

TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the At-Large Ad-Hoc Working Group on IANA Transition and ICANN Accountability on Monday, the 12<sup>th</sup> of October, 2015, at 18:00 UTC. On the call today we have Olivier Crepin-Leblond, Alan Greenberg, Cheryl Langdon-Orr, Sebastien Bachollet, Leon Sanchez, and Loris Taylor. Hoping to join us a little later in the call will be Gordon Chillcott.

We have apologies from Tijani Ben Jemaa, Seun Ojedeji, and Heidi Ullrich. From staff, we have myself, Terri Agnew.

There will be no Spanish interpretation today, but I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much, and back over to you, Olivier.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Terri. Have we missed anyone in the roll call? Not so fast? Okay. So with the agenda today is, as per usual, reviewing what has been happening in the CCWG Accountability world in the past week, and also in the ICG world and in the CWG IANA. Are there any additions to the agenda or amendments?

Seeing no hands up, the agenda is adopted as is. The action item, there was only one, it was for a Doodle to be convened [inaudible]. That's done. So we can go to number three, the review of the At-Large summit recommendations. I must say I thought I had deleted that one, but obviously, I have not, so let's swiftly move on to number four, the

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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.*

CCWG Accountability. And for this, I hand the floor to, I'm not sure whether it's Leon or to Alan Greenberg.

Yes, and both are online. So go ahead.

ALAN GREENBERG: I'm sorry, I was—

OLIVIER CREPIN-LEBLOND: [inaudible].

ALAN GREENBERG: Olivier, did you call on me?

OLIVIER CREPIN-LEBLOND: Yes.

ALAN GREENBERG: Sorry, I was away from my [inaudible].

OLIVIER CREPIN-LEBLOND: I called upon either you or Leon to progress forward with CCWG Accountability. And I note that what's known as Fadi's slide is now shared between us. So anyway, over to you. Alan or Leon.

ALAN GREENBERG:

All right. I wasn't actually going to talk on this, because this is a draft which has received a fair amount of criticism. This is more than just Fadi's slide. This is now Fadi's 20 slides with additional pages describing each of the lines.

It's Fadi's attempt to, on a personal basis, understand what's going on and try to present it with his position of who is accepting each of the things. It's somewhat faulted, in my mind, because large parts of it really present the Board's opinion on – the Board's proposal on things where we have rough agreement, but not necessarily complete agreement.

And at the end of it, I don't know which version we have here. I can't scroll through it. Can someone go to the end?

UNIDENTIFIED MALE:

I think that is the one that was presented [inaudible].

ALAN GREENBERG:

Okay. And go to the previous one. Okay. No, now we're back at the end, I think. That's okay. Yes. It is today's version. One of the problems with it is that... Okay, can you give us scrolling ability? Because I'm not sure quite what version we have. I'm not sure what we have here. Okay. It's 15A and 15B and 16A and 16B. Okay.

They're all there. If you look at 16B, you'll see at the bottom there's a number of details that still have to be refined. If you go to 16A, which is the Board's presentation, they're only really talking about the IRP or the

community, the MEM, which is now called a community IRP, it would seem.

And they're not talking about the powers themselves and how to exercise them, and a lot of the things that are on the next slide as incomplete in the CCWG model are similarly incomplete in this one, and it's glossed over by simply saying the community can do things, but not defining exactly how the community is constructed or how the decisions are made.

So I recommend everyone look through them. They're pretty good in some ways, but they are somewhat slanted at what the Board is asking for, and are therefore not quite a balanced view. It's a lot better than the earlier versions, but it's still lacking in some of those things. And in the earlier slides, when they are presented as things that everyone agrees to, they tend to be worded and constructed as the Board proposes them, as opposed to the CCWG.

And although the end result may be similar, clearly there's still disagreements between the groups right now. So I'm not going to try to go into it in any more detail than that. It's worth looking through and that's about as far as I'll say. What's next on the agenda? Olivier, I'll take any questions.

I have looked at this a number of times, and I'm one of the people who contributed significantly to this compared to the previous versions. So I do own up to that, but I'm not a direct author.

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. I wondered whether you could briefly take us through these slides. I must admit it's the first time I see them. I was offline, so they look a bit cryptic so far.

ALAN GREENBERG: If you go to the beginning – and I'm not sure I know how to get there. Oops. Just lost control again. Okay. If you look at slide two, that's the one we've seen before, which is the one-page summary of what we're in complete agreement on, what we're in partial agreement on, and what we are in disagreement on.

This is putting one or two slides to each of these points. So it's trying to identify the salient aspect of it for someone who hasn't been following the accountability process at all. So if you look, for instance, at one, which is the oversight of IANA operations, it talks about the CSC, the IANA functions review.

Several of the items on the first slide are really closely related, so if you look at slide number one and slide number two, the contents... Not slide and two, slide three and four, which is issue one and two, the contents are very similar – well, actually are identical – because they're really talking about different aspects of the same thing. In this case, the IANA service levels and how do we make sure they're monitored and maintained.

Olivier, I don't really think it's worthwhile trying to read them out. They're just Fadi's attempt at describing what each of the line items on that first chart comprise. Again, for someone who hasn't been watching this process.

At the upper right, he has the various entities, the CWG, CCWG, NTIA public, Board, and multi-stakeholder model, and he attempts to put what he perceives as how close to closure are we on these issues. And I haven't really looked carefully at what the box on the lower right is, so I'm not sure I can speak to it at all.

CHERYL LANGDON-ORR: Alan?

ALAN GREENBERG: Yeah. Go ahead, Cheryl.

CHERYL LANGDON-ORR: Because this is an attempt to bring a "holistic view of the state of play" and in its simplest form, I wondered whether we shouldn't recommend out of this meeting that pretty much what you just said in terms of Fadi's attempt of making it what it is a view of where we are, etc. etc. It's a little bit of preamble from the [text] of today's call from you.

