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GISELLA GRUBER: Welcome Olivier.

TIJANI BEN JEMAA: Gisella?

GISELLA GRUBER: Tijani! Welcome Tijani.

TIJANI BEN JEMAA: How are you? I would like you to mute my phone, because I cannot do it. Can you do it for me?

GISELLA GRUBER: We will mute your phone, Tijani, and please do staff [CROSSTALK]... in the Adobe Connect room.

Welcome Olivier. It's 11 minutes past the hour. Everyone is on the call. Tijani is not on the Adobe Connect, and he's currently on mute.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks very much. And apologies to everyone. It just takes a little time to go from one call to the other. Let's start the call please, start the recording, etc.

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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.*

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GISELLA GRUBER: Thank you Olivier. We'll start the recording and we'll start interpretation now.

Good morning, good afternoon, and good evening. Welcome to the At-Large Ad-hoc working group on IANA transition and ICANN accountability, on Friday the 15<sup>th</sup> of January at 17:00 UTC.

On today's call, on the English channel, we have Olivier Crépin-Leblond, Alan Greenberg, Gordon Chillcott, Barrack Otieno, Cheryl Langdon-Orr, Sébastien Bachollet, Eduardo Diaz, Jimmy Schultz, Glenn McKnight, and Tijani Ben Jemaa.

We do not have any participants yet on the Spanish channel.

Apologies noted from León Sanchez.

From staff we have Heidi Ullrich and myself Gisella Gruber. Our interpreters today are Veronica and David. And if I could please remind you to state your names when speaking, not only for transcript purposes but to all our interpreters to identify you on the other channel. Thank you very much and over to you Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Gisella. Olivier speaking. Have we missed anyone in the roll call?

SEUN OJEDEJI: Yes, this is Seun on the line. [Inaudible]. Thank you.

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OLIVIER CRÉPIN-LEBLOND: Thank you very much Seun. So you're recorded as being here as well. Fantastic. Anybody else?

No? Okay. Well today our agenda is going to be the usual mix of update from the ICG, then a quick update from the IANA stewardship transition CWG, and then our main discussion about CCWG accountability with a number of, a number of points that are listed there. And so I think that without any further ado, first I'll ask if the agenda is adopted?

Okay. That's certainly adopted. So let's move on and we can go directly to Jean-Jacques, oh I see Sébastien Bachollet has put his hand up, sorry. Sébastien, you have the floor.

SÉBASTIEN BACHOLLET: Yes, thank you Olivier. I will not be able to stay on the call. I have asked to have different ICANN [inaudible] at the beginning, but if it's not possible, I will drop off the call now and I will listen to the recording. But I have trouble to be on the call today. Sorry for that. But I ask that you accommodate my request, but if it is not possible, it doesn't matter. Let it go.

OLIVIER CRÉPIN-LEBLOND: Thanks Sébastien, it's Olivier speaking. I just thought that the two first items were going to be very short. In fact, the CWG IANA stewardship, I don't think there is anything to report on at the moment. What we can do is to move those two, well at least move the CWG stewardship item down.

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But I know that Jean-Jacques was also waiting to speak quickly on the ICG update, and I'm not even sure how long the ICG update is. Jean-Jacques Subrenat?

JEAN-JACQUES SUBRENAT: Yes. Hello Olivier. Can you hear me?

OLIVIER CRÉPIN-LEBLOND: Yes, we can.

JEAN-JACQUES SUBRENAT: Thank you. This is Jean-Jacques. So it's my pleasure to report on the last ICG call, which was just recently. So I'll give you a rundown on the items of where the ICG and its work stands today. The first item I think I would like to signal is that the ICG has decided not to convene in Marrakesh in ICANN 55, because it was felt that there was not reason enough to justify an official meeting of the ICG.

It was remarked that several members of the ICG will be present in any case in Marrakesh, and of course, their presence and even their convening together does not constitute an official ICG meeting. We will have, most likely, an ICG teleconference before ICANN 55 and shortly afterwards.

We also keep our minds open for the possibility of an ICG teleconference during ICANN 55 if that seems to be necessary. So much for calendar. Now I would like to go a bit into the details of what is preoccupying the ICG.

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Olivier, before I go on, do I have three to five minutes?

OLIVIER CRÉPIN-LEBLOND: You have about five please, yeah.

JEAN-JACQUES SUBRENAT: Thank you. So, this is Jean-Jacques. So the first thing, of course, which was followed by the ICG was were the CCWG accountability really stand today? And we noted that the third version, sorry, version three of the CCWG accountability work was sent for public comment, and that period ended on the 21<sup>st</sup> of December.

