
ALAN GREENBERG: And we'll begin.

GISELLA GRUBER: Thank you Alan. I'll get the recording started now. Good morning, good afternoon and good evening to everyone. Welcome to the ALAC Leadership Team Meeting on Thursday, 8th of October at 21:30 UTC. O today's call we have Alan Greenberg, Holly Raiche, Olivier Crépin-Leblond, Tijani Ben Jemaa, Julie Hammer, Cheryl Langdon-Orr, Maureen Hilyard, Vernatius Ezeama.

No apologies noted. Leon will be joining us a little late, and from staff we have Heidi Ullrich, Silvia Vivanco, Ariel Liang, and myself, Gisella Gruber. If I can also please remind everyone to state their names when speaking for transcript purposes. Thank you and over to you, Alan.

ALAN GREENBERG: Thank you very much. Can we agree on the Agenda, presuming we are interchanging Items #1 and #2? Since I think we always do the roll call before we do any welcome. Subject to anyone else wanting to add or change anything else? Hearing no voices, seeing no hands, we'll accept the Agenda as modified. I don't normally do a lot of introduction, but I will, for a few minutes today. This is scheduled to be a short meeting. I think if you add up the times, it's 65 minutes. There is enough of interest on it that it will remain to be seen whether we'll actually do it in

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that amount of time, or use the full hour and a half. I certainly don't plan to use more than that if at all possible.

I will give you fair warning - I'm working on a short temper. In the last three days I have had 22 hours of conference calls, and a seven-hour very intense face-to-face meeting. I have had very little sleep and my nerves are very raw, so I give everyone fair warning. Subject to that, however, there are some interesting Items on the Agenda today, and may we start with the policy development activities? There are a number of Items that have either passed their deadlines or are very close to the deadlines.

I've paid much less attention to this than I should have in the last week, so I suspect there are some that may be near, or in, crisis mode. Ariel, as you go through them, please identify the ones where we're just chugging along, and we'll verify the ones where I, or other ALT Members, need to pay some very quick attention to them. Thank you and over to you, Ariel.

ARIEL LIANG:

Thanks Alan. We're not that badly in shape - only two statements are in some modes of crisis, but they're controlled crises. The first one is the use of country of territory names in top-level domains. Maureen already finalized the statement and it's published on the Wiki. We just need you to take a final review of that, and if you think it's ready for ratification we can do that. Most likely we need to submit to that statement before

ratification. That's the first one. The second is about Arabic root zone label generation rules. We just need a final verdict from you whether it's going to be a "no statement" or not.

ALAN GREENBERG: Okay. I'd like to have a very brief discussion that. There have been two documents submitted - one a set of notes from the person that we appointed to the IDN Review Group, and one from Mohamed, I believe, if I remember correctly. The one that was submitted by the Arabic expert...

CHERYL LANGDON-ORR: His name is [Raheel 00:04:24]

ALAN GREENBERG: Sorry. My brain is not functioning at full capacity. If I can summarize it for those who haven't read it, he was part of the process. He strongly disagrees with the methodology they have used, and has suggested a methodology which requires a variety of things, including artificial intelligence in deciphering the things that people type in, to see how to translate them. It factors in the fact that Arabic is used differently in different regions and in different languages.

From my point of view, I think there's no basis for the ALAC making that as a statement. It's a personal view, it's not clear that it's supported by

a lot of other people, and I would have a lot of difficulty with the ALAC making that statement. Mohamed's position says it's a well-crafted statement; we can support it and thank the people for their work, but that's really all. I don't feel strongly that we need to say that, but I have no problem saying it.

Given all of the rest of things we're into, I don't think we need one extra task on our plate. But I'm willing to ask Mohamed to quickly craft it into a statement, if the belief in this group is that we want to go ahead and submit something. I would appreciate input. There's a tick mark from Holly, but I'm not quite sure if she's saying we want a statement or we'll pass on it. Anyone? Or are you delegating to me to make a decision?

CHERYL LANGDON-ORRL

Hand up, Alan. I'm not in the Adobe room yet, but I will be shortly. I actually think, because there is a small minority view, or personal view, as you've outlined it, in our possession, that to ask Mohamed to craft a very, very high-level, basically to say, "This is the ALAC, this is who we are -" the usual preamble, and [unclear 00:06:53] may indeed be useful, simply because it will show that we likely did with the Armenian scripting, will take the lowest common denominator approach to these things, where if there is not a clear majority view, we make no statement or follow expert guidance. I think we should go with Mohamed in expert guidance. Thank you.

ALAN GREENBERG:

I can certainly support that. Everyone else willing to support that a well? We had Tijani and Holly say there were supporting my “let’s not do anything”. I see a bunch of tick marks. I will look at the statement that Mohamed wrote. Ariel, I ask you to do the same thing, and the two of us can talk very briefly shortly after this meeting, but not very long after it, to decide whether Ariel can craft something out of what Mohamed said, and get him to agree to it, or whether we need to go back to him to actually write something. With that going forward, I think we’ve made a decision. Ariel, back to you.

ARIEL LIANG:

Thanks Alan. Besides these two statements we have two other that are under development. One is on the preliminary issue report on new gTLD subsequent procedures. Olivier already posted the first draft, and we’re going through a commenting process. We’ll just keep refining that until the internal comment period closes. I think I need to work with Olivier and Carlton on that, because Carlton sent some additional comments, and Olivier wrote an email that he wants to work together to incorporate those comments. I’ll touch base with you after this call.

The second one is the new gTLD auction procedures discussion paper. Eduardo is finalizing a statement. We should see the final draft today or tomorrow, and the vote is scheduled to open on the 10th. We’ll start ratifying that statement soon. The comment period will close in November, so we still have quite a bit of time before the comment period closes. There are two more new public comments that require...