And this document could go out to our ALAC and regional leaders who are going to be in Dublin. I would think that this could be seen as, albeit one particular author, but nevertheless the primer for the members of community who have not necessarily been as deeply entrenched in every little thing that's been said and done on CCWG and CWG. And probably the basis from which much of the scenery or whole of community discussions might go on from in Dublin.

So I think by the time we remastered it into something else, it would take longer than is necessary, but with the proper intro, it might be useful flip through to bring people up to some degree of speed and ask them to start thinking about their own views and opinions on things. Anyway, it just strikes me as still being useful. That's all.

ALAN GREENBERG:

Oh, yes, and I wasn't trying to say anything else. Fadi's taking comments and we'll revise it on Wednesday. I'm not expecting to see radical changes. I can certainly try to do a one-paragraph, two-paragraph intro and send it out. If I wait until Wednesday, it won't get done at all. So I can try doing that with this version.

I'm not sure he meant this version to be widely distributed, but he didn't say it couldn't, either.

CHERYL LANGDON-ORR:

But we have the list of travelers that the ALAC and At-Large originally [inaudible] are going. And I think any of "our people" who are in Dublin need to be at least up to speed with this level of information at least.

ALAN GREENBERG:

And then I will ask staff, and there is some staff on the call, although not the right staff, but I will ask staff to make sure—

CHERYL LANGDON-ORR:

Terri is the right staff, [inaudible].

ALAN GREENBERG: No, no, no, no. I don't know if Terri has access to the list of travelers. Terri is a very good staff member, but I asked Terri that if she has it, fine. If she doesn't have it, then find somebody who does and send me a list of who, in fact, will be in Dublin from At-Large. Because I don't have that list.

But I'm only the Chair of ALAC, so what the hell. Just a little bit of something or other in that message.

CHERYL LANGDON-ORR: It was the grumpy bump.

ALAN GREENBERG: Yeah, well. But I am the one who has multiple times asked to have the arrival flights and dates and times of people who are coming to a meeting. They [didn't care. It may even be on the Web. I didn't look. Maybe I should look. Hold on. I will look.

TERRI AGNEW: I'm quickly looking at [inaudible] see if it's been posted yet. Last they know, we were still trying to get all the information from travel.

ALAN GREENBERG: Ah, okay. I have the definitive page and it is empty.



TERRI AGNEW: It is empty.

ALAN GREENBERG: So nobody's coming. That means I don't have to come. Wow.

CHERYL LANGDON-ORR: Alan.

ALAN GREENBERG: Yes?

CHERYL LANGDON-ORR: That's enough. Thank you, dear.

ALAN GREENBERG: You don't think I can read that into it.

OLIVIER CREPIN-LEBLOND: ] I think Alan is [inaudible].

ALAN GREENBERG: Olivier and Cheryl, I'm also saying you don't have to come.

CHERYL LANGDON-ORR: We'll all just get on the [inaudible] that's fine.

OLIVIER CREPIN-LEBLOND: Can we please come back to the discussion that we have on the draft at the moment. I know you're losing your head with all of these [inaudible] and this probably is a time when you're able to let go and relax a little bit.

I have a question for you regarding what's on the page there and what's on the Adobe Connect. So this has been marked as being Fadi's slides or the understanding from Fadi and staff, I guess, of where we are. Has there been feedback on both slides so far? Are these generally accepted by the community or are we walking into Dublin with two trenches, effectively, and the possibility of all sorts of things being lobbed from one trench to another?

ALAN GREENBERG: This was shared with chairs this morning, the Chairs of the ACs, the SOs, stakeholder groups, constituency, RALOs, and co-chairs of the CCWG. I cannot recall but Leon may remind, was an earlier version shared before?

LEON SANCHEZ: Yes, Alan. There was an earlier version shared hours before, and then I think that Fadi and others made amendments and [inaudible].

ALAN GREENBERG: But there was also a similar meeting last Friday or so, and I don't remember if copy was shared. I think a copy might have been shared on that one. I don't remember for sure. I've seen it because I've seen it on another meeting, but it hasn't been widely distributed. Certainly no

wider officially than the chairs, and Fadi claims it is very much his document. He claims he's had lots of fun with PowerPoint. He's decided it's what he's doing as a career next.

Does that answer your question, Olivier?

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan.

CHERYL LANGDON-ORR: Olivier, perhaps Leon could give you in as polite a way as possible, Leon, the opinions of the co-chairs and [inaudible].

ALAN GREENBERG: On the meeting, Thomas gave us not-quite-as-polite answer to that, but I'll let Leon talk while I finish making my cup of coffee.

LEON SANCHEZ: Thank you very much, Alan. Yes, Olivier. To answer your question, this is not as polite [inaudible] it has received a lot of support by either the co-chairs of the CCWG nor some other actors as I put in the chat box. Elisa Cooper requested that these documents be labeled as Fadi's personal opinion where he thinks we are standing in order to avoid confusing the community.

So I don't feel like it's had a lot of support for agreement as to the information that reflects in the slides by several members of the community.

CHERYL LANGDON-ORR: If I may, Leon, you also haven't had a lot of opportunity for review and discussion, but it is a perspective. There's a lot of good basic work in there, but it's some of the conclusions I expect Olivier to be somewhat vigorously discussed.

LEON SANCHEZ: Indeed, it has also been perceived as a very useful tool to continue the discussion for [work].

CHERYL LANGDON-ORR: There you go. Olivier, you ask one person a question and you end up with four people answering.

OLIVIER CREPIN-LEBLOND: I'm equally as confused now, because on the one hand, I'm told that everyone is saying now this is Fadi's opinion. And usually, having been in ICANN for a little while, when something is labeled as being Fadi's opinion, pretty much like when something used to be labeled as being Rob's opinion, it wasn't quite given much praise, if you want, in some ways.

So I'm a little concerned about the thing of saying, "Well this is Fadi's opinion."

CHERYL LANGDON-ORR: I don't think that, to be painted with quite the same brush stroke as you indicated has been leveled on some previous CEOs. The reason for particularly a couple of players wanted it to be very clearly labeled the words of the individuals, is rather more because it hasn't gone through the rigor of finding the agreement point on how much in particular agreement, or lack thereof, on certain things there is within the various sectors in the community.

Those whose mantra is the bottom-up principle is all react very quickly to things that are smack-dob in any way, shape, or form as top-down. So I wouldn't underutilize it as a tool at all, and I wouldn't say this is code for BS. It is not BS but it is not – let's treat it as a willful out and primarily individually considered strawman. But the details are yet to be discussed and debated more widely.

OLIVIER CREPIN-LEBLOND: Thanks for this, Cheryl. It's Olivier speaking. I have a follow-up question. May I, Alan?

ALAN GREENBERG: I have an answer to your last question, but I don't know whether you're going – I'm not quite sure if you're following hands or this is just an ongoing debate, so your call.

OLIVIER CREPIN-LEBLOND: You're running this part of the call, so you're the one who's chairing this.

ALAN GREENBERG: I am? I didn't get that impression.

OLIVIER CREPIN-LEBLOND: Yes.

ALAN GREENBERG: All right. In that case, I have a statement to make. Because someone who has not been following this process very well, everything we're talking about is a mystery. It is confusing, it doesn't yield well to simple analysis, and even the motivations of why we're doing it are far from clear to anyone.

Fadi was responding to that, of trying to put it in a way that made some sense. I have no doubt he has read the full proposal. I have no doubt he's read many of the comments, but he's also spent far more time with the Board and with the Board legal advisors trying to understand their... Rather, when they were presenting their perspective of what he said. So I think what you find there is very much someone with his background and prejudice, said not in a necessarily negative way, towards the Board proposal to try to frame what it is we are all talking about.

And yes, I do believe it's probably his own work, not the work of [staff] with his name on it. And Sebastien's hand is up, so I will yield the floor to Sebastien, and then Olivier, we'll go back to you with your other question. Thank you.

SEBASTIEN BACHOLLET: Thank you, Alan. I put the question in the chat and I didn't follow the last [inaudible] if someone can tell me when and where it was sent and by whom, that's my first group of questions. And my second question is—

ALAN GREENBERG: Okay. I can answer that first.

SEBASTIEN BACHOLLET: Yes.

ALAN GREENBERG: It was created by Fadi, we believe. He says so. I have no reason to doubt him. It was distributed at either one or two of the meetings that are held periodically, and there have been a special one held recently today with the AC, SO, stakeholder group, constituency, and RALO chairs. And I believe the GAC vice chair is also, but I'm not sure about that.

SEBASTIEN BACHOLLET: Okay. Thank you, Alan. That means that the CCWG member or CCWG participate of [inaudible].

ALAN GREENBERG: No, and it's not complete. It is marked draft and he's planning to revise it before wider distribution, which is what I said earlier. The CCWG co-chairs have seen it.

SEBASTIEN BACHOLLET: All right. Then it's more than normal, as Olivier discovered. Then I have one question, when Elisa Cooper ask to be label as Fadi's opinion, I would like to know if it's Fadi as CEO, if it's Fadi as President, or is it Fadi as human being. And for me, it's a very important question to be answered, and I don't ask you to answer, I am almost sure that nobody will be able except to ask him. But that will be a little bit different what reaction we can have after that if it's from a single participant, if it's a CEO, or if it's a president. Thank you.

ALAN GREENBERG: Yeah. I know his stated intent is that this be a balanced document, and I will be candid. I have told him directly that if anyone on either side can tear it apart because it's not accurate, then it loses complete credibility. So I think it was created by Fadi as a person, but with the understanding that he is also the other two things, also. I have no other knowledge other than that, and I have no knowledge what Elisa meant. Is there anyone else?

Olivier, back to you now.

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. So this, obviously, that we have here is some kind of a tool to summarize what we have on the table. Is there a likelihood that there will be a neutral party such as maybe the chairs of the working group that will work with staff to establish the tools for us to be able to close the gaps on these things? I mean, what's the plan for Dublin to be able to bridge the points of disagreement? To focus on these and bridge them, rather than having a trench war.



ALAN GREENBERG: I'll leave it to Leon to answer that more definitively. There have been some e-mails and they are among the ones that I have not read thoroughly, which I think imply that Thomas or the co-chairs or something is trying to pull together a summary document that is understandable by a mere human being. Leon, did I get that semi-right?

LEON SANCHEZ: You've got it absolutely right.

ALAN GREENBERG: Okay. So yes, there will be such a document. I have no idea of the timeframe. Leon may.

LEON SANCHEZ: Well, it's supposed to be finished, obviously, before Dublin. So that would happen between today and tomorrow. We might be in a position to release this document after our call tomorrow with the CCWG. But I don't have the exact timeframe for that.

ALAN GREENBERG: Thank you, Leon. Olivier, does that answer your question sufficiently?

OLIVIER CREPIN-LEBLOND: Thanks, Alan. Just as a follow-up, is this document likely to be another 80-page report or is it going to be just a set of PowerPoint slides? Do we need quick tools [inaudible] not like so much [inaudible].

LEON SANCHEZ: Yes, Olivier. So I don't think it's going to be an 80-page document. It will rather be a 300-page, so you keep this [inaudible], but no [inaudible] I think it will be a very short document. It is intended to give a high-level overview where we're standing.

ALAN GREENBERG: I was going to ask Olivier what makes you think it was going to be as short as 80 pages, but that was a joke.