There were 90 something comments, including the ICANN Board. And that, the initially proposed deadline of the 21<sup>st</sup> of January 2016 no longer seemed attainable. So the concerns were about what the choice the CCWG accountability would make, whether it would go into a supplementary report, or perhaps version four of its own work.

So this depended in part on the chartering organizations of CCWG accountability. I believe the ccNSO made known its position on 14<sup>th</sup> of, or will make known its, no sorry. Has made known its position on the 14<sup>th</sup> of January. The GNSO has expressed preliminary support for the 14 recommendations, and for the rest, there were very divergent comments.

What were some of the issues detected by ICG, or which at least seemed to ICG to deserve its attention? I'll just give you a list. One was the notion of global public interest, article three of incorporation. And it was felt that the current wording was still a bit vague. Another point

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under discussion were the ICANN missions, and the Board of ICANN wanted these to be clearly limited and precise. Yet another point was that of human rights. That is still under discussion.

Another point was consumer trust, and the question was whether it should be integrated into article one of the bylaws, or elsewhere. And it was felt that the terminology used for consumer trust, sorry, the wording for consumer trust and the way it was dealt with in the bylaws or elsewhere, could have impact on the gTLD activities.

Another point was inspection. What waiting to grant the ACs and SOs. And there was clear... Sorry?

Oh. And it was felt apparently that there was real divide or opinions between those who were calling for lower, waiting for the SOs and ACs [CROSSTALK], and considered that that should be...

Excuse me, could someone who is speaking simultaneously mute his or her microphone?

Hello?

Hello? Okay. Another point under discussion was the IRP. And the discussion was about, should it be only for policy or also including operational matters? And the Board's position, the ICANN Board's position was, [inaudible] should be policy only, not for operational matters. And then there was discussion about the PTI under ICANN is separate.

And it was remarked that recommendations two and 12 were almost complete. And finally there was this discussion about the budget aspect

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of the IANA transition, or transition oversight. And of course, most people agreed that IANA should be preserved against [infrastructure?] uncertainties and transition.

So, that I think is the rundown of discussion in the ICG about what we consider to be sticking points or outstanding issues in the current discussion in the CCWG accountability. Over to you Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this Jean-Jacques. Are there any questions or comments?

I don't see anyone putting their hand up so that means that we haven't got any questions. So thanks for this update. And...

EDUARDO DIAZ: I'm sorry. I have a question Olivier. This is Eduardo.

OLIVIER CRÉPIN-LEBLOND: Go ahead Eduardo. You have the floor.

EDUARDO DIAZ: This is just a question. Are we... I mean, how the things that you mentioned about the [inaudible] meeting, are we on time on the timeline? Or whatever we need to do this year? Thank you.

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JEAN-JACQUES SUBRENAT: Thank you and hello Eduardo. This is Jean-Jacques. So about the timeline, of course there is more than just a little concern with part of the members of the ICG. And we even had a discussion about whether we have some sort of reaction in the form of a message or not, to express our concern because as I pointed out in the discussion in the ICG, of course our mandate is very technical.

It is to assemble the proposals from the various communities, and to setup with those proposals, a transition plan to send to Washington. But at the same time, at that was my argument, we do have another duty, I think at least, which is not technical. It's not political, which is the very purpose of transition, which is actually to make transition possible.

And in that respect Eduardo, it is our feeling of most of us that if there is too much slippage in the timeframe, then there is the risk that it will make transition less possible, or less probable, given mainly two considerations. The first is the termination of the current IANA contract at the end of September 2016.

And the second consideration, of course, is the political calendar in the United States, with elections due in November, and therefore, a whole lot of other political considerations, which may turn out to be an impediment to the acceptance of the principle of tradition, but also implementation.

So we are concerned and the discussion among us in the ICG just now is to find out whether we should or should not, and in what matter, express our concern. Does that answer your question Eduardo?



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EDUARDO DIAZ: Yes, yes. Thank you so much for the explanation. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this explanation Jean-Jacques. And I don't see anyone else in the queue, which means we can therefore move on. Agenda item four, CWG IANA stewardship transition, there is nothing to report. So we can move straight to item number five, in recognition that Sébastien has to go at the half hour mark. Over to Alan Greenberg, CWG, CCWG accountability.

ALAN GREENBERG: Thank you. Can we have the presentation in the pod please? All right, what we have here is basically the presentation that was done for the webinar in December, and I'll speak to the various issues of where we are as far as I know.