ALAN GREENBERG: Just one moment. Olivier, did you have a comment on one of the existing ones?

OLIVIER CRÉPIN-LEBLOND: Yes. Thank you Alan. On the preliminary issue report on new gTLD subsequent procedures, Carlton has incorporated the comments that were received after the first draft into a next draft, and has shared it. I'm fine with it. We have an extension to the commenting period that the GNSO asked for, which will last throughout the ICANN Meeting, so there will be a likelihood that we can have a further discussion face-to-face with the ALAC during the Dublin Meeting.

But until then, I think what we can do is probably post the second version - the one with the amendments that Carlton has made, based on all of the comments that we have received so far. That's all, thank you.

ALAN GREENBERG: Thank you. I would suggest that would be a good idea. Holly?

HOLLY RAICHE: When we get to the WHOIS, can I have a minute or two? Because right now, even though it's not due until the 17th, we haven't confirmed who's actually doing that. I think that's something Carlton and I can do.

ALAN GREENBERG: I think that's what Ariel was going to be getting to, if we'd let her.

ARIEL LIANG: Thanks Alan. The two new public comments we have right now, one is about phase one assessment of the competitive effects associated with the New gTLD Program, and that will close November 7th. The second new one is IAG initial report and proposed revision to the ICANN procedure for WHOIS conflicts with privacy law. I think that's the one Holly is mentioning. That will close on November 17th.

ALAN GREENBERG: Okay, thank you. I think I heard a volunteer from Holly and Carlton to work on the second one. Is there anyone else who demands to be able to work on it also and do the work? Nobody else in this group? Holly, do you want us to make a general solicitation, or are you happy that the two of you are sufficient, plus whatever comments other people make?

HOLLY RAICHE: I don't think anybody else has been living and breathing WHOIS. I think it would make a lot of sense, since Carlton and I have been part of this Working Group for however long, that we draft something and then open it up for comment.

ALAN GREENBERG: Is there any disagreement in this group?

ARIEL LIANG: It's not a disagreement, but Christopher Wilkinson sent staff an email and said he's also interested in drafting something for that public comment.

ALAN GREENBERG: Can you reply that Carlton and Holly will be the main drafters, but we'd be delighted if he would contribute?

ARIEL LIANG: Okay.

ALAN GREENBERG: Holly, you may want to reach out to him in advance and say if he can get something to you within a week or so, then you'll look at it and consider how it fits in with our general position.

HOLLY RAICHE: Yes. Fine.

ALAN GREENBERG: On the new gTLD one, this is the phase one assessment of competitive effects. This isn't a PDP. What level is this at? I haven't looked at the public comment at all. Is this leading to an issue report? Where, in what process, is this? Anyone know? Anyone taken the time to look at it? Ariel has the pointer in the chat. Let's see what that says. This is a lead-in to the CCT AOC review. We're looking for comments on this document, which will then lead into the review. Carlton has sent a notice to me saying he plans to reply for the CTC review. I don't know how many other people are going to be applying for it.

CHERYL LANGDON-ORRL I will be.

ALAN GREENBERG: Not clear how many people we have on it, of course. They perhaps widely do not announce ahead of time what the mix will be. Anyone have any desire to look at this? Could I ask perhaps Cheryl to take a quick glance to see whether you think this is something we need to comment on? That doesn't necessarily mean you're the one who has to comment on it though.

CHERYL LANGDON-ORRL Yes, I shall.

ALAN GREENBERG: Thank you. Ariel, anything else?

ARIEL LIANG: Nothing else. Maureen put in chat... I think Maureen also [considers 00:15:36] working on that - the phase one public comment.

ALAN GREENBERG: Thank you. Then I guess I would ask for an assessment from Maureen as well. Is Leon on the call yet? He is not. Do we have a prognosis for when he's likely to be on the call? Gisella, or someone who said he was on another call?

GISELLA GRUBER: Sorry Alan. I'm trying to get hold of Leon on Skype. I haven't had yet had an ETA. Thank you.

ALAN GREENBERG: All right. We'll start with the CCWG, but at least one of the Items is one that I'd like him for, so we may take a break and wait until he comes on. There is a document that's linked to the CCWG Agenda, and if we could have that displayed please? This is a document that was shared with Chairs on a meeting earlier this week - that is Chairs of the ACs/SOs/SGs/RALOs and such. Some of you have already seen this. Some of you may not have seen it. I'm not quite sure. I'm assuming there are at least a few people on this call who have not seen it, and

unless everyone shouts me down and says, “Don’t talk about it,” I will try to talk about it a little bit.

The first slide is effects of delays on the CCWG delivering their proposal on the overall transition implementation. This is a timeline associated with what we believe to be the actual work to be done. It is not a political statement of how the US Government will approve things, although of course it is factored into the overall process. There are a number of scenarios. One is that we would deliver the report to the NTIA in November. It’s quite clear that at this point it’s not going to be delivered out of Dublin.

There is too much contention, too much disagreement, and too much work to be completed on details, even if there weren’t disagreement, to have it completed before Dublin. We are currently in the process of reviewing public comments. We are not even at the stage for some of the aspects of trying to craft new words based on the public comments. There are still some substantive decisions to be made, because of disagreements within the comment with what is in the published document. That’s disagreements not only by the ICANN Board, but by other parts of the community.

It’s quite clear we will not have something ready for approval by the ACs and SOs in Dublin, unless somehow a miracle happens and I’m not counting on that miracle. The first slide says we essentially came to close agreement in Dublin, each AC and SO can talk about the core of the proposal, the proposal will be finalized within a few weeks of Dublin,

and the community can make decisions inter-sessionally on whether to approve it or not. Both the GAC and the ccNSO have made it quite clear that such approval in-between ICANN Meetings might be possible, if the changes that come after Dublin are really details and not substantive. They have equally made it clear that it's pretty impossible if the changes are substantive.

The second scenario presumes what would likely have to be a fourth ICANN Meeting of the year, to be held on short notice, at the beginning of December. That has not been scheduled. There have been no locations or dates talked about that I'm aware of, but the concept has been mentioned. That assumes it.

You'll notice in the first scenario there is a small buffer. In the second scenario there is no buffer. If you go past September 2016 then the contract has to be renewed, and you're talking about substantive discussions that are taking place at a time when the US election is in the midst of its major debates, and there is absolutely no one who can predict what's going to turn out at that point.

There are obviously a lot of issues related to the approval of this whole transition by the US Government, but the more you go into the election process, the less likely it becomes. Purely, you're looking at the work that has to be done within ICANN and within the US Government. In the second scenario there is essentially no buffer. If you start delaying it even more then we go into where the last part of the implementation is within the hottest time in the US.

Congress will not likely be able to act, and there are too many hot potatoes that are being tossed around by candidates at that point, and clearly we're in a red phase and the transition is much less likely to happen. At this point, in the two top scenarios, Fadi has claimed it's orange. It's not all warm, but it might still happen. Flip down to number two. Number two is a number of projected risks if we do not make the transition.

The first one is simply within ICANN. Everyone's nerves will be very raw, there will be even less trust, there will be more dissatisfaction, and who knows how it's going to unfold? The second one is the belief that the two other technical communities may well decide that if ICANN cannot get its act together over this kind of thing, then do we want to trust them to oversee IANA?

The third one is an issue within the overall world Internet governance that essentially says if ICANN and the multistakeholder model could not affect this, should we be trusting it? There are significant indications that many countries, including some of those that have come onto our side recently might abandon us. That's somewhat related to the fourth one. Of course, the IGF is up for renewal in December of this year, and that is one of the other main multistakeholder efforts that is going on in the world, and that too may suffer some consequences of it. I'll let you read it for yourself, because they all mingle together.

This was immediately deemed to be "FUD" - fear, uncertainty and doubt introduced, to try to compel people to agree. I have been talking about

some of these things for quite a while, and I'm not the only one of course. So I really don't think that they are complete figments of someone's imagination to scare people. I think they're real. Even number two, which people said, "Why would they leave now, if they haven't left until now?" - I have had a number of conversations that indicate that indeed, the operational communities are having these discussions, and there is a risk of them leaving and fracturing IANA. Olivier, you have your hand up. Is it on this slide in particular, or the overall topic?

OLIVIER CRÉPIN-LEBLOND: It's on the points you're making. I've heard exactly the same. I've had some people from at least one of the other operational communities telling me, "Why in the world is ICANN with all its lawyers not able to actually do something very straightforward that we managed to do very quickly? This is ridiculous." We need to get on with it. So the risks are real.

I entirely agree with the points that are developed here. You mentioned that some were saying that this is FUD. Was the meeting that you attended under Chatham House Rules, or is it possible to identify who was saying that this is FUD? Because they either have no idea what they are talking about, or there is another agenda here.

ALAN GREENBERG: The only person who has implied it - no one has used the acronym, that I'm aware of - but there's a message on the CCWG list from Avri that essentially puts this into question. I can point you to the message. It came in sometime yesterday, along with the 200 messages that came in.

OLIVIER CRÉPIN-LEBLOND: There are risks. Maybe not to that extent, but these are risks. I'm speaking here are someone who has followed the processes in the WSIS Review and the renewal of the IGF, since I do Co Chair the CCWG on Internet Governance, we are particularly concerned, and preparing for the event in New York that will take place at the same time as the ICANN week.

When we're in Dublin there will be the WSIS in New York, and obviously we are preparing for potential questions on this, and trying to reassure everyone that things are on track. Now obviously the risk is that it won't be in, and that of course has a whole number of other repercussions that are very well laid-out on this document that we have on the sheet.

ALAN GREENBERG: Thank you. Yes. The meeting I was at yesterday was a Canadian WSIS +10 prep meeting, and yes, it was discussed there as well. Cheryl?

CHERYL LANGDON-ORRL

Part of what I'm going to say I'm going to declare under Chatham House, but that's okay. I don't want to go in-camera for it, but I do request Chatham House. I believe the risks are real - I agree with both you and Olivier. I don't believe these risks are recently identified. I suggest these risks have been reality - in fact some of them have been reality throughout the process, from at least the mid-point on.

I am probably not quite so colorful in the orange, in my personal opinion, and I would certainly be on the optimistic side of things that we, without any padding, may very well be able to manage on a scenario two approach, and maybe a little bit of orange might make people knuckle down, and that's fine.

As I have said a number of times, however - I do believe that we need to - and anything I have heard from the ALAC Ad Hoc Working Group has not been counter to this opinion - go for the simplest possible model that gives us the basis for the effectiveness that the community wants. To that end, I think if we can negotiate probably far closer to some of what the Board is saying, but not in a "on bended knee" [unclear 00:29:39] way, we may pull this off. I certainly think it's worthwhile doing, but I do believe the risks are real.

You mentioned the possibility of other agendas. It is highly probable, according to people who've spoken to me under their own requests for confidentiality, that there are certainly some very significant agendas, and that at least in those conversations they have identified even amongst the Leadership - not [our leader 00:30:15] I will hasten to add -

of the CCWG who are in fact somewhat more likely to be - I'm being as polite as I can be - running a clever interference rather than an actual intention to end game of success.