OLIVIER CREPIN-LEBLOND: I'm kind of shying away from the jokes, having spent some time earlier in some pretty heated discussion. I'm particularly concerned about where we're going at the moment and I'm hoping that we will be able to bridge those gaps in Dublin, or high hopes. The last thing we want then is a – certainly, in view of the WSIS, which is taking place in parallel in New York, the last thing we want is to have some tweeting and inflammatory stuff that comes out of Dublin and that can cross the Atlantic within a matter of seconds and be used widely against the multi-stakeholder model that ICANN holds.

So this is not as much fun [inaudible].

CHERYL LANGDON-ORR: Olivier, I can't imagine that not happening.

ALAN GREENBERG: Cheryl, you just beat me to it. How do you stop people from making catchy tweets which are not necessarily reflecting the 100% accurate truth? You tell me how to do that.

CHERYL LANGDON-ORR: Manage the disaster that is going to happen is all you can do.

ALAN GREENBERG: May I suggest we move on to some other agenda item? There are one or two things that I would like to talk about, and this slide deck is not among them.

LEON SANCHEZ: Okay, so this is the memo on the current governance structure that we got yesterday night from Sidley and Adler. I believe that you want to comment on this, Alan. Is that right?

ALAN GREENBERG: I do. Why don't you summarize for the people who haven't taken the trouble of reading it yet? Or haven't even seen it, perhaps. I don't know if it was even forwarded to this group's list.

LEON SANCHEZ: No, I don't think I forwarded it. I'm sorry for not forwarding it.

ALAN GREENBERG: No, no.

LEON SANCHEZ:

Well the [summary for this is] that we ask Sidley and Adler, whether the current governance structure in ICANN could be equivalent to that of the designator model. And the short answer is yes, and you can see that [the summary] conclusion reads that under ICANN's structure, SOs and ACs, have legal rights to select directors in line with designator rights under the California statute.

We believe that's the best interpretation of ICANN's current bylaws is that they construct a designator model under the California number of public benefit corporation [law plus] with a number of gaps that create [ambiguity] and leaves ICANN vulnerable to legal attacks.

Many of us, including Alan, a number of times have stated during the many months that we have been working in the CCWG. It seems like we are already of the [inaudible] organization, and one thing that I noticed yesterday [inaudible] is that although we are or we could be considered already a designator organization, the Board has the power to take those powers away from the community [inaudible], but this is not really bad news because if we are already a designator organization, that will, in my mind, at least put us in a position to be closer to achieving a solution to the proposed model than we think.

So I think that based on this memorandum, we could just center our focus [inaudible] in trying to iron out those gaps that Sidley and Adler have identified. So it's [looking that] that we really wouldn't need to change much of this structure that we have to date on my day-to-day working item, and that those gaps, if addressed correctly, would bring or would close the door to the [inaudible] that have been raised by

some Board members and some other members from the wider community. So this is the summary, Alan.

ALAN GREENBERG:

Thank you. I don't quite agree with you. And let me tell you why. Closing the gaps will fill in the legal uncertainty that we currently have for now. For instance, the memo points out that most organizations that formally have designators have a bylaw saying that designators cannot be unilaterally removed or disenfranchised without the approval of the majority of the designators.

The instability or the potential for capture that the Board has identified is different from what the lawyers are talking about here. Currently, yes, if the organizations that are designators are de facto designators, and could be made explicit designators under the current model, or made explicit designators, and given the right powers, that part is solid, but that's not the whole community.

Right now, the other parts of the community also participate in selecting the Board, the directors through the NomCom – or at least can, should they choose. The GAC has chosen not to, but that's a different issue. So the overall control of the organization is only 7 of 16 Board members are selected by the AC/SO designators, 8 of them are selected by the NomCom with the designators indirectly participating, as well as others.

The problem that the Board has identified, and it's one that we have talked about also in our position, is that in the single model, single mechanism as a community mechanism as a single model, if that's the

right title, we have asked various ACs and SOs whether they choose to participate.

Many of them, we know, are saying no, probably the majority. We're not quite sure yet on some of them. That says that the body that now has potential control, or at least part of the balance with the Board is a subset of the community, and a very specific subset that will include the GNSO, the ccNSO, and the ALAC, and maybe no one else, of which a supermajority is held by the two SOs who run registries. That puts the potential for capture up way up front in people's minds.

The question I was asking, and it turns out it's also asked in the message that George sent, is the Board is not – the Board's proposal does not ask the question, "Do you want to participate?" It says any AC or SO may raise an issue, and if supported by enough of them – and they have been completely silent on what enough of them means, but presumably they will come up with answers similar to what we did of 75% or [2/3] or whatever, 80%.

Then the community may exercise their powers, whether the powers be removal of NomCom directors or blocking a fundamental bylaw, rejecting another bylaw – all the other powers, whatever they are. In the Board's view, by not asking ahead of time whether you want to participate, in theory, for any given subject, any of them may choose to. They are not disenfranchising themselves by ticking off no on the initial application form.

And remember, although ACs and SOs that say no can come in later, there is a waiting period and there are some issues and law saying they

cannot weigh in on an issue that happened prior to them being part of the club.

So I wonder to what extent, if we have the community as a single designator, but we don't ask... It's the whole community. And if you remember correctly, even in the member model, we said there are certain powers that we could write into the bylaws that have to be approved by all ACs and SOs or six out of the seven or something. Even if they're not participating as a voting member, we could make their approval a requirement.

And I'm asking the question of what if we make all of the powers like that? Then we need to figure out how to handle abstentions, which is different now, because we may have significant abstentions. On the other hand, it may eliminate a bunch of the barriers we have right now in claiming that if only three, or maybe four, AC/SOs are participating, it's not representative of the whole ICANN community.

That's my question. Does anyone have an answer? Is it a showstopper from the CCWG's point of view if we just remove that entire step and say everyone can play. We have to rethink the weighting of abstentions. But given that. If there's no answers, then the call is over.

LEON SANCHEZ:

I don't think that's a question that has an easy answer, Alan.

ALAN GREENBERG:

Well I'm not sure it has an easy answer. We don't know. I know from my point of view, I'd be happy with it. From ALAC's point of view, assuming

we come up with an equitable way of handling the groups that can weigh in all seven, but choose not to on a particular issue, I would say we just count them... As we do in the current CCWG model, they don't count because they've said, "We're not weighing in."

So the only thing is you don't have any predictability ahead of time as to whether there's going to be three, four, five, six, or seven, depending on what the issue is. Christopher?

CHRISTOPHER WILKINSON: Hi, good evening. Sorry for joining this call late. Can you hear me?

OLIVIER CREPIN-LEBLOND: Yes, we can hear you.

CHRISTOPHER WILKINSON: You can't hear me. We can. Oh, that's great. Alan, I share the uncertainty about this. I must say a few months ago, I was definitely against the designator model precisely because it looked to me as if there was a serious risk that a few SOs and ACs, particularly GNSO, would in effect take it over and to the detriment of other interests and practice.

But even the single-member model now seems to be controversial from that point of view. Just off the cuff, I couldn't say right now whether the safeguards that you've just outlined would be adequate. I think that the most constructive suggestion we've had in the last few days is that we should avoid a voting structure altogether and require that these



entities proceed on the basis of consensus, particularly as that would solve a lot of problems for some of the participants, particularly the GAC.

So I'll, for the moment, suspend judgment. I'm sure we'll discuss this again when we meet in Dublin.

ALAN GREENBERG:

Thank you, Christopher. Two things. Just to be clear, I'm not particularly wedded by the designator model. I'd be happy with a community mechanism as a single thing. According to Sidley's memo, we probably will de facto be designators, even if we don't use the word. But I'm happy with that.

But with regard to what Christopher said, when we've been talking about consensus, there are two different levels of decision making that we have to look at. One is within an AC or SO, and the CCWG model says the AC or SO, or its constituent parts, may decide separately. And therefore, if the GNSO has four stakeholder groups, ignoring the constituencies for the moment, and they have five votes, then each stakeholder group casts one and a quarter votes, and it could be yes or no on any given issue.

So the GNSO votes are split, potentially. The Board proposal says the GNSO must decide, based on whatever mechanism it chooses, yes or no. That's exactly the same as the current CCWG proposal saying the GNSO must decide whether they are participating in the model or not. You can't have just the registries participating and the other ones not. It's got to be the whole SO or nothing.

So they have to make a decision unilaterally on that. If there is a petition that they either want to create or support on any one of the powers, the GNSO as an entity must say yes or no. So the only difference in the Board proposal is they are saying for the actual usage of the power, the group must have yes or no and cannot sub-divide its votes.

That's the consensus part that the Board is harping on. We then come to the point of, fine, how many ACs and SOs is enough to exercise the power? Some people say for splitting the whole Board, it should be all of them. On other things we have said there are thresholds of 66% or 75% of the AC/SO votes.

So no matter what scheme, including the Board's, you have to define what level of consensus is enough to exercise the right. And that's essentially counting hands in the air or counting votes. You can't get away without it. We only have seven things, and someone has to decide when these seven things have reached consensus. And unless you use only the majority view, which we've pretty well ruled out in most cases, it comes down to voting, and that's on the Board's proposal, also. Even though they use the word consensus, it's pointing to the within the ACs and SOs.

And I see we have hands up, so Sebastien.

SEBASTIEN BACHOLLET:

Thank you. I saw that Christopher was before me, but he may have dropped his hand. Yeah, it was to add to your point. I agree with you about the GNSO, but I wanted to [stand] another point of view about we are organized today and [therefore] obvious reason into SO and AC

that may not [inaudible] at the worldwide level who are doing the same thing or taking care of same thing.

But it's not the only way to put the people together and to have discussion. The regional [base] could be also a way to have a [constituency base]. What about asking the African continent to see if there are [inaudible].

Then as we organize by topic or by where we come from, we need to leave open the possibility to have disagreement within each structure, but have kind of agreement at another level or for another purpose, or another way of [counting people].

And I understand that we don't want to count because we are afraid about voting. But at the end of the day, how we will be able to say yes, there is a consensus if there are... Just for the matter of the discussion, if there are three regions hold together in all AC and SO who are on the same position, is it enough for a consensus? It's [technically] where I think it's important not to close everything just to the current silos. Thank you.

ALAN GREENBERG:

Thank you, Sebastien. I guess my only comment on that is if we're reopening the concept of the ACs and SOs are not the stakeholders in our current concept, then we are so far back to the drawing board that there is no way we're going to come to closure. So I would really suggest that we not go there.

SEBASTIEN BACHOLLET: It's not to say that we need to reorganize, it's just to explain, as you say for the GNSO, rightly, there are other type of subdivision in each SO and AC who can be taken into account, and it's why I disagree with the fact that we count each SO and AC as one needed everybody in each SO and each AC to agree, or to have a consensus. It's the same point. It's not to say we need to reorganize something or to change something. It's just to say that as for the GNSO, there are other ways of organization that could be taken into account and we need to have that open. Nothing else. Not [inaudible].

ALAN GREENBERG: Okay. There are definitely multiple ways of looking at this. The CCWG in its wisdom decided to allow ACs and SOs to honor their own subdivisions, should they choose. The Board has said they want each AC and SO to weigh in and make a decision, as we do in virtually everything else we do. We make a decision on who to select as a Board director, we make a decision on whether to ratify a particular vote, we make a decision who to choose as a chair.