There is a couple of changes made in it, but most of it is just echoing what as there before.

Can you give me control of the slide so I can move them please?

GISELLA GRUBER: Alan, Gisella here. You have, you are a host, you should be able to move the slides. Please check.

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ALAN GREENBERG:

Okay. I guess there is no way to, that I can do it one by one, I have to scroll them. Okay, in any case, what we are going to be doing is essentially a review of where we are on most of our issues and then talk about what the way forward is to the extent that we know it. On slide three, the recommendation one, the we were supporting that. We had a worry about the ASO, with the ASO was in or not, they had said they are in.

And there has been no substantive discussion yet on reducing the weighting of the ACs. It's still an issue which needs to be discussed, probably not likely any action will be taken on it other than minority reports coming in. But that clearly is one of the issues that is still outstanding. Recommendation two is the community for the process for the community actions. There was a lot of comment in the public comment about the timeframes being too short.

That ACs and SOs in general cannot take action within five, within seven days as often several of these required. The current proposal, not accepted, is to essentially remove the conference call, which is the fourth bullet on the slide, and the associated delays, go directly into the community forum, add a requirement for essentially the AC or SO initiating the process to socialize it, and elongating the process, the period associated with the community forum.

There has also been discussion that if the community forum is indeed a way to try to resolve problems and avoid taking action, then it is clear that it is going to be a multi-session, perhaps over multiple days, perhaps going on for a week. Specifically if we're going to ask the Board

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to change a position, they're not going to do that on the fly on a telephone call.

They're going to have to meet privately and then come back. So that seems to be working out moderately well. There is some opposition to removing the conference call. My personal position is, I don't really have a problem with it. There was always the concept that an AC or SO could support the conference call without supporting the motion.

That is, they agree that we should not talk about it, but they're not necessarily going to support it. So it's not clear that the deliberations associated with calling the conference call are really the same as deliberations for the action itself. So that still needs to play out, but at this point, you know, I think we're in good shape and we're heading in a good direction from my perspective.

I would ask, if anyone has any questions on these issues, as we're going through, might as well do them one by one. And this next slide is, slide five is on community enforcement. There has been no real discussion on that.

The issue in empowering the community, the one point that the ALAC had, rather the one major point we had, was the concern of lowering the threshold to three ACs and SOs if one of them was, in some way, either silent or not clear if it was silent or abstained. In any case, that has been taken off the table. The recommendation right now is to not have any provision for what if some are silent, but in light of the concern that fundamental bylaws might be hard change, it is being

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recommended that the threshold for fundamental bylaws be lowered to three instead of four.

That is, in fact, what we supported in our comment. And the other powers, both removing the entire Board, budget planning, and IANA, would stay at four. So essentially they have agreed with what we have asked for. The issue on the bylaws saying that the replacement director, the director replacing the interim director following removal of the Board, must be done within, or will be done within 20 days.

I don't believe this has been discussed. There is a general agreement within the CCWG that all deadlines that we're talking about should be deadlines of intent, and not absolute deadlines. So we're probably okay with that, but I need to verify. If anyone who is participating in the group knows, please speak up.

All right. Fundamental bylaw, recommendation number three on standard versus fundamental bylaws, we agreed and there is no change there. The discussion of the individual aspects, individual aspects of the power. Our one area there was concern over liability and specific liability of individuals for lawsuits for defamation or related things associated with removal of a director.

The direction of the CCWG was to request pre-appointment letters from directors saying that they waive such rights to take remedial action. And in addition, indemnification by ICANN. The Board has strongly objected to any concept of waiving rights in this case. It's not clear, 100% clear that one can legally ask someone to waive these rights.

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In any case, the Board has significant objection to it. They felt that that would put accountability of the community in question. That is, remove any restraint for making perhaps unfounded or exaggerated accusations at the director.

They are considering indemnification. I pointed out that indemnification of the chair is not sufficient if you in fact want the community forum to be a vibrant discussion among more than a few people, and they agreed to look at indemnification of essentially the people who are appointed to ACs or SOs in this context. They have not come back on that formally though.

Recommendation five is mission and core values, a complex set of ones that we had several complaints on, or several worries on. The first one is on the mission, and we had a number of concerns essentially related to make sure that contractual terms are enforceable, and that we not put in got-yas to say contractual terms because they were negotiated and not the result of a bottom up process, or various other things, could end up being unenforceable, and in fact, the IRP could be used to removed such clauses.

The Board expressed a similar concern in quite different words, and I don't believe that one has been resolved yet. But again, it's one that they have strong concerns on, and I don't believe it's going to go forward without it being resolved. Don't know if... Is Cheryl on the call? If she knows anything more than I do on this, has anything been resolved? And please let us know. Go ahead.

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CHERYL LANGDON-ORR: I was just going to say, not fully resolved that I know of, no.

ALAN GREENBERG: Okay. But I don't see how we're going to go forward without it being resolved. Hopefully the wording that will satisfy the Board will also satisfy us, but that remains to be seen.

Okay. The next one is the removal of the expression where feasible and appropriate in relation to market health, to competitive market situations. I do not believe that one has been discussed yet. I may be wrong, but I don't think it has even been brought up. We have been focusing on another mission issue, which we'll talk about in a moment. So I think that one is still in abeyance.

Okay, that slides just goes along with this one. All right, the one where we complained that we were worried about the wide scope of the term, the neutral and judgement free operation of the DNS, because that implies more than what the NTIA said. The NTIA said they want a free administration of the technical DNS and IANA functions, not of the whole DNS which includes every DNS server in the world.

There has been no formal discussion on that. Becky, who is leading the mission issue said she thought that one was quite reasonable. So I don't think there is going to be a problem on it, but I don't think we, the CCWG has formally reviewed it yet. Consumer trust is one that we had a strong concern over.

The reading we had of section three of the AOC, which was where the reference was to consumer trust, we believed it was a general

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statement and not just talking about new gTLDs. There has been extensive discussion on that. The reading of almost everyone else in the group was that it was in fact, a specific relation to new gTLDs, or a specific reference to new gTLDs only.

The decision was taken to ask the NTIA what they meant by it, and the answer came back pretty quickly saying it was a reference only to new gTLDs. You know, my personal feeling is the word should by themselves and not depend on what the person, what was meant by it. But given that there is a very strong feeling among the large numbers of people in the group, that indeed should be restricted to new gTLDs, the author has said it was restricted to new gTLDs.

I don't think we have any grounds for perusing this in any strong way at this point. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. Olivier speaking. You know, I'm very confused by the Department of Commerce response. I have read through the original memorandum of understanding, the joint project [inaudible] that ICANN had found with the US Department of Commerce, and the principles by which the parties will abide to.

Principle number two mentions specifically, this amendment promotes the management of the DNS in a manner that will permit market mechanisms to support competition in consumer choice and the technical management of the DNS. This competition will lower costs, promote innovation, enhance consumer choice and satisfaction.

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And we're now in a position where I don't think any of this is going to be in the ICANN bylaws, and so there appears to have been a shift in the US Department of Commerce over what should be in there. And I have read each one of the amendments, by the way, of [inaudible]. There were, I think, five amendments have been made, including an extension of the original joint project agreement.

The reference to changes to this clause. So I might follow up personally with this Department of Commerce, just in a nonofficial manner...

ALAN GREENBERG: Olivier, if you have that in that phrase you just read it, is that something you can post into the chat? Because I...

OLIVIER CRÉPIN-LEBLOND: Yeah, sure.

ALAN GREENBERG: The way I heard it, there is no issue that we can raise because of that, but I would like to see the words if I could...

OLIVIER CRÉPIN-LEBLOND: It doesn't say trust in there. There is no such thing as trust, or anyway.

ALAN GREENBERG: Satisfaction is pretty close to trust, but it says... It doesn't say ICANN will do it, it says the competition will lower costs. I mean, this is



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standard US dogma that the free market will fix all problems, as demonstrated by the financial housing crisis a few years ago. Sorry.

CHERYL LANGDON-ORR: Alan?

ALAN GREENBERG: Yeah, go ahead.

CHERYL LANGDON-ORR: Thanks. For some reason, my Adobe Room is giving me a black screen, despite my efforts to try and get back in. It's Cheryl for the record. When we did the last two [inaudible] many, many years work on definitions, etc. for the [inaudible] review that's now being undertaken, and it was, I admit specifically related to new gTLDs, because it's a [inaudible] requirement for the post-12 months review process that we all have, many of us have been working towards.

We went down this pathway to a quite significant extent, with not only NTIA but other parts of the Department of Commerce. And the trust part certainly was seen as a consequence of all of the market forces. So you can interpret that as you will, but it was not even during those discussions, and that included with market economists, anything more than hail to the free market economy. But [just a warning?].

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ALAN GREENBERG:

Cheryl, thank you. I agree. The excerpt that Olivier posted in, the only reference to consumer choice and satisfaction is the competition will provide that. So again, that's a reference to standard dogma. It doesn't say ICANN has a responsibility. Now, I was most concerned because currently compliant does accept consumer trust as a responsibility in the wider domain market, not just the new gTLDs.

And the conscious action of the CCWG in not including it in the bylaws, I thought was a potential risk that the IRP could force ICANN to stop looking at that. However, since we now have on record in written record, that the intent of the words, that we are not transferring into the bylaws was solely for the new gTLD world, I don't think the risk is there on the IRP.

We have not made any conscious decision to not, to exclude a wider consumer trust, or a prescription in the bylaws. So I think that risk is significantly lowered because of the NTIA statement, and the words in the previous documents prior to the AOC, I think were, as Cheryl said, sort of quoting US standard belief in competition, and not saying it was an ICANN responsibility as such.

So I don't personally think there is an issue there. It's unfortunate, and I wish it had gone the other way, but I don't think we're on strong grounds in the accountability process, to try to force a wider responsibility on ICANN then has previously been there, enforced by other documents.

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So it's something I would push for in the future, but I don't think we have the justification for doing it as part of the accountability process. Any further comments?

All right. I'm going to take silence... Olivier, does that convince you at all, or are you still feeling uncomfortable? The reason I'm asking is I haven't commented yet on the CCWG list on the input from the NTIA, and I have to do that. And I want to be able to say, you know, to what extent this group has a level of a comfort at this point, or still feels that there is this problem that we must address?

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. It's Olivier speaking. You know, the intent and the structure of the agreement itself, the AOC, the affirmation, is particularly important. But having the answer from the US Department of Commerce itself, I don't think we can go against that, quite frankly.

If that's the intent, then I guess we have to accept it, that that is indeed the intent. I'm personally very disappointed that such is life sometimes. It's not going to kill me, and it's probably not going to kill anyone else, but I'm sure there will be some disappointment in the community about this, because there are certainly implications with regards to the future work of ICANN.

And we might see some implications when it comes down to contractual compliance. We're just seeing an ICANN with less and less [inaudible] and an industry that is taking more and more advantage of this. Thank you.

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ALAN GREENBERG:

Well, I'm not sure it's less and less. The control of contracted parties, right now, is significantly less than it was before. So I think we're in better shape than we were a number of years ago. But I agree. Although I personally think that words should stand by themselves, if the author is still alive and says, "That's not what we meant," we're not in a strong position to object to it, I don't think.

In any case, let us go on. The human rights is an interesting one and that's evolving. Our concern was that the one year target in the recommended bylaw was a dangerous thing, to say it would be done within. And there was a general agreement within the CCWG to say, to put that as a target not as a commitment.

So our issue has been addresses. There is, however, a very strong pushback and now being supported by some other people, that if we put in place a bylaw without a framework of interpretation, that the IRP and the courts could be used to essentially create that interpretation for us.

And there is, certainly the Board feels but there are other people who now agree, and certainly I agree because that was always one of my concerns, that referencing human rights without understanding what it meant in ICANN's context, was an open ended problem. So there seems to be, we're moving, I think, in a direction where we might say, at least the projected recommendation right now, is to say that the bylaw will go in there, but the bylaw will explicitly say, it is not enforceable by the IRP or by courts until the framework of interpretation is written.

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Now I'm not at all convinced that one can put a restriction like that in. But presuming the lawyers agree, then certainly I have no problem with it. It's not clear exactly where that one is going. But that goes along with the position within At-Large, some people of whom were willing to accept the bylaws written, other people would have preferred that there be no bylaw at all, but human rights until we have it better defined.

So I think in general, we're moving in a direction that is supported by At-Large. Recommendation seven on the IRP, our only concern was the reference to conflicting panel decisions and how that was addressed. The recommendation within the CCWG is any future policy decisions should direct the IRP how to work. So essentially defer the answer.

The Board has strongly said they don't want the IRP doing this at all, and any future policy decisions should put in place a process by which conflicting decisions could be addressed. And again, those two are very similar to each other, so I don't think we have a problem at all with that. Jimmy, yes, go ahead.

JIMMY SCHULTZ: Yeah. It's Jimmy Schultz for the record. Can you hear me all?

ALAN GREENBERG: Very well.

JIMMY SCHULTZ: Can you hear me.

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ALAN GREENBERG: Yes we can.

JIMMY SCHULTZ: Sorry, I just heard back. I just want to go back one step. You've been talking about the human rights in the bylaws, and mentioned a framework where the [inaudible] human rights principle might be defined. What kind of framework?

I can't imagine how that's going to work with that timeframe. