only to enforce fundamental bylaws. Now, I haven't analyzed that very carefully, but my gut feeling tells me that there are other bylaws that we would want to be able to enforce other

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than just the fundamental bylaws, unless we make a lot more of them fundamental, for instance.

So we don't have a perfect solution waiting around the corner. They use the rationale for that as if you do things other than the fundamental bylaws, it may be violating the board's fiduciary duty. So we may have a real problem with the proposal. We've said we wanted to evaluate it. We didn't say we're supporting it wholeheartedly. So I think we need to be careful that we're not absolutely on one side or another.

Anyone else like to speak? Good, [inaudible]. Sebastien and Leon.

SEBASTIEN BACHOLLET: Yeah, I wanted to agree with you, Alan. We maybe can play a role in bridging the different opinions, but we need to stand on our own view.

ALAN GREENBERG: Sebastien, you disappeared.

SEBASTIEN BACHOLLET: Sorry, I guess it's better now. Yeah, I wanted to agree with you, Alan, and to say that we may be a bridge into the discussion, but we need to push our idea, our own point of view. But I see this meeting will be very tough, very hard. There are people not coming. There are people coming with [inaudible] and some explanation in the mail that are very tough. We don't say [inaudible], but people say that we don't care about the board, if I can summarize like that. We need to say the board is one part of ICANN and we need to listen carefully, as we listen to all

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the others. But we have the opportunity to have a meeting with them. I hope that we will take [inaudible]. Thank you.

ALAN GREENBERG:

Thank you, noted. There's a couple of comments in the chat from Carlton. Carlton, I don't know if you can speak or not. If you can, then please put up your hand. Otherwise, I'll contribute them on your behalf later. Go ahead, Leon.

LEON SANCHEZ:

Thank you very much, Alan. Yes. With regards to the agenda for the face-to-face meeting, it is of course a work in progress. We will share it with the larger group as soon as it is finalized. A meeting with the board is of course not out of scope at this meeting. This is something we might be including in the agenda. The only thing we want to avoid is to have these face-to-face meetings seen as a special meeting with the board, which would be in some way giving some preference to one of the stakeholders that hasn't been given to any other stakeholders. We need to manage this carefully, but yes, we do think also that a meeting with the board – let's say a two- or three-hour meeting with them face to face would be something very important in this face-to-face meeting. So it's not off the table. I can tell you that. It is most likely to happen that way.

Let's remember that we will have of course attendance from most, if not all, the board members. The whole point of doing the face-to-face meeting in Los Angeles is to have the board members with us.



As I said, [inaudible] meeting with the board is definitely something that is most likely to happen.

Now, on the side of the memo with the counter proposal from the board, I definitely agree with what has been said. It only takes into account fundamental bylaws, and as Alan pointed, there might be or I am sure that there must be other bylaws that should be enforced, if not all, because as Carlton rightly pointed in the chat, all bylaws must be enforced, not only fundamental. And if the board happens to act [inaudible] bylaws, then there should be a mechanism to hold the board accountable and of course enforce the rights that the community would be given with this proposal. So that's of course another interesting point in their approach.

For me, the key question is regardless of how we structure in the bylaws the binding characteristic of the arbitration process, for me the question is if the board wasn't to honor the outcome of any given arbitration process, then who will have the legal standing to approach the court, and of course enforce whatever arbitration resolution is given by the arbitration panel?

So on the frequently asked questions that the board submitted as an appendix to their comment, it says that the SO and AC chairs would be the ones with legal standing to approach the [court]. But that then raises another series of questions, at least in my mind, to which maybe the chairs from each SO and AC should analyze carefully, because I don't know if should an SO or AC chair raise or initiate an action if court if they found to be, let's say, acting against the interest of ICANN in some way, then could they be sued back by ICANN? I don't know. That's a

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point that we need to evaluate and we need to wait. It is something that comes as a first doubt in my mind, so I don't know if they could be held responsible if the arbitration panel should find that the action initiated or if the court finds that the action initiated was against the law or something like that. So that is something that we definitely need to put some thought on it.

I think that those are the key elements from the memo that we received from the board. The whole process is very much like the one that you see being proposed by the CCWG in its proposal. It's very similar. It's about the same. It does have similarities. As I said, I think the whole question would be who is the one that would be standing in court in case the board should choose to not actually honor the arbitration outcome.

Also, Alan rightly pointed what happens if that arbitration resolution goes against fiduciary duties of the board? Well, that would be of course another thing to discuss, which we don't have in the membership model because having the single member model would take fiduciary duties to the members. So if any resolution was against what the bylaws state as fiduciary duties to the board, but it's of course in line with the member provides, then there would be no violation [inaudible].

So that would be what I have to say for the moment. Alan, thank you.

ALAN GREENBERG:

Thank you very much, Leon. Just one quick comment. I think your point of whether the chairs would personally want to take the responsibility is a significant issue. However, I don't see that as a showstopper because

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what they are calling the [MEM] Issue Group, I see no reason why the [MEM] Issue Group cannot have a legal persona in its own right just as the single member does. The construct of the community mechanism for single member gives an entity or the concept of an entity a legal persona, so it can be a member. But it can also use that legal persona for other things, including taking suit in a California court.

So I really don't understand why we have to do it through the individual, which is problematic, whereas we could do it through the persona of the ACs and SOs just as we're doing it in the membership model. I'm not sure I understand that. Maybe there is some subtlety. But from my point of view, it doesn't look like there's any reason we couldn't have done that.

Similarly, when we had the empowered AC/SO model, the AC and SOs took on a legal persona by simply making a declaration. Again, I don't see why that cannot be part of this model and remove the need for the chairs to act in their personal capacity.

Again, I'm not quite sure of the hands.

LEON SANCHEZ: I'm sorry, Alan, can I just...?

ALAN GREENBERG: Yeah, go ahead, Leon.

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LEON SANCHEZ: You are right, and in fact, the proposal from the board or the comment from the board, not to say that it is a counter-proposal, states that at some point there would be or it would be feasible for SOs and ACs to form an unincorporated association in order to have legal standing. So this also comes to me as even more puzzling, since they've been trying to avoid these kind of figures. Then why is it that they are proposing something that is so similar in the end that they don't want to buy into what we are already proposing and the community has taken so many time to build.