We're continually making decisions, and yes, one region may disagree, but the majority wins. And I certainly can live with that in this case; I may even prefer it. And I don't even feel that I really want to analyze it in great detail. So yes, the question I was asking is the Board seems convinced that they want to see the AC and SO act as a unit. Can we live with that? I put my vote in as yes.

I'm not quite sure, Sebastien, where you're sitting on that based on your answer. I think this is one of the points we can give on and it's not a particularly big one. It's a big one for the GNSO. I don't think it's a big

one for the rest of us. And I'm not speaking on behalf of the regions, obviously.

I have nothing else that I want to raise. Sebastien, go ahead.

SEBASTIEN BACHOLLET:

Yeah, just to explain why for me it will be a no. It will be a no because we have in front of us a discussion, not to choose one person, not to choose... It's a wide subject where today the decision is taken by the Board and the Board is not counting by one SO, one AC, plus one SO, one AC. It's all Board member, and it's why we, at the global community level, we need to be able to take a decision based on this participation, not just because we are member or participating to one of the silos. Thank you.

ALAN GREENBERG:

If indeed the African region could decide on behalf of all of the aspects of the African region, the At-Large and the GAC and the ccTLDs – and I think they are the only ones that honor those divisions – then maybe that would be an equitable way of doing it for those groups. But it's not a particularly appropriate way for doing it for the GNSO, who would have virtually no African participation, sadly. And it's probably not a possibility for the SSAC or RSSAC.

So for those reasons, I would say it may not be today's choice, maybe some future ICANN. Cheryl?

CHERYL LANGDON-ORR:

Yeah, you asked a question, Alan, in terms of yes or no. I will preface my answer to that by saying I actually think Sidley's memo is an extraordinary useful tool. I think it makes clear that regardless in many ways of where we possibly end up coming out of Dublin with some sort of way forward, and I'd like to think we will get a mutually acceptable or unacceptable outcome somewhere between what the existing CCWG models, noted, that means I'm not saying that the single designator is a no-no. I think it's probably quite a reasonable option. But also that the Board MEM way forward.

The best bits of all of that may be where we end up, but regardless of that, I suspect based on the Sidley memo [inaudible] will still be deemed able to be called designators, and that's not going to change until we do restructure ICANN into something differently.

So my view is yes, I certainly can live with that because I do think that until we develop – and I loathe to use ICANN 3.0, but I mean the next generation with the longer lead-up required and all those sorts of things, that having the ACs and the SOs acting as entity and having to, by whatever means they find themselves comfortable to operate in, their own level of second-level consensus, and then, of course, we then have to deal with, as you outlined, Alan, the higher level, the [inaudible] level of consensus, maybe those numbers should be reversed.

And dealing with the abstentions is the biggest issue as far as I'm concerned in that one. That's probably the only way we'll be able to move forward in a timely manner.

In terms of what Sebastien is saying, there are real risks of capturing those models, as well, and there's all sorts of safeguards that need to be

put into place and the difference in equity of one AC versus another AC and different SOs is that there's a whole lot.

Theoretically, it's a nice thing to go down the pathway of, and in a future ICANN, we may very well do so. But that's not going to happen in a way that would possibly fit in with an IANA transition timeline. So I would be saying [yes]. Thanks.

ALAN GREENBERG:

Thank you, Cheryl. Yes. Capture is an interesting thing. If you look at the regions and you take in particular Africa, where there are a modestly small number of people who are actually vocal and participating, that too becomes subject to capture in a completely different way. Anyone else have any comments on this?

Olivier, back to you.

CHERYL LANGDON-ORR:

Before you go back to Olivier. Leon, and I correct [inaudible] because there are literally almost 2,500 e-mails I haven't dealt with... Now I look. It's ridiculous. That this e-mail has not as yet been widely distributed.

ALAN GREENBERG:

It's Alan speaking because Leon is no longer on the call. His daughter is sick and he had to go off.

CHERYL LANGDON-ORR:

Oh, okay.

ALAN GREENBERG: My recollection is I thought so it was distributed to the CCWG, I believe, but I don't believe it's gone to the ad-hoc group.

CHERYL LANGDON-ORR: But again, like I said with the set of slides that now has to be labeled Fadi's work, I think we should probably make sure that they're privy to this, as well, if they're going to have their voices heard in Dublin.

ALAN GREENBERG: Yep. I'm trying to see when this was distributed. Memo on default, no, that's different. I don't know when this was distributed. I believe I read it before this meeting, and I don't think I read it from the agenda, so I'm guessing I read it on an e-mail. But I don't have it in front of me right now. But I think it was distributed last night or something. Sebastien?

SEBASTIEN BACHOLLET: Sorry. You're asking the memo from Sidley.

ALAN GREENBERG: That's correct.

SEBASTIEN BACHOLLET: Yeah. It was sent by Leon on the CCWG. My time 7:49 AM. That's what I have on my—



ALAN GREENBERG: Yeah, and it was 5:49 UTC, I see it.

CHERYL LANGDON-ORR: But it hasn't gone to our ad-hoc group, in other words.

ALAN GREENBERG: It will within seconds. As soon as I can put down the handset and type it in, it will go to the Ad-Hoc group.

CHERYL LANGDON-ORR: [inaudible]. That's all I was asking. The CCWG are the people that are utterly immersed in all of this. My concern with the short amount of time we have in terms of preparation for Dublin is not so much with the CCWG, but with those who are not in the CCWG.

ALAN GREENBERG: Anything else anyone have to belabor this call with? Subtle message there. Olivier, if you're still on the call, I'm turning it back over to you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Alan. Thanks for taking us through this. We're now in agenda item number four with the IANA Coordination Group. There is a set of responses that was drafted by the CWG IANA, responding to a second batch of questions from the ICG. I think that they are, compared to the discussions we're having now about the

CCWG Accountability, the questions and answers are quite mundane, really.