So there are some very significant interests at play here, and even if we get it all perfectly right and hand our homework in on time, it's still quite possible that NTIA will find it as a concept less than fully-baked, and without sufficient detail and documentation, and simply choose not to put it into Congress's discussion anyway. I do think it's real, but I don't think it's impossible that we can pull it off. I think it's well worth trying to. Are there wheels within wheels are far as I can tell? Some seriously very well-funded ones, yes. Thank you.

ALAN GREENBERG:

Thank you very much. Cheryl, I agree with your position 100 per cent. I don't think there is any opposition within At-Large, that I have heard on our many calls, to going ahead with that position. Let's go through the rest of the slides, and then I'll make one or two other comments. That's the slide that Fadi came up with, which identifies areas that people believe we are generally in agreement on, although not necessarily on the details on some of them, and the two latter boxes are ones where there are still significant questions. I think even on the ones where we're in general agreement, the details still need to be written.

There may be some significant disagreement between the Board, anyway, and the CWG, on exactly how to flesh out those details. The

next slide is a specific one on the removal of Directors and how enforceable it is. I don't think it needs a lot of discussion in this forum. I'm not even sure what this last slide is, because it was added after I looked at it to begin with. I'm not going to speak to it. If anyone else wants to, you certainly can - the second to last slide. The last one is essentially things that we can either do or not do, and if we don't succeed in all of these, then we're likely not to have a transition.

There's a lot of work to be done. My personal feeling - and I'm interested in hearing from anyone else who's been actively participating - I believe the Board has done less than a stellar job at actually interacting. They are certainly present on Working Group meetings right now, but I sense most of what they're doing is preaching and saying what it is they're expecting, and not trying to understand what the community is saying and wanting and seeing if we can find common ground. I've made that clear to a few Directors, and if anyone agrees with me I would strongly suggest other people do that as well. Tijani?

TIJANI BEN JEMAA:

As I see it, I'm a little pessimistic. I spoke with several Board Directos and I sent [unclear 00:34:09] [MEN], and they are not ready to accept anything else. I'm a little bit disappointed, because I find that it wasn't better than ours, the CCWG's, but their proposal cannot fly because there are problems with that proposal. I do think that the Board has to move their position a little bit, because the feeling that the CCWG

Members are having now, more and more, is that the Board is obliging them to say what they want, do what they want.

This is a very frustrated feeling that will push even the moderated people, as Avri, to be more extremist in their position. If the Board doesn't choose some [unclear 00:35:22]. I have a lot of proposals, and I think we can reach what we want, not through the [MEN], but through something that may be acceptable and through something that may make the CCWG Members feel that they are doing their part, and they are not obliged to do what the Board says.

I urge you - I know that you have also [unclear 00:35:52] - to do the same and to accept to be more flexible. We are ready to give them a lot of proposals that may make them reach what they want without being so rigid and arrogant. Thank you.

ALAN GREENBERG: Thank you. Olivier?

OLIVIER CRÉPIN-LEBLOND: I unfortunately haven't been able to follow the CCWG's discussions in the past few days, but have the Board at least been asked by the CCWG about what their red lines were, and whether there was the ability to meet those red lines? Because the way that I see it at the moment is the Board is saying one thing, the CCWG is saying another thing. There was a face-to-face in LA that was not a negotiation - and I think that's a

strategic error, and that's my personal view on this - and we're basically stalling at the moment, with tensions rising, whilst I don't think that's helpful.

There needs to be a case of understanding where the red lines are and seeing whether we can work around them. If we cannot work around the red lines of each party, then there needs to be another solution found. Thank you.

ALAN GREENBERG:

Thank you Olivier. All I can say is if you have the ear of any Directors, say it. I certainly am doing that. One of the problems I sense is that the Board put together this proposal. Despite their claim that they're reacting to the CWG proposal, which has many unspecified things in it, theirs has many unspecified things in it. There is no easy way for a single Board Member to fix that, because the whole Board is going to have to agree on something before it can be definitively acceptable to the whole Board. They don't seem to have a mechanism to do that on the short term.

So everyone is speaking on their own behalf. No Directors feel really comfortable disagreeing with anything in the proposal, even if they might, and it's not clear how one goes forward in that sense. There was a discussion on one of the meetings on how does one get consensus of the ACs and SOs. There have been definitive statements saying, "You can't vote," which means you can't count them. Then short of

unanimity, which I don't think anyone is imagining for at least some of the powers, you have to define how to get consensus, and that at least means telling me how many SOs or ACs there need to be in or out of the game.

Yet they haven't thought through these questions. We are told that the designator model is off the table because of statutory rights. Our lawyers tell us the only statutory right associated with designators is the right to appoint directors and remove directors. So it's not clear what they're referring to. We have been told that if only the GNSO, the ccNSO and the ALAC are willing to participate, that's not sufficiently representative of the community. But I've heard no methodology about how do we bring the other ones into the community. How do we get the other ones to participate if they say no?

So we seem to be caught in unmovable positions, and not a lot of innovative thinking. I too am optimistic, because we seem to be getting closer in what some of the more radical people within the CCWG are saying, but there's still a huge gap, and I don't know how we close that one. There is certainly a worry of proposals, like the one that Jonathan Zuck made, of, "Well, let's get almost nothing, except the ability to spill the Board, and the day after transition we'll just kill the Board and get new Directors that will put in what we want."

That kind of threat doesn't do anything to warm the hearts of people who are worried about ICANN's future. So there's work to be done. I think it's got to be almost one-on-one in some cases. Olivier, since I'm

talking, I assume your hand is down. My hand is going down. Tijani's is back up. Go ahead Tijani.