As you said, there are many questions that need to be answered. I feel like we might be given a step back in the whole process, but let's hope that the face-to-face meeting clears up all these questions and lets us weigh in and evaluate all the pros and cons from each of the models. Thank you.

ALAN GREENBERG: Thank you. I'm not sure the order, but let's go to Olivier first, then we'll have Tijani and Sebastien.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. It was actually Tijani way before me, so I'll let Tijani. Then Sebastien and I, I think I was just a split second before him.

ALAN GREENBERG: Okay. Tijani first, then.

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TIJANI BEN JEMAA:

Thank you very much, Alan. I think that one of the main reasons that made us push back the membership model, the first membership model, was this exact issue of having the SOs and ACs having a legal entity and perhaps being sued by ICANN. So this is coming back. But they don't propose that. They propose that the chairs will do that, and this is even more bad, worse. Because they would be personally responsible and this may be a problem for some of them.

I think that this needs to be discussed in a face-to-face meeting. We need to read all the proposals of the board. I read the majority of it, but not all. I don't think we are in competition with them. I liked very much the tone and approach of Thomas on the [inaudible] meeting of the CWG. So for him, he gave value to the work of the CCWG and said that we did very good work. A lot of people said that.

At the same time, he expressed that this thing to the board is not [inaudible]. So we need to work with them and we will work with them. I think, perhaps, in Los Angeles we'll be better [advanced] because now I don't understand. I really don't understand they [were] with us, and who knows what are the problems we were facing when we discussed the membership model. He come back and he proposed something which is similar with the same problems, if you want.

So let's discuss with them. Let's first read very carefully their proposal and then discuss with them. Thank you very much.

ALAN GREENBERG:

Thank you very much. Olivier next.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Alan. I wanted to comment on what Leon has told us earlier. He mentioned that this meeting in Los Angeles should not be seen as a special meeting of the working group with the ICANN board for the reason because there are going to be some people who are not going to be able to attend.

I'm perturbed by this. I would believe that there will be remote participation possible. I also believe that this working group has both members and participants, and I believe that the members have been appointed by their respective supporting organizations and advisory committee.

Why are all these people flying halfway around the world to meet with the ICANN board when this shouldn't be a special meeting of the working group with the board?

I mean, going over to LA to exchange pleasantries or [inaudible], depending on which side of the board you stand, is just not going to be particularly helpful. It's not an actual formal meeting and there's not an actual serious discussion with some return on investment coming out of this. So why is it not a special meeting of the working group with the board? What's stopping that from happening? Thank you.

ALAN GREENBERG: Thank you, Olivier. Sebastien next.

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SEBASTIEN BACHOLLET:

Thank you. Yeah, I agree with Olivier. Once again, for me the board is not the same. The SO/ACs are five members in the CCWG Accountability and each SO and AC is represented. The board have just a liaison. Staff, I would say. And the board is, in itself, a multi-stakeholder group.

Once again, even if people are [inaudible] with the board, the board is our board and we need to have a [inaudible]. I know that I am insisting, but I am insisting because we need to explain carefully that it's not a negotiation, but to know what we want to do as the CCWG on Accountability. We need to understand and to understand well the voice of [inaudible]. I am not sure that the fact that just two of them were allowed to speak at the presentation of their position [inaudible], and then it's why we need to have the [whole] board with an official meeting. You can say, "Hey, board member, come." No. We need to have them.

The second, I really agree with Tijani about the proposal from the board about the SO and AC chairs. Here I really consider I didn't understand why it's proposed and why we proposed a single member. Not to say that single member is the best solution, but at least one of the reasons we want a single something, and the single something is not in their proposal. I really think they didn't get the aim of the heart of our work. Thank you.

ALAN GREENBERG:

Thank you, Sebastien. A couple of comments. Number one wants this to be a "negotiation", whatever that means. However, we are holding it in Los Angeles because the board will be there. I have a very large concern,

however, in that on I believe the Saturday the board is supposed to be meeting in a workshop. I want confirmation that they're not. I want them to be participating in this meeting. I don't want all of the board members to speak one after the other and dominate the conversation. Although I don't want just two people speaking, certainly we don't want them taking over the meeting. But I think they need to be there to listen, if nothing else.

Certainly when the CWG IANA reviewed comments, I was called upon as were other At-Large people to explain what we meant in our comment. I think we need the same ability to ask the board for details or explanations or something like that in their very substantive comment. That alone I believe says they need to be there. But I really do want confirmation that they are going to be there and are not going to be four miles away working on their own little thing and pretending we don't exist.

Sebastien, I think you're incorrect in that there is a [MEM] Committee – I don't remember the exact wording – that is an entity. But you're right. Several of you are right. They missed the concept that we did incorporate an association. We did not like the individual AC/SO chairs acting on our behalf, but we have come up with a number of other equivalent mechanisms which we were willing to accept, and the empowered AC/SO was one. The community mechanisms is another. I see no reason that those could not be embedded within their current plan without any real change other than accepting the structures that the community feels more comfortable with. I think that's about all I had to say.

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We have Leon next and then Carlton.

LEON SANCHEZ: Thank you very much, Alan. I just [inaudible] a quote from Steve Crocker in an e-mail that we exchanged with him and other board members. It says that we will adjust the schedule for our [retreat] and related meetings [to give your meeting] maximum priority.

ALAN GREENBERG: Good, thank you.

LEON SANCHEZ: So this is a confirmation by Steve Crocker himself. There is no doubt that the board will give maximum priority to the CCW meeting and of course attending the CCW meeting.

It is very important that it has been said to not convey the message that this is a negotiation. We need to also be coherent in our speech. If we say that the board is part of the community and it's a stakeholder in the community, then we should of course treat them as one stakeholder and one member of the community, not the special member or the special stakeholder in the community. This is why this is not about a scheduled meeting, but a regular CCWG meeting that of course is open to have a special meeting for the board. But not only a special meeting with the board.

I am not sure if this eases a little bit the [inaudible] that Olivier has felt in [inaudible] by my statement that this is not a special meeting with the

board. I think this should clear things up. This is a regular CCWG meeting. Of course it is most likely to encompass special meeting with the board, with the ICANN board, but we can't do a special meeting with the board as a whole, because otherwise we will be paying a special [deference] to one of the stakeholders which, as I said, if we are to be coherent with our speech, they should be treated as one more stakeholder and not a special stakeholder in the [inaudible] of the rest of the stakeholders. I hope that clears a little bit what I was saying. Thanks.