Mostly questions relating to the inputs that the ICG has received and asking for clarification on several points. There should be a copy of this on your screen – yes it is – and we’ve got the redline copy with us just to see the latest version. I think that last week we did have a look at the original version. I haven’t seen anyone come back with hearing any of the points which were made here.

Here, you can just see that there was an addition of the URL. You can see here further down not many changes based on the version that we saw last week. And if we continue going down – and somebody is playing around with the arrow – I don’t think that there are any other major changes.

There was just a little change here, which was effectively showing updated and considered complete, received no objections. That was regarding the PTI. Would you clarify whether or not compliant by ICANN and/or PTI is mandatory? What decisions or recommendations are made by an IFR or special IFR process?

And the consensus was they just updated it, basically, and saying the CWG Stewardship notes that the proposal only requires [inaudible] the Board and the community [inaudible] come to an agreed-upon resolution to the IFR or special IFR recommendations. [inaudible] CWG Stewardship is that there is the expectation that such recommendations would be implemented.

In the event that there is a divergence between the Board and the community [inaudible] an IFR decisions or recommendation, the community will be able to allow a mechanism set by CCWG Accountability is currently developing. And that's where it becomes a little bit painful.

There isn't really much else. The only thing that I did note here was the last point here. If the PTI Board does not fulfill its oversight responsibilities with respect to the operations of PTI, the ICANN Board will hold the PTI Board accountable by [exercising] the rights ICANN has as a member of PTI and as a counterparty to the IANA functions contract with PTI.

It's funny because it actually says exactly the same thing at the beginning. But there you go. It's just repeated, I guess. That's really all there is on this. I don't know if anybody has questions or comments on this response. I don't see anyone putting their hands up. So I guess we can then move on to agenda item five. That's the CWG IANA.

A couple of documents here. First was the list of the ICG action items and the questions inventory. So ICG action items, I guess the ICG-related action items that the CWG has. Unfortunately, it's an Excel document, very difficult to display as a PDF so it doesn't come out at all like anything in a PDF, which is the reason why it's linked to the agenda solely in an Excel document.

A number of action items. This is just a tracking page of where we are with things and how things are progressing. I'm quite happy with the process as it stands at the moment. There appears to just be a few loose ends to tie up, primarily the service level expectations that we need to

find out, and also some discussion, again, regarding, the intellectual property issues relating to IANA.org, etc.

But it appears from an exchange of e-mails that this is also in hand at the moment. Are there any comments or questions regarding this? And as I said, the best way is to look at the Excel document itself. Okay, no comments.

Then the next one was the letter that... Well, the e-mail that VeriSign, I think, proposed. And it's because there's been so much excitement elsewhere, there hasn't really been very much feedback on this.

There was a proposed element, so the letter to NTIA regarding the root zone maintainer role. That was shared with everyone. I haven't seen very much feedback on it. I don't know if anybody has any concerns or thoughts about this, or even have time to read this. Alan Greenberg?

ALAN GREENBERG: Yeah. We're talking about the question number one right now, correct? Olivier?

OLIVIER CREPIN-LEBLOND: We're talking about question – yes.

ALAN GREENBERG: Yeah. Okay. I just wanted to make sure I'm in the right place. I'm multitasking here so I'm not focusing as much as I should. This particular answer was subject to a very hot debate between myself, Chuck, and Milton Mueller. Milton, as a participant in the CWG and a member of

the ICG, was wearing both hats simultaneously, and claiming that we were not sufficiently answering the question because he wanted to see substantive work on where the CWG believes the future should be with regard to the root zone maintainer and under who they are contract to and such.

The issue was resolved somewhat unceremoniously because I asked Larry Strickling, and he said we should put no work into it whatsoever. Milton was not particularly happy with that result, but I had not a lot of choice but to honor it, and the answer to the question... He did add a few words to the answer to the question, which I thought was not a bad thing, and it got put to bed.

So the ICANN VeriSign proposal, as was reported in this group, has nothing to do with the contract for the cooperative agreement for the root [zone] maintainer. It is purely a process by which the technical change will happen without modifying the code when the NTIA stops signing the root, stops authorizing changes to the root should the transition take place. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this [inaudible], Alan. Just to find out, where did that discussion take place? Was that one of the [work policies] – or work streams, sorry – of the CWG IANA?

ALAN GREENBERG: It started on DTF, it continued in the CWG main call, main [inaudible].

OLIVIER CREPIN-LEBLOND: Okay. Excellent. [inaudible], Alan.

ALAN GREENBERG: Cheryl has her hand up.

OLIVIER CREPIN-LEBLOND: Cheryl Langdon-Orr, you have the floor.

CHERYL LANGDON-ORR: I shouldn't have my hand up. According to my equipment, my hand is down.

ALAN GREENBERG: Sorry. I thought you were saying you wanted to go ahead and get in.

CHERYL LANGDON-ORR: No, I was saying main list.

ALAN GREENBERG: Okay. Sorry.

CHERYL LANGDON-ORR: It could be on the main list. The debate is in discussion, but [inaudible] outline is on the main list, yes.

ALAN GREENBERG: Yeah. It started on DTF but it moved over to the main list. Yeah.

OLIVIER CREPIN-LEBLOND: Main list, okay. That's why I may have missed the beginning of it. Okay, thanks very much, everyone. Are there any other concerns or discussions relating to CWG IANA? As you all know, there was a meeting call set up for tomorrow and because everyone's plate is pretty busy this week and there wasn't that very much to cover, we decided that this call was going to be canceled. So I don't believe there will be any CWG IANA calls until we meet face-to-face in Dublin.

CHERYL LANGDON-ORR: That's right.

OLIVIER CREPIN-LEBLOND: Christopher Wilkinson, you have the floor. Christopher, you're muted now.

CHRISTOPHER WILKINSON: Ah, yes. On the VeriSign business, I think this is unfinished business from nearly 15 years ago. It is not appropriate for operator of the main gTLD registry also control a root server. It will be regarded by many governments and many participants, particularly outside the U.S., it will be regarded as rather unsatisfactory that the transfer of the IANA function takes place without addressing both the political and technical controls that will continue to exist through the NTIA contract with VeriSign.

I'm quite sure this will come back for discussion and I think NTIA has made a mistake to try and dissociate the two aspects of what is basically the same problem. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this, Christopher. Alan Greenberg is next.

ALAN GREENBERG: Thank you very much. Two points. Number one, this item is, at this point, we do not expect to be left unaddressed. NTIA said it will handle it in a separate but parallel track. I'm not going to volunteer here what I think will happen, because it's purely my own hypothesis.

On the other hand, I would be very, very surprised if the day after the transition, VeriSign is not the group that is publishing the root. Whether that will continue for the forever and ever amen is a different issue altogether. I would, among other things, suggest that a change in the root publisher the same day of transition would be about as bad a thing as you can imagine, given that you do not want to change multiple things.

And the whole VeriSign/ICANN proposal is trying to do the transition without changing about a half a dozen lines of code, which could be verified from here to eternity, and we have chosen not to go that route, but to take a safer route. So I would not expect to see any change in the very short term. The change on the longer term is a different issue altogether, and it is both out of our control and explicitly outside of the remit of the CWG at this point.



So as happy or as unhappy as any one of us might be, it's not on the table for our discussion at this point. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Alan. Are there any other points or questions or comments to make regarding the CWG's work? CWG IANA. Okay. I don't see any hands up. I think we can finish 15 minutes early, which is certainly less than I thought we were going to be able to finish. Thanks for everyone to be here and, Alan, just to let us know, the CCWG Accountability is going to meet before everyone else, is it, in Dublin?

ALAN GREENBERG: It meets on the Friday all day.

OLIVIER CREPIN-LEBLOND: Okay. So Friday all day, CCWG. ICG will take place on the Saturday, and are we planning any coordination of some sort for this working group as things progress? Because I'm not sure that everyone will be able to make it on Friday. In fact, I believe that some people will only arrive on Friday evening, so will have missed the discussions taking place face-to-face. Is there a way to coordinate quickly or will it be done by e-mail?

ALAN GREENBERG: Well, hopefully any CCWG members are there. They've all been funded and I haven't heard that anyone is not going to be there for the meeting. Other than that, it's business as usual. Anyone who happens to show up on Friday is welcome to come sit in the meetings. If you're not

on the mailing list, you're probably not supposed to be talking, but I'm not sure how anyone would stop you.

OLIVIER CREPIN-LEBLOND: Let me ask this question in a different way. The five members of the CCWG will be present, obviously. The rest of the people who are on this call, who might be listening to this call, or who are in the CWG and not the CCWG will not be there. When and how will they be brought up to scratch with what's going on on Friday?

ALAN GREENBERG: We have several sessions scheduled over the weekend.

CHERYL LANGDON-ORR: [inaudible].

OLIVIER CREPIN-LEBLOND: Okay. That was my question. When are we having this?

CHERYL LANGDON-ORR: [inaudible].

ALAN GREENBERG: Sorry. One at a time, please. Cheryl?

CHERYL LANGDON-ORR: [inaudible] and remember, there is remote participation on the Friday.

OLIVIER CREPIN-LEBLOND: On the Friday, people are traveling, Cheryl. They're not going to participate from their flights. Anyway, okay....

CHERYL LANGDON-ORR: Look at the agenda for the weekend, Olivier. Gisella has published an agenda and it has a detailed number of times we will be talking, ad nauseam I suspect, on these topics.

ALAN GREENBERG: And that agenda is subject to revision based on what actually happens on Friday. It may become a non-issue that we go around in circles again and we can report it in summary in 12 minutes, or we may have something very substantial to discuss, and the agendas will be in flux until we actually find out what's going on.

CHERYL LANGDON-ORR: [That's right].

OLIVIER CREPIN-LEBLOND: Okay. Good to know.

ALAN GREENBERG: And on top—

OLIVIER CREPIN-LEBLOND: I don't think we have anything else to discuss.

ALAN GREENBERG: Yes, we do. Yes, we do.

OLIVIER CREPIN-LEBLOND: Any other business?

ALAN GREENBERG: Olivier, may I continue the previous discussion? There are currently potentially CCWG Working Party discussions on Saturday morning. The room is scheduled, the meetings are not. If there are meetings scheduled for those, we may end up with a significant number of the people who have been active in these working parties being not at the ALAC meetings.

CHERYL LANGDON-ORR: That's right.

ALAN GREENBERG: The people I'm talking about at this point are largely me, Cheryl, Tijani, and Sebastien, and Leon.

CHERYL LANGDON-ORR: [inaudible] there.

ALAN GREENBERG: Well we may or may not depending on what the subjects are. It remains to be seen. And so that, too, will affect the agenda on Saturday. Just to add to the level of confusion, and in case anyone thought there was stability or known actions, known things coming out of this. It's all in flux. We will not know until we get there and actually things happen.

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. That was exactly the gist of my question and you've answered it very fully. So that's fine.

Ladies and gentlemen, it's been a good call. I think we've got some good updating done here, and I look forward to seeing you all, or at least those who are in the working groups, seeing you in Dublin. And then until then, have safe flights, everyone, and keep on reading those e-mails because, otherwise, you'll be flooded under them. So keep on reading. Thanks and this call is now adjourned. Bye-bye.

ALAN GREENBERG: Okay. Thank you.

TERRI AGNEW: Thank you very much for joining. Please remember to disconnect all remaining lines. The meeting has been adjourned. Have a wonderful rest of your day.

**[END OF TRANSCRIPT]**