TIJANI BEN JEMAA: Thank you Alan. I think that the problem is not only between the Board Members and the CCWG Members. It is also between Jones Day and our [concert]. It is not a problem for Jones Day to accept the point of view of our lawyers, and at the beginning I think that [we asked] Jones Day to come up with their proposal and with this justification. Now, I don't think that Jones Day will accept to be wrong in any case. So there are two problems. We have the problem with the Board Members, but we have also the problem with Jones Day. Thank you.

ALAN GREENBERG: I guess I don't see that as a problem with Jones Day. They're doing what they're paid to do. It's up to the Board to decide what they want to do. I don't know how to change that. Olivier?

OLIVIER CRÉPIN-LEBLOND: My point of view is actually very different from this one. I think that Jones Day, as far as ICANN is concerned, is the law firm that has created ICANN the way that it has. It has drafted the bylaws the way that it has, and so on, for various reasons, including political reasons in Washington DC. They are probably the best suited to know what is best for ICANN, short of the founder members and people that worked to create this

organization. So when one says Jones Day is the problem, I have real concern that this is not the case.

I think the interests of Jones Day at the moment is to make sure that mistakes today are not made that were avoided in the past, or that might have been made in the past and that are already known as to be potential mistakes that would bring capture in ICANN. At the same time... I've said in the past, the issue is an issue of control. When it comes down to the US private sector wanting to establish control of ICANN in one way or another, when the US Government decides to take a step back, I think that politically speaking, even if those things were finally pushed through the Board, and even if the NTIA was going to agree to that, there would be serious political pushback elsewhere on this thing.

In Europe I have heard some pretty serious criticism of the views that were put forth by some Members of the CCWG - the ones that were most vehement against the Board pushback. I think one has to be aware of that. Thank you.

ALAN GREENBERG:

We're all aware of that. There's no claim that there's unanimity in the CCWG of the more moderate people, or at least more reasonable people. There does seem to be some agreement, but we're still in a problem mode. NO question. Anyone else want to weigh in on this? I had one other issue I wanted to raise. Cheryl?

CHERYL LANGDON-ORRL

I believe that some of the more intractable attitudes, and the guidance and leadership that is being formed by that somewhat intractable attitude to anything that is coming out of the Board or Jones Day, on principle, is a function of we happen to be humans, we happen to be volunteers, and if people put an awful lot of work into things, they don't like being apparently criticized, especially by what would appear to be last minute input from a key stakeholder. I think that that is something we should be using Leon and myself to manage, if the ALAC believes that that is an issue that needs to be solved.

I think a number of the Co Chairs at various times have probably taken too hard a line and have been unwilling to negotiate as they should; in a fair, neutral and impartial manner. To that end, we probably do need to make sure that they're aware that should the AC have certain beliefs, desires, that they are effectively transmitted without fear or favor. How that will go down with the rest of the CCWG, I could not predict. But I think if it's our belief then it needs to be said. You all know I'll stand up for it, and I'm quite sure Leon would do so as well.

However, I also think that it's important to get those questions out that Alan particularly is articulating. Let's get to the table, let's get to details, let's try and find the best bits of whatever models have been proposed from whatever public comments, including out of the Board, has come in, and see if we can build a better model that will work, but in the simplest possible way, with the least amount of change or bylaw effect

from what we have now, as the current ICANN. Of course, as you'll all remember, that's pretty much where ALAC started 6-9 months ago.

However, the other thing I wanted to make clear was that it was a deliberate decision to not negotiate with the Board in LA. It was the decision of the Leadership to, based on criticism from CWG Members, there are a number of very vociferous and influential CWG Members, who the Board shouldn't even be classified as having viable input - let alone be taken as seriously as I certainly believe their opinion has to be, and I suspect many others do as well. So it was, albeit not a smart one in retrospect, a deliberate decision to treat the Board advice along with all the other advice, and to ensure it was not a negotiation.

If it had have been, we might be in a different position now. May we have to do that still? I think if that comes up as a proposal, I would strongly recommend that we support that - something not dissimilar to when the Board and GAC sat down and sorted out, in fairly short order, an understanding of all the differences and commonalities of new gTLD aspects some time back.

That said, I also forgot to mention earlier, in my earlier intervention, that at the recent AU IGF - I wasn't sure if Holly was in the room for that - but at our government department that is charged with all things Internet - the Department of Communications and the Arts -, and the people who are [third 00:48:55] in all IGF and ICANN and ITU matters, they publicly reiterated their support for the multistakeholder model, and their interest in seeing perhaps a melding of the [MEM] and single member

model. But they are less concerned as a government as to exactly what the model is, but rather that it's effective and minimalist. That's it from me. Thank you.

ALAN GREENBERG: Thank you very much Cheryl. While I know you're still on the line, I have to talk to you on another issue. How do I reach you after this call? Are you at home?

CHERYL LANGDON-ORRL I am, and if you can call immediately, I do have a commitment.

ALAN GREENBERG: I will call you on your telephone immediately afterwards. Thank you. Olivier, I see your hand up. Cheryl has alluded to what the ALAC position is, and I want to make my position very clear. It's not the ALAC position - it's Alan Greenberg's position. I am moderately satisfied with most aspects of what the Board has put on the table - not that I think it's optimal, but I can accept that there are two parts of it that I think are problematic at this point. One is the concept that Chairs have to act personally on behalf of their ACs and SOs.

I think that is something that at least some Chairs are going to choose not to do - to risk their personal wellbeing and their personal time on doing this, and second of all, there is a significant problem that when the

Chair changes, and Chairs are not for life, that there is no way to change a lawsuit or an IRP to belong to the next Chair instead. So to some extent you are accepting this as a job for life when you're taking it, and I think that's just a non-starter. The second issue is I would have sworn that the CWG required a veto over the IANA budget.