ALAN GREENBERG:

Thank you, Leon. Olivier in the chat is saying that he doesn't think the board is just another stakeholder. I have a blended view. If you'll recall, again, in the CWG there were statements made saying this is a bottom-up process. We will compose what we want. We don't care what the NTIA thinks. Well, the NTIA was going to be the group that will judge that [inaudible] the NTIA thinks.

In this case, the board is going to be essentially making a cover statement, which we know will be [inaudible] eventually by the NTIA. So the board is indeed a very special stakeholder because they do have a role to play other than the one that the chartering organizations.

All of the chartering organizations have a special role to play because each of us can say we're not ratifying the proposal and that's going to have a very substantive impact on the statement. The board will use a different mechanism than ratifying than a chartering organization, but

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nevertheless, they too have a very special role to play, not just another stakeholder. I think it's a blend of those.

Carlton, you're next. Carlton, are you there?

CARLTON SAMUELS: I am here. I'm speaking.

ALAN GREENBERG: We can hear you.

CARLTON SAMUELS: Can you hear me?

ALAN GREENBERG: Yes, we can.

CARLTON SAMUELS: Okay. I'm speaking to [inaudible] the point my friend, Leon, just made. I know we would want to think that the board is not a special part of the thing, but as a practical matter, they are. I have to agree with Olivier 100%. Whether you say it is a special meeting of CCWG with the board or not, to me that is inconsequential. What is important is that the board is a backstop to this process. I would urge you to look at the comments very carefully. [Here's what]. They have 47 items. Of the 47 items, they have problems with 25 and they disagree totally with the four. So the majority of those items, the board has a problem with.

Go back to the original legal advice they got from their attorneys. At the time when they [had it] for the attorneys, I made the point that it was a proposal that in the attorneys' view, and any board who gets attorneys advice who would not take it is not very bright. It was a proposal that was dead on arrival. It still is a proposal that is dead on arrival.

The 25 and plus four they disagree with, if you look at them closely – and I haven't finished all of them. I am right now at about number 20 of the 25 that they have some disagreement with. Every single one of those have some tangential relationship to what they call the statutory and fiduciary responsibilities of a board of an American corporation. All you have to do some research and look it up and see a list of what things could be considered onto that rubric, [side view sharing] and [strategic] responsibility.

Here's the thing. We know that you have to get to an agreement of the board to get most of what is critical and central to the CCWG proposal [inaudible]. If the board is not convinced and if they stand on the point that to agree would to [inaudible] their obligation, this thing is dead on arrival.

I would urge you all, when you go to the meeting, give the board as much time as they want to explain what they mean by what they say. But always go back to what the statutory [inaudible] fiduciary. I think you'd [inaudible] a lot of good if you just understand and make that the central plank of any engagement with the board here on out. Thank you.

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ALAN GREENBERG:

Thank you, Carlton. Sebastien?

SEBASTIEN BACHOLLET:

Thank you, Carlton. I will not say with better words what you say. I really think that, Leon, if we don't get right, the board is the board of ICANN. The board of ICANN is composed of each of the SO and ACs, or at least At-Large and the SOs and liaison from other groups. I [inaudible] in the beginning that one of the main goals with [participants] is to disagree. Or I will take a strong word, to destroy the board and the board [inaudible]. I don't think that it's a good idea. We need to have more the power for the community, but we can't have the community over the board.

If it is a discussion, who is at the end of the day will be responsible? I vote for the board. Whatever I disagree with some board position, with some board composition, with some people in the board, I think this organization needs to have a stable place, and the stable place it's much more the board and it's why they come back with that. Because since years, and since the beginning of ICANN, there are always – when you arrive at the board, the first thing you are told is you have fiduciary responsibility and you are not speaking on behalf of the one who put you on the board.

If we want to change that, then that's another discussion. But it's not what we need to change today. It's why it's a CCWG meeting [inaudible]. No problem with that. But we need to have I don't know how much time, but as much as possible time, official meeting with the board.

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Again, it's not [problem] of language. We as a group, as the CCWG, we [deserve] to have this discussion and we need to have time for that. Thank you.

ALAN GREENBERG:

Thank you, Sebastien. Carlton, I presume that is an old hand. I had my hand up, but I think pretty much everything has been said at this point. I really think it's important that we have an opportunity to understand the board's position and they have an opportunity to understand what the objections are.

I know I personally will be posting something to the e-mail list with some of my major concerns. I think it's reasonable to give them a head's up ahead of time as to what the concerns are, especially from one of perhaps the few groups that is nominally supporting their overall concept. I think we have to play our part in this game as well.

The one thing I do disagree with, however, that Carlton said is that any organization that doesn't follow their legal advisors advice is crazy. Legal advisors are there to advise and boards and other clients need to make decisions.

I believe over the last decade and a half, ICANN legal advisors have given advice which the board shouldn't have followed and did. I think this is an opportunity for them to step up and actually make decisions, not necessarily blindly follow the advice of legal advisors, who are there to maximize the leverage of the corporation and protect it. That's not always the best course. Thank you.

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Sebastien, you put your hand up again.

SEBASTIEN BACHOLLET:

Yes, please, Alan. Just a second. I agree with you, but I guess I would like everybody to understand the only one – and I will say [inaudible] the only one – who [inaudible] in the beginning is Jones Day. At the beginning of ICANN, every question raised by the board was answered by the legal at that time, and the legal at that time was a voice, in fact, of Jones Day.

We can't change in one day. That's a big question. But the fact that nobody – some people in the community were at the beginning, but the only one who knows from the inside everything since the [inaudible] of ICANN is Jones Day. When they say something, we can imagine why they say it. I agree with you, Alan. Sometimes ICANN board must decide otherwise, but it's very difficult, if not impossible.

The way the board gets those inputs, it's very difficult to [inaudible]. It's time to reverse that, but we are not saying the board [inaudible] in one day. We need to take time. And this meeting, it's a very important time for that. I hope Dublin will be the next moment for that. Thank you.

ALAN GREENBERG:

Thank you, Sebastien. Anyone else on this topic? Seeing nothing else... Except Olivier. Go ahead, Olivier.

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**OLIVIER CRÉPIN-LEBLOND:** Thanks very much, Alan. Returning to the topic at hand, it seems from what I've heard so far, several of us think that we might be faced with a power struggle in Los Angeles. In the case of the community, it's all about the power. Who has the last word in ICANN? Who will be able to decide as to what ICANN does? ICANN, the organization does.

Today, I believe it is the board that has that final word. In the future, depending on which way that proposal goes, it might be either the board or the community. I personally feel much more comfortable with the board having the final word than a community control primarily by the GNSO having the final word.

I think we probably need to work out which way we stand as a group, because it's probably not going to be – it will be too late for us to make up our mind by the time the discussions or whatever it's going to be called takes place in Los Angeles. Thank you.

**ALAN GREENBERG:** Thank you, Olivier. I also have a concern with community-led endeavors with no one looking at the big picture. We've seen what the CWG and in the earlier parts of the CCWG that community-led initiatives, group think wins and people who speak loud win. There are some real problems with that.

In regard to Leon's comment, will we have a proposal ready for Dublin to approve? I think the answer is there's no way. The real question is can we have something close enough to a proposal, such that the groups who will have trouble ratifying without a face-to-face meeting can ratify in principle and then ratify the final proposal a few weeks or a



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month later? Those two groups are the ccNSO and the GAC. The real question is can we be close enough to agreement by the time the Dublin meeting is being held, that is after the Friday session, to allow them to ratify something in concept? This may not be the right words, but essentially there's a good indication that both of them might be able to ratify something after the fact if there are no really substantive changes and conceptual changes from what is talked about in Dublin. It's going to come down to that at this point.

The schedule does allow slippage of a month or so, but not an awful lot more than that.

All right, Olivier, I turn the meeting back to you at this point and declare the section three on the CCWG accountability over. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. It's been an interesting part of the discussion. I thought it was going to last a little longer. Now, unless there are any additional thoughts, I might just give a last chance for anybody to speak about the CCWG concerns. No more? Okay. So let's then go to the next part of our agenda. Oh, I see Sebastien Bachollet has put his hand up. Sebastien, you have the floor.

SEBASTIEN BACHOLLET: Yes, thank you, Olivier. Yeah, I think we are, as a member of the CCWG and other participants at this call, it's very different because we have to read all the comments and there are a lot and a lot of pages. I don't know how we will be able to do that prior to travel to Los Angeles. I

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think we need to [inaudible] some time on the other comments and see what is coming on from the other comments.

I know that staff is preparing a document that will help us to go through that, but I think if we can read the comments, and maybe if we can share within this group what each one of us consider more important, that maybe we can go directly to the main part of all those documents. It will be helpful to be better prepared for the Los Angeles meeting. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much for raising this, Sebastien. I wondered what was the process going to be like from now? Obviously with those comments in, usually a working group goes back to reading the staff summary of all the comments that were made, and then the working group has to deal with each one of the categories of comments and make necessary adjustments if adjustments are needed. What's the plan for that? What happens if the adjustments are quite large? Would there be a need for another comment period beyond that or more discussions? Alan Greenberg?

ALAN GREENBERG:

If we're adopting anything like the board proposal, I think there is another comment period needed, period. I don't think there's any question about that. It might be slightly abbreviated, but I don't think we can avoid going out to comments on that. The elongation of time will not just be to finish the details, but to in fact go through that

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process. Again, that's my personal opinion, not necessarily backed by anything.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much, Alan. I don't see any other hands up, so I think we can then close that part of the call and move on to agenda item #4, I believe. That's the IANA Coordination Group. I'm not seeing we have Mohamed El Bashir or Jean-Jacques Subrenat on the call. I'm not seeing either of them on the call. I'm not aware of any additional or more recent developments or discussions on the ICG. I believe that there as well there will be a summary of all of the comments that were received. On the screen you can see a link. You can see the page with all of the comments that were received and the link to the comments. There are 159 comments, which is an enormous number of comments there. I'm not sure what the timeline is for this. Obviously that process would also add weight for the input now from the CCWG. So probably the critical path goes by the CCWG and it is not in any way [inaudible] or going by the ICG for the time being. The time that the ICG will take is probably less likely than the CCWG completing its work.

Are there any comments on this by any chance? Alan Greenberg?

ALAN GREENBERG: Sorry, that was an old hand.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks, Alan. I don't see anyone putting their hand up on this. Just one thing of note is that there will be an ICG meeting taking place in

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Dublin. Of course that will take place after the LA meeting of the CCWG. Your guess is as good as mine as to what will happen in the ICG meeting. I believe that will be a face-to-face meeting, so we will see.

So these are the comments to the ICG, not to the CWG. The CWG comments were completed a long time ago now. Right. I don't see anyone putting their hand up on this, so maybe we can then move to the agenda item, and that's to do with the CCWG.

There, we now have on your screen a copy of the statement of the CCWG towards the – sorry, that's a different one. Where are we now? We just moved on. I'm a little confused now by what's on the screen.

Okay, so the CWG stewardship comments to the CCWG Accountability second draft. Do we have this on the screen? I believe it is, yeah.

What you currently see on the screen is a copy of the CWG IANA Stewardship Working Group comments that were sent over to the Cross Community Working Group on Accountability public comment period. The contents of this were discussed by the CWG, but there was no vote as such. There were just a number of points that were made there, points of clarification, a few answers and comments on some things that were said.

As you know, parts of the work of the CWG had not finished. For example, the whole part of the service level expectations and a few points basically which were made on there.

I don't think we have the time to go deeply into the whole document during the time that we have allocated, but I thought is we might wish

to just – if anybody has managed to read through this make some specific comments about the actual input that was sent there. Seeing no one put their hand up, my concerns are twofold.

The first concern I have is that there was no actual ratification of this statement by the CWG into the CCWG Accountability public comment process. Bearing this, I would've felt that it was important to just state facts rather than perhaps dig further in a specific direction on some of the points that were made there.

That said, most of the comments itself is a draft stating facts of points that were reached by the CWG Stewardship. I don't think that that controversial, if you want, as to not being in line with the CWG points of view or [inaudible] points of view.