It turns out that the CWG, in its wisdom, with no rationale given, requires a veto of the ICANN budget, which is not part of the Board approval. That is there in the document - the CWG and the ICG document. It's really clear. We have a problem there I'm afraid, and I don't know how to resolve that one. Olivier? We really do have to go onto other parts of this Agenda soon.

OLIVIER CRÉPIN-LEBLOND: Just on the point you've just made now, I have discussed this with a number of people, and it appears that this might well have been an oversight, and an error. The question is, can the CWG make the amendment? There might be a discussion in a future call, but it might be a case of, "Well, is it possible to amend? Is it not because it's gone to the iCG?" Then if it has gone to the ICG then it would make a whole number of problems. There are questions on this. On the point that Cheryl has made, I agree with all the points that she's made.

Two more points I'd like to add. The first - some feedback I've heard in a number of meetings I've held in Europe recently; one being why is the CCWG so influenced by the participants and not enough by the

Members of the CCWG? I know there was the idea of having Members and any body else could participate. It seems like a lot of the actual traction and pulling and pushing is being undertaken by the participants. Secondly, there are some interventions in there which point to the fact that there are some that might not actually be working towards a solution, and whose goal is to actually not have a solution. That is another big concern. Thank you.

ALAN GREENBERG:

Olivier, I believe Cheryl said exactly that, although perhaps in more polite words. There is absolutely no question that that is the case, and even among those who want to see accountability, there is a not a non-zero number who don't care about transition and simply are in this for accountability. Those are people who've said it publicly. So we have a variety of a number of factions. Is there anybody else who wants to get in on this before we go on with the next Item on the Agenda?

We will go on. The next one is ICANN 54. I will first have a very brief discussion on the recent announcement today that was made that the potential changes to the Agenda in light of the CCWG problems. If we could put up the document that's linked off of Item A on the ICANN 54 Agenda? This is essentially a display of the current sessions allocated to the CWG. There are two options. One is some small changes, and one is some major changes. Scroll down to the second table, which shows essentially we're adding two plenary sessions, and honestly, I don't know what plenary sessions are.

I've asked David Olive, which is where this document came from, exactly what he means by plenary sessions. My understanding was we were trying to add more CCWG working sessions to give us more time to come to closure. That hasn't happened. There are some working sub teams allocated on Saturday morning, which clearly would be hard for At-Large people to attend. But I've seen no additional CCWG sessions. Basically, number one, they've cleared off the Chairs' discussion on Friday afternoon before the ICANN Meeting. Anyone who's there can participate in the CCWG without having to leave several hours earlier to go to the meeting that Fadi normally has with AC/SO/SG/RALO Chairs.

They've suggested adding the plenary sessions right now. Those are on Monday afternoon. I would presume they are taking away the hot topics session and one or two other ones and making way for those. Similarly on Wednesday there is a session late in the afternoon. The third option is currently out for comments from Chairs. They've essentially taken a large part of Tuesday out and said more plenary sessions. These are basically doing away with Constituency Day, for anyone who wants to be involved in these discussions.

Again, I don't know what plenary session means, so I'm not quite sure what it is they're proposing. But these are currently on the table and might in fact happen. I'm guessing that the B option will be the one taken, and not the C one, but I don't know that for a fact. With that, I'll turn it over to Gisella to go through our Agenda, which may be turned on its head by these changes. I would appreciate input from the ALT on

whether they have any particular favorite between A, B and C. There's a meeting Monday morning, my time, to talk about this.

I would appreciate input from the ALT before then, if you have any opinions. If I find out what a plenary discussion is, I will let you know, so you can actually make an informed decision instead of a random one. If there are no particular issues to talk about right now, then I'll turn it over to Gisella.

CHERYL LANGDON-ORRL

Just before you do Alan, the plenary session, as I understand it, is exactly as you've outlined, Olivier, in the chat. That is a large auditorium, where it's for everyone to - not necessarily step up to the mic and lobby - but to be brought along in a singular discussion and contribute and have interactions and interventions. The reason being, if I may try and channel some of the Board Members I have spoken to, is the somewhat developing doubt that the CCWG continues to be fully representative of the ICANN community as a whole.

It's that it would only be by turning the primary discussions and developing outcomes out of the - hopefully by then fairly narrowed - issues, and to try to measure the degrees of consensus with something that's closer to the community as a whole - in this case those that are attending the ICANN 54 Meeting - that sufficient [faith 00:59:35] within parts of our organization; specifically the Board, and, more importantly, beyond our organization, would believe that it is a genuine consensus

outcome, assuming we come to one. That's what it is, which means C may very well be a possibility, Alan. Thank you.

ALAN GREENBERG: Thank you very much. I'll be quite candid. In my question today that I asked, I imagined it was what you were describing, and I worded it somewhat differently. I said, "Is this going to be an open forum like opportunities for people to give two-minute sound bites?" which may be an interesting prelude to CCWG discussions. I'm not sure it's a reasonable follow on to the CCWG discussions, because I don't know how you integrate those things into any process. But we'll see. Gisella?

HEIDI ULLRICH: Alan, I will be very quickly going over the outstanding issues?

ALAN GREENBERG: Okay. It's not Gisella, it's Heidi.

HEIDI ULLRICH: Yes, because I handle agendas and she does the scheduling. Just some really quick points to note, and then I want to have a discussion more on the Board questions and the development session. Just a friendly reminder to please discuss the Agenda for the ALT Closed Session on Saturday. That remains without an Agenda at the moment. Secondly, there is a request of sorts from Rinalia, that in addition to meeting with

the ALAC and Regional Leaders on Sunday on the [EO 01:01:17] search criteria update, she would also like to meet with the ALT and RALO Chairs sometime on Saturday, if at all possible.

ALAN GREENBERG: I have no problem with it, as the schedule has to be put together. I don't have a problem with that, but keep it on your to-do list, to make sure we don't forget it.

HEIDI ULLRICH: Okay, so you'd like that to be added to the strategy session rather than the ALT. Is that correct?

ALAN GREENBERG: I would think so.

HEIDI ULLRICH: Okay, I'll do that.

ALAN GREENBERG: The ALT has one hour or something. We don't have time for guests at this point, I'm afraid.

HEIDI ULLRICH: Correct. The third item is just a reminder of where we should put the item of the role of voluntary practices in combatting abuse and illegal activity. There was a call for members there. We do have several slots that just say “policy TBD” so we can easily slot that in.

ALAN GREENBERG: Sorry, you got garbled at the beginning. What’s the topic you’re talking about?

HEIDI ULLRICH: Role of voluntary practices in combatting abuse and illegal activity. There’s a meeting on that on Wednesday between 10:00 and 11:15 and there was a call for members for that.

ALAN GREENBERG: Okay, then let’s try and put that on Saturday.

HEIDI ULLRICH: Okay. Really, from my end, that is it for the Agenda. Everything is coming along. People for the most part have confirmed. Sunday morning might be a bit of a switch between Fadi and the GSE, due to some more briefings, but everything else is coming along. If you want to turn to the next Item?

ALAN GREENBERG: Well, the Item on questions for the Board, I think assuming Tuesday the Board sessions do not disappear completely, then there may well be an opportunity to talk to the Board. I don't know what the format is going to be. They have not proposed any subjects for us. The question is, what do we want to talk to them about? I presume there is a Wiki space for this right now?

HEIDI ULLRICH: Yes, it's linked to the Agenda.

ALAN GREENBERG: I welcome suggestions. I haven't had the time to even think about it, and to come up with any. I'll try over the weekend to at least put some ideas out, but if anyone else has any, please go right ahead. Anything else on Dublin Agenda or related things?

HEIDI ULLRICH: Alan, the third Item was the development Agenda.

ALAN GREENBERG: I didn't send that out to the ALT, and I should. We have a tentative Agenda and description of the events. I will send it out today. Let me make a note to do what I should have done yesterday, but I didn't. If you have any comments or real concerns about it, let me know. I've told Lizzie Pozzie, the person who'll be facilitating it, that we may well get

some other changes as a result of the ALT comments, but try to focus on things that you think are really make and break issues, not just minor wordings. We can adjust the wordings as we go along. If there's any directional changes, we need to know what they are.

The Agenda that she put together was modified exhaustively by Heidi, with some work from Cheryl, who happened to be in the ICANN office, and then by me. I think it now reflects the kinds of things we want to do. The main change we made is terminology, because she didn't actually understand our group well enough to phrase things properly. The other thing to note that I hadn't realized until I did the arithmetic is we're having the largest turnover in the ALAC that I believe I have ever seen. There are seven new Members coming onto the ALAC.

That is a huge change, so it's going to be interesting. I think if we scheduled a teambuilding meeting for any new ALAC, we probably did it for the right one, and hopefully it will have some effect. I think that's all I have right now on that one. Anything else on the ICANN 54 before we go on?

CHERYL LANGDON-ORRL

Just briefly, with that draft you put up earlier, even with the A, the no change, I was unaware that we were having breakout sessions for CCWG on the Saturday. Now, considering I would have thought myself at least tangentially still related to the Leadership Team of the CCWG, I find that rather amusing. But that's okay. We'll be flexible and we'll work with

that, but it does mean that I may very well be not in a position to do some of the reporting and interaction that is planned for me. So we are all going to - particularly with Leon and I - have to be as flexible as we can be.

Also, this will mean Alan, Tijani, Sébastien... There are the Members who I think need to make sure that regardless of what's chosen, that they've got to be in the room, because things could move very quickly. Alan, you might need to consider appointing where in advance, who from your ALT can then act in a chairing capacity. Because it could be at very short notice that you and your deputies are out of the room. Thank you.

ALAN GREENBERG:

Thank you. Noted. Unfortunately, a significant part of that ALT are among those people. Just for clarity, there have been no breakout sessions scheduled by the WP1234. There has been room and space allocated to allow them to. Perhaps a subtle difference. I think that was discussed in at least some meetings that I've been present at. I think we are done with that. The next Item is the Leadership for the forthcoming year. I have an email that I will be sending out shortly after this meeting, saying that despite the questions about my sanity, I am willing to serve for a second year.

The Rules of Procedure allow an elected Chair to serve for a second year on his or her choice, if still on the ALAC, and willing to serve. At this

point I am saying yes. I'm not quite sure why, but I guess it's the huge amount of credit I'm given by everyone for doing such a superb job! That, and the fact that I love being exhausted. Those are both jokes. Sorry. The past Chairs have some idea of why I am saying some of this. Yes, I will announce that I will continue. We will have to select the ALT.

The staff will be issuing a call for nominations. There is a seven-day nomination period, I believe. That will be proceeding soon after the announcement. Because of the huge turnover, there is in fact not an awful lot of choice, so there won't be a lot of surprises. There may be one or two surprises, but certainly not a lot. I don't think I have anything else to say on that. #7 is Any Other Business. Do we have Any Other Business? Cheryl has one, and I have one thing I want to raise now that Leon is here. It goes back to the CCWG. Cheryl, go ahead.