I do have a couple of concerns there when it mentions the budget. For example, where it is added that the veto right – and this is I believe the... If you look at the page. If only they had good page numbers on this page, but of course they haven't. Second paragraph in the second page comment, halfway around down the paragraph it speaks about the following: "As proposed by the CWG Accountability, the ICANN and IANA budget will be considered separately by the community, so the veto of the ICANN budget would automatically result in a veto of the IANA budget, and a veto of the IANA budget would not serve as a veto of the ICANN budget."

It is also proposed that the veto right could be exercised an unlimited number of time, and that provision for a caretaker budget would come into effect under certain circumstances.

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My concerns with this sentence, the last sentence in this paragraph, is that those certain circumstances are not established as of yet, and certainly having an unlimited number of times, veto rights that could be exercised an unlimited number of times looks to me as a way to completely lock and freeze ICANN. Very much as this is used politically in the United States, when Congress decides to block the budget, yes there are ways of government continuing to operate. But as you would have read in the news in some [inaudible], it has frozen activity across the US government departments.

This unlimited number of times to veto the budget is something that made me cringe. I don't know whether that will be taken into account by the CCWG Accountability. I believe that it will be probably shared with everyone when the summary of all the comments come in.

I felt that since we are a working group that decides on – that has members in both of these cross-community working groups, maybe we might wish to discuss this here. How do we feel about an unlimited number of times vetoing an ICANN budget?

There's plain silence here. Okay, so maybe we don't feel anything about this. Maybe I've just been cut off the call. Am I still on? Is there anybody out there?

TERRI AGNEW:

You're still on.

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OLIVIER CRÉPIN-LEBLOND: Okay. Perhaps it is premature for us then to read through this call here. Maybe we might wish to move this further down the line, discuss it on the mailing list or perhaps during our next call, if we are going to decide later on that we wish to have a call before the face-to-face meeting in Los Angeles.

Seeing no hands up, then, let's move further. I don't think there's anything else to discuss in the CWG IANA. That comment was the only movement I've recently seen moving forward.

There has been some discussion about service level expectations or service level agreements that were appended to the proposal with some very minor changes, none of which I think grew much discussion or any concerns from our own group.

Is there anything else that anybody wishes to discuss as far as the CWG IANA is concerned, or CWG stewardship, whichever its name is?

I don't see anyone putting their hand up. Goodness, the discussion in the first part of this call seems to have absolutely knocked everyone off or everyone over, or something. If we're all exhausted for this, let's then go for something a little bit more happy. Oh, I see Christopher Wilkinson has put his hand up. Let's hear from Christopher. You have the floor. You might be muted, Christopher. I'm unable to hear you at the moment. It doesn't seem to work. Your mic is not active at the moment, Christopher Wilkinson.

I note in the chat there is also the problem of supporting organizations proposing to recall NomCom appointments. That's an interesting point. I hadn't seen this. That hadn't jumped to my eyes. Anyone else to

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comment on this? I don't see anything. How are we doing with trying to have Christopher speak? Okay, it's not working.

Christopher has put his comments to the public consultation. We can probably have a read through that later on. There's a note from Seun. "Recall requires the entire SO and AC voting threshold." Let's hear from Alan Greenberg.

ALAN GREENBERG:

Yeah. I'll just note we've gone on record as saying we don't like the concept of an entire board recall, therefore there is no recourse but to have the ability to... Assuming board recall or board member remove is something that we want, and overall we have said it is perhaps the mandatory item that would allow us to control long-term outcomes, then we need to be able to remove those members of the board that are appointed by the NomCom.

As problematic as it might be, I don't see any recourse but to do something like that. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thanks very much for this, Alan. There's more going on in the chat. I'm afraid it would've been easier to hear from Christopher on the call. I note Christopher does agree. The NomCom board members have to be independent of the SOs. Alan, did you wish to speak to this?



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ALAN GREENBERG: I've already spoken to it. I think we have a conflict here. From my perspective, none of these solutions are ideal, but if removal of board members is a mechanism that we want to use, and At-Large had said we prefer that mechanism over the more detailed ones, then that's pretty much all we can... We have to be able to do it. They're independent of a particular AC/SO, but they're appointed by essentially the NomCom, which is composed of people from the community. In my mind, it is reasonable to have the community in one form or another remove them as well. We may have to differ on this one. I think that's the lesser of the evils in the overall picture that we're looking at.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much for this, Alan. Right. I don't think we can go any further on this discussion. I note that it's something that I haven't actually thought about, when recalling the whole board, that of course all of the NomCom members would also be recalled. That's another big question, and I wish we had actually addressed this and discussed this whether the whole board recall would include the NomCom appointed members or not. I cannot remember that this was explicitly pointed out during our discussions.

It's something that Christopher has pointed out in his comments. I hope that the staff summary will take this into account and that the matter will come to the attention of the CWG IANA for further discussion.

ALAN GREENBERG: For clarity, whole board recall is the whole board with the exception of the CEO. There is absolutely no question about that.

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OLIVIER CRÉPIN-LEBLOND: Okay, thanks. That's [inaudible].

ALAN GREENBERG: That doesn't say they can't be reappointed by the NomCom when the board is reconstituted. That's a different issue.

OLIVIER CRÉPIN-LEBLOND: Perhaps that's the answer, isn't it? The NomCom could say board gets taken out, we could reappoint the same people. They're not bound to actually appoint other people or find new people. I would be interested in finding out how the NomCom would have to launch a search for I don't know how many spaces in one go like this, bearing in mind the difficulty with which they already have to try and find one or two board members a year.

ALAN GREENBERG: They would be inundated with applications.

OLIVIER CRÉPIN-LEBLOND: They would absolutely love it. Sebastien, you have the floor.

SEBASTIEN BACHOLLET: Thank you, Olivier. We discussed that. I don't know if it's in this group or in the CCWG, but it was a long discussion. I put my own comment that I

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thought it was not a good idea to have recall of the whole board. I put some proposals in.