CHERYL LANGDON-ORR:

Thank you Alan. Very brief enquiry, probably to staff, I just wanted to confirm, with my Nominating Committee hat on, that the new hires, the people that we've appointed to the ALAC, are able to attend Dublin? I just wanted to know were any of them only able to be remote participants? Or is there anything we need to do to make them [unclear 01:11:07]? That's all.

ALAN GREENBERG:

At this point, I believe all the new NomCom appointees will be there for the full time. There were some significant communications problems, so that at least one of the attendees was not aware of our Saturday session, or the Friday session. The communication he had received was quite insufficient. I've talked to three of the new appointees from the NomCom. I've not talked explicitly to Leon, whether he knows when he has to be there or not. I presumed he did. But I have talked to them. I think we have an interesting group of people.

We have a couple I think will do really well, and will hope on the rest. The only question of attendance at this point is whether the new ALAC Member from Latin America and Caribbean will be able to either participate, or when he will show up. There is still some question. Silvia, maybe you can answer. Do we know for sure that he's submitted his visa application? Does Heidi know?

HEIDI ULLRICH:

Yes. The latest is Irish Embassy in Mexico City does have the application, and staff have paid the application fee, so it should be processed relatively quickly.

ALAN GREENBERG:

Okay, and we think they are trying to do better than the two-week interval they had originally quoted?

HEIDI ULLRICH: Yes. I think it's going to be mid-next week, but we're going to count it until the end of the week.

ALAN GREENBERG: So he may even be there for the Saturday session. That remains to be seen. So we may have a full complement of people. We are crossing our fingers. The only other issue is one I wanted to mention with Leon. It's one of the CCWG issues that came up at the very end of the LA Meeting, when the US Government rep suggested... You're all familiar with stress test 18, which put a restriction on when the GAC advice would be treated, under the bylaws, as special advice that needs to be negotiated if the Board does not agree with it.

The original words in the proposed bylaw change said that only advice that was decided by GAC consensus would be eligible for this treatment. The US Government representative at that point said, "We want something more. We want it to be GAC advice developed by consensus under the current consensus rule." That is, even if the GAC changes its definition of consensus, it will only apply if the current rule was followed.

It never was clear whether this was a US Government requirement, where they would suggest transition failed, if we didn't do this. It was tossed out as a comment, and then never commented on again. Leon, I'm wondering, do you have any insight as to is this a new US Government requirement?

LEON SANCHEZ:

Thank you very much Alan. I don't have more information than you do, unfortunately, but I believe that of course stress test 18 is [unclear 01:15:09] for the US Government, especially NTIA. But there are mixed signals, from my recollection, of the LA Meeting, because I remember the GAC representative said some things, and she was collaborating with other GAC Members in trying to provide an alternative wording, or at least a position from the GAC on stress test 18.

But then they said that even though the United States representative in the GAC was part of that team, that the United States did not endorse the work that GAC did. So that confused me, and I think it confused some other people. I'd say it definitely is something that I perceive as a deal-breaker, if we don't address the stress test 18 properly. This could lead to the NTIA rejecting any proposal that comes.

ALAN GREENBERG:

For that reason though, I think we need to know whether it is the original stress test 18 with the original proposed bylaw change that is in our current proposal, or is the new version that Suzanne presented that is the real one. Not something we can debate here, but the Co Chairs may want to ask which is the real one. Cheryl?

CHERYL LANGDON-ORRL Just on that, the Stress Test Working Party met through the week, and unsurprisingly, perhaps, we had an excellent turnout from government - I think about 14 of them. We did discuss stress test 18 amongst the public comments for the rest of our stress tests as well, and we are expecting to rewrite a new version, which will include a different rationale and certain aspects of the existing one to be deleted, but still have not seen any evidence that we will, before Dublin, have text coming out from GAC.

So we're going to put together a draft that we hope will at least act as a straw man for discussion in Dublin, and trust that the Co Chairs will give us time on the Friday, or at some other point, depending on each of these A, B, C options, to workshop that correctly and satisfy the continuing, as I understand it, NTIA requirement that a stress test 18 exists - in other words, a stress test that deals with this particular issue - but the wording is likely to be highly modified or different from what we have now.

ALAN GREENBERG: And you have a high degree of confidence that the target word "bylaw" changes are indeed the ones the NTIA wants, and not something different from that?

CHERYL LANGDON-ORRL That is our current understanding, but we live in interesting times.

ALAN GREENBERG: We do, indeed. Thank you. Olivier, you're on, and then I'd really like to call the meeting to a close. We've used up almost the full period allocated, and some of us still have some other things we still need to do before we're allowed to go to sleep tonight. Go ahead, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. A little bird tells me as far as the GAC is concerned, it will probably be best for the GAC to discuss this when they meet face-to-face. That is likely to be a big topic for them, and it might even be behind closed doors.

ALAN GREENBERG: Understood. My only question is, do they know what they're discussing? Let's not answer that today.

OLIVIER CRÉPIN-LEBLOND: I have no idea whether they know what they're discussing, but certainly some people will know what they're discussing. Certainly some countries know what they're discussing, and it's not entirely sure... The only thing that I've been told, or that seems clear, even though some might not even know what we're discussing, is that the GAC makes its own decisions about the GAC. There you go.

ALAN GREENBERG: Thank you Olivier. With no other hands up and no other comments, I call this meeting to a close. Thank you all very much, and keep tuned on all these issues. It's going to get more interesting. Thank you.

CHERYL LANGDON-ORRL Thanks Alan.

TIJANI BEN JEMAA: Thank you everyone. Bye-bye.

[END OF TRANSCRIPT]