One of my concerns is not just that board members selected by the NomCom are more independent than the others, but it's the fact that in one shot, when we will reconstitute the board, the NomCom group will appoint the majority of the board. When we are looking at accountability and possibility of taking the board, we need to consider that. They will put eight members on the board of 15 plus 1, and I don't think it's a good way to go. It's why I always struggle against the whole board recall. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Okay, thanks very much, Sebastien. Let's move on and go now to the next part of our call, bearing in mind we only have about 20 minutes left in this call. The next part of our call is looking at the At-Large Summit recommendations which are all linked to the agenda. To give you a little bit of background for those of you who have not been following this very closely, during the At-Large summit, the whole community came together and came up with a large number of recommendations that addressed a variety of topics that were targeted at a variety of parts of ICANN. Some recommendations to the board, some recommendations to the ALAC, some to the ALT, some to no one in particular.

Some of the recommendations were actually quite targeted, whilst others were very open and quite broad. In order to make sense of those recommendations and start moving into implementation, an ad hoc working group was created that took each one of these

recommendations, did a first triage for all of these recommendations, and put them into different categories, depending on who they were aimed at and who should be assigned those recommendations.

The people has taken a while since the CWG and CCWG have taken a lot of time of many of the members in the working groups, so we somehow got stalled for a few months. But now the process is really moving forward again.

What we are now seeing on the screen are a number of recommendations which had originally been assigned to the Future Challenges Working Group as a working group that had looked into the reorganization of ICANN, having published a paper called the R3 Paper that was meant to look at any structural changes that could be addressed by ICANN in any future bylaw changes, etc.

In the meantime, since the allocation to the Future Challenges Working Group, the chairs of the Future Challenges Working Group have moved on. There was no process moving forward with it. Therefore, those recommendations as they are now on your screen are somehow, I would say, without an assignee.

But the ad hoc working group in its last couple of meetings reassigned them and decided that since those were to do with ICANN accountability, they would fit very well with our current working group.

One of the concerns is that, because time has passed, some of these recommendations might be completely out of date. Some of them might have already become obsolete because ICANN has moved on since then.

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So I guess the first thing that should be done is to do a quick pass over these recommendations. First, to read through them and gain your feedback on these as to whether the ship has already sailed on these and ICANN has already evolved, and therefore the recommendation can be considered as complete or can be considered as obsolete, or whether these recommendations should feed into the current CCWG on ICANN Accountability. And whether perhaps the work of the CCWG on ICANN accountability is taking this topic into account, or at least discussing this topic and moving forward with it.

I felt that it was important that we spend a bit of time during this call to be able to read through these and gain your feedback. I'm looking specifically at the members of the CCWG Accountability as to what we should do with each one of these.

Just one last word before we start going through them. I do feel quite strong about these recommendations because it is recommendations that were drafted using a complex process by our whole community. We're not just looking at one person drafting these things. We're looking at all of our ALSes having felt pretty strongly about these for these to come out.

Some recommendations might have been surprising to us, but we do have to respect the fact that this is a bottom-up process and this is what our community really felt. So I would advise against dismissing some of these and saying, well, hang on; they have no idea what they're talking about. Because that would just not be constructive.

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Sebastien has put his hand up, so let's hear from Sebastien and then we'll go through the recommendations. Sebastien Bachollet?

SEBASTIEN BACHOLLET: Yes. Thank you, Olivier. Just to add to your presentation that we get through those recommendations during the last call of the [inaudible] Working Group, ATLAS II Implementation Working Group. I tried to give you my assessment of it, and I will not do it again here. But I think what it is important is all groups say what they think is important and to keep it.

As you know, I [inaudible] specific items with [inaudible] with the work we are doing right now, but all them could be taken into account in our work and I am sure that they are. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Sebastien. Indeed you were on the last call of the Implementation Working Group. The Implementation Working Group is meeting in a few hours' time, so we'll be good to go through all of the recommendations right now. Let's start, therefore, with the first one.

Ariel Liang has joined us. She is sharing her screen at the moment, so she is able to make changes and make notes as we discuss these briefly.

Recommendation #3, ICANN should continue to shape an accountability model reaching not only board members, but all parts of the ICANN community in order to develop a more transparent and productive environment.

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Now, the notes underneath this add that the CCWG Accountability has been tackling the accountability model reaching the board Work Stream 1, and that Work Stream 2 will tackle the accountability model reaching the rest of the ICANN community. Is there anything at this point that we could add to this? Do you think this recommendation is in line with the current work of the CCWG? Do you have any comments on this?

ALAN GREENBERG: I'm not at my computer, if you could put me in the queue.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. As you are the only person in the queue, you have the floor.

ALAN GREENBERG: Okay, thank you. I think the answer is this is very much on the radar of the CCWG, the external advisor... Although, the CCWG dogmatically ignored it for the longest time, the external advisors – one in particular – was adamant that we do consider community accountability. It is there. We are already making a recommendation [inaudible] organizational reviews and that it be factored in additionally in Work Stream 2. So I think the answer is yes, done. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. At the moment, I gather we can then [consider] putting it on hold. Shall we just say ongoing? Because

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obviously that recommendation will have to be evaluated against the work of Work Stream 2, won't it?

ALAN GREENBERG:

Olivier, remember, these are recommendations from At-Large. We don't rule the world. So we are making a strong recommendation. The CCWG Accountability has rubberstamped that and said this is something we need to look at in detail. How exactly we end up implementing it at the far end of the game may be a different issue, but it is being considered actively as a major issue within the community. I'm not sure what more we can do at this point, other than continue to work on it ourselves as individuals as part of the process.

OLIVIER CRÉPIN-LEBLOND:

Thanks so much, Alan. Therefore, this I guess is in progress at the moment. We can move on to the next recommendations. Certainly that recommendation gives the ability of the members of the CCWG, the ALAC members of the CCWG, to be able to say that it is something that our community feels very strongly about.

Number 5, ICANN should examine how best to ensure that end users remain at the heart of the accountability process with all aspects pertaining to the transition of stewardship of the IANA function.

Alan has just mentioned now that At-Large doesn't rule the world. Indeed. What can we add to this? In fact, underneath that recommendation is a comment. It is a very important recommendation. Are we pushing enough to strengthen the position of the end users?



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And this concerns the question of civil society and the role of ALAC and At-Large.

It seems that we might have not pushed the CCWG Accountability to fully address the questions and consider the question of end users. Are there any comments to this?

Alan Greenberg?

ALAN GREENBERG:

I think the answer is we are doing that. We are at the table. We are equal participants, unlike the way we are at the GNSO table. There are competing interests and all of these things need to be balanced.

You've heard me say before I believe it's the board's responsibility to balancing in many cases, but to the extent that we as a community model in the CCWG have an opportunity, then we're doing that. We're not in a position to say our right is more important than others, and the public interest is listed among the core values of ICANN.

I think this is in process.

OLIVIER CRÉPIN-LEBLOND:

Thanks, Alan. Should we advocate that the end users should be more important than others?

ALAN GREENBERG:

Sorry, I missed that. Say that again?

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OLIVIER CRÉPIN-LEBLOND: Should we advocate that the end users are more important than other concerns? End user concerns are more important than other concerns.

ALAN GREENBERG: If you're saying that end user concerns should always trump other issues and concerns, I think you're going to get a lot of pushback in this. The whole concept of a multi-stakeholder model is that we have to balance the concerns. On some issues, the answer will be in words I won't put in a transcribed thing something. Yes. There's no question that users have to take dominance. In other things, users are just among the many parts of the community.

In all honesty, in many of these issues, I don't think the needs of users are particularly different from the needs of other parties. If you look at the whole issue of IANA, the standards that we're looking at in terms of IANA response in things, there's almost 100% overlap of the interests of registries with the interest of users. We both want the root zone to be working and we want it to be responsive and change when necessary. There's not necessarily a lot of difference between those in terms of the operational aspects of it. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Alan. Eduardo Diaz, you're next.

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EDUARDO DIAZ:

Thank you, Olivier. The [inaudible] when I saw this for the first time is that [inaudible] this statement is there or it came out because it might be an impression from the group that there was no indication that the users would thought about through all the work in ICANN.

I agree with Alan. I can see all over the place that we are always thinking about the user interest. When we answer policy, I just saw another one over here that we're asking the board to make sure that there is a balance or the user's interest is in place.

I think this is something that we're doing and that we just say [inaudible] and click it. [That is being] done by now. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Okay, thanks very much for this. [inaudible] is taking some notes there. Alan, your hand is still up. Nope, it's down. Okay. Let's then move to the next one.

The next one is recommendation #6, ICANN's multi-stakeholder model should serve as the reference in encouraging all participants, individuals, or parties to declare and [inaudible] existing or potential conflicts of interest each time a vote takes place or consensus is sought.

Underneath, there are current notes of the working group, the Implementation Working Group, is that it seems to be standard practice and is reflected in the way that working groups and the board conduct their work.

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That said, it is uncertain whether all participants explicitly declare or update existing or potential conflicts of interest. The request doesn't seem to be included in the CCWG Accountability report.

Alan Greenberg?

ALAN GREENBERG:

Well, at some level I think this is a bit overreaching. I'm not sure we really want every ALAC member to explicitly declare conflicts of interests or statements of no conflict every time they vote. I think we expect people to declare their position and update regularly or abstain or recuse themselves if indeed there is any conflict on a particular issue. But to say declare every time there is a vote or something I think is a bit overreaching.

I don't believe there is an issue of a conflict people right now that perceive. Virtually every group has rules in place associated with conflict and I presume as we review accountability on the AC and SO basis, per AC and SO, ensuring that they do have conflict rules that are appropriate to whatever they're doing will be one of the check boxes that we're going to have to check off.

I suspect the exact wording we have here is perhaps a little bit overreaching, if I heard I correctly anyway. I think I heard it said for every vote.

OLIVIER CRÉPIN-LEBLOND:

Thanks so much for these comments, Alan. That will be helpful for the Implementation Working Group to perhaps amend or modify this. As far

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as the CCWG is concerned, I do hope that this will be dealt with – and I believe it will be dealt with – in Work Stream 2. The conflict of interest issue of members, isn't it?

Let's move to the next recommendation, and that's recommendation #7. I know that Ariel is frantically typing. A periodic review of ICANN's multi-stakeholder model should be performed to ensure that the processes and the composition of ICANN's constituent parts adequately address the relevant decision-making requirements by the corporation.

Underneath this it says in Work Stream 2, the CCWG will discuss how the rest of the community should be accountable to each other and the rest of the board. So this recommendation may be addressed after the IANA transition. Are there any comments to this? Is that a fair assessment? I don't see anyone putting their hand up, so I believe that's probably a fair assessment, then. No further comments on this? Okay. I don't see anyone putting their hand up. Let's then say this is a fair assessment.

Let's move to #13, ICANN should review the overall balance of stakeholder representation to ensure that appropriate consideration is given to all view proportionally to their scope and relevance.

Here it says part of the CCWG Accountability work, the stress tests regarding the generic advice may be relevant to this recommendation.

Of course recommendation 7 and 17, we've already gone through #7, periodic review. And 17 further down... Oh, 17 is not actually here. I think we'll have to come back to this one perhaps, because it's a bit incomplete.

I'm mindful of the time, and we do have an extension of another 5-10 minutes maximum with the interpreters. I'll let you know on this one. Think about this one.

Number 14, ICANN should address its contractual framework to minimize conflict between its requirement and relevant national laws. This one is not [yet] completed. It is well understood that there is work in the CCWG Accountability that will deal with a certain facet, certain aspects of this.

At the moment, ICANN has done a lot of work with respect to these recommendations by issuing special amendments to its contract on a case-by-case basis specifically regarding data retention waivers. We have a list of examples where ICANN has made the amendments. We believe this is partially completed, but it's still pending maybe some additional work by the CCWG Accountability. I believe that work will probably be in Work Stream 2. Any comments on this? I don't see anyone putting their hand up. Then we can move swiftly to #15. We only have a couple left, a couple of recommendations left.

15, ICANN should examine the possibility of modifying its legal structure [inaudible] a truly global organization and examine appropriate legal and organizational solutions. That has to do directly with the globalization of ICANN.

Now, as you know, the current process of CCWG IANA and CCWG Accountability has not explicitly looked at this, at least not to my knowledge. Are there any comments to this or is this something to

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move on to later? Is this perhaps something in Work Stream 2? Is that even on the agenda of Work Stream 2, does anyone know?

ALAN GREENBERG: Can you read it again, Olivier? I can't read it on the screen.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. Alan should examine – I'm sorry, not Alan. ICANN should examine the possibility of modifying its legal structure [befitting] a truly global organization and examine appropriate legal and organizational solutions. These are to do with whether the ICANN headquarters should be within the US, etc.

ALAN GREENBERG: I think most of what we're doing is addressing the organizational solutions. That is what we're doing, and we have explicitly said some statement about where the organization exists. I think that is in Work Stream 2, but I don't remember 100%.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you, Alan. I know Leon has had to drop off the call. As one of the co-chairs of the CCWG, perhaps we could have an action item to check with him as to whether this is in Work Stream 2.

ALAN GREENBERG: There's a [inaudible] document. All we need to do is [inaudible].

OLIVIER CRÉPIN-LEBLOND: Tijani Ben Jemaa?

TIJANI BEN JEMAA: The [jurisdiction] will be discussed in Work Stream 2, which is one of the points of Work Stream 2.

OLIVIER CRÉPIN-LEBLOND: Perfect. Thanks for this, then. So need to ask Leon. The jurisdiction issues will be part of Work Stream 2. Thank you for this, Tijani. Let's move on then. The next one is #20, input the user perspective whenever necessary to advance accountability, transparency, and policy development within ICANN.

That's a bit of a cryptic recommendation which had some real thinking on parts of the participants of the Implementation Team. At-Large Ad-hoc IANA transition and ICANN Accountability Working Group has the mandate to implement the specifics of these recommendations. Is this enough?

There is also a [pointer] to ATRT 3 that could possibly look at an opportunity for advocating end user interest, and the ALAC would need to select representatives for that in the future.

Alan Greenberg, you have the floor.



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ALAN GREENBERG:

Thank you. I find this one a little bit problematic in that it doesn't say who should do it. ALAC and the At-Large largely work through a volunteer basis. As you know, we have very few people who actively participate in the detailed processes.

I don't think you can say the ALAC must do something when we cannot often get people to step up and do the work. This is a nice theory, but it requires people to actually follow through. And it requires people other than just the ALAC to follow through. I think our response needs to say that. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much for this, Alan. That's being noted by Ariel. Let's move to the next recommendation, and it's the last one, number 25. To enhance ICANN's community efforts on building a culture of transparency and accountability, as called for in the recommendations of ATRT 2, oversight of the board's decision now requires an effective mechanism of checks and balances capable of providing true multi-stakeholder oversight and effective remedies.

I believe that's part of the accountability process. That's Work Stream 1. That's what we have been discussing during most of this call, isn't it?

ALAN GREENBERG:

It is.

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OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this. I think that perhaps for this one, since we are seeing this, it will just be the completion of this recommendation will really happen when the Work Stream 1 process has completed. Probably the right way through it. By then, hopefully, we will have something. I don't even know at this time what it will be, but we will have something that will take care of this.

And that is all of the recommendations that we have for the ATLAS II follow-up. With one minute left in this call, I'd like to ask for any other business. Alan Greenberg?

ALAN GREENBERG: Thank you. One thing that I'm told but I have not read myself is embedded in the board proposal is that they are recommending that Work Stream 2 not be done as such but evolve into other community mechanisms, and not the CCWG as such.

In terms of my timeline and my time involvement, I strongly support that. I suspect others strongly oppose that. We need to do a little bit more in-depth research and see to what extent does it actually say that, because I'm getting it on hearsay, and perhaps comment if indeed it does say that. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Alan. I note that Seun Ojedeji has given a green tick to this. That's one thing we need to work on next. We have run out of time, I'm afraid. One last question that we need to decide now quickly is whether we wish to have another call prior to the LA

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meeting. I believe that most people going to Los Angeles will be traveling on Thursday, which therefore gives us either Wednesday or Tuesday for a possibility of another call. Do we feel we need another call until then? I don't see anyone...

I was going to propose that we do need maybe a short call early next week so as to quickly summarize or discuss any additional discussions that have taken place on the mailing list, especially as far as the CCWG is concerned. But that's not my remit directly. I see a green tick from Eduardo, but let's hear from Alan Greenberg.

ALAN GREENBERG:

I think we probably need one, but practically, are we going to be able to allocate the time for it given what some of us have to do between now and then? I question whether we can do that and adequately prepare for it. But that's just an opinion.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thanks for this, Alan. Eduardo Diaz?

EDUARDO DIAZ:

Yes. I will say that we should have a quick one, no more than half-an-hour, just to get acquainted with anything that happens. Maybe if nothing happens, then we can cancel it. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thanks for this. Tijani Ben Jemaa, you have the floor.

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TIJANI BEN JEMAA: Yes. I agree with Alan.

OLIVIER CRÉPIN-LEBLOND: So in principle, it would be a good idea, but we're not sure if we can find the time.

TIJANI BEN JEMAA: Yes, exactly.

OLIVIER CRÉPIN-LEBLOND: Okay. Let's have a test Doodle then. I see that Wednesday is Yom Kippur, so that's a bit of a difficulty as well, bearing in mind that's Wednesday the 23<sup>rd</sup>. Let's do a Doodle for the 22<sup>nd</sup> and see if we can get some ability to meet on the 22<sup>nd</sup>. That would be helpful.

Okay, we'll send a Doodle out and we'll take it from there. If we don't have enough people able to make it to the call, then we won't have a call. But if we do, then it will be desirable probably to have one seeing what will happen in the next five days. We are only Wednesday and it's five days until the 22<sup>nd</sup>.

Ladies and gentlemen, I'd like to thank you for this call, and I'd like to thank the interpreters in particular since we are 18 minutes beyond over the end of the call.

I note that Sebastien Bachollet has put his hand up. Sebastien, do you wish a quick note?

SEBASTIEN BACHOLLET: Yes, it was to answer your question. It's my three days if [AfriNIC] and I have a board retreat. It will be very tough to read a lot of things and participate to any meetings. But depending on the meeting, if it's half-an-hour, I will try to see if I can fit in my schedule, but difficult. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks, Sebastien. So our deep thanks to our interpreters, Claudia and Marina, today. Thanks to all of you for participating in this call. The Doodle will take place next. This call is now adjourned. Goodbye.

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]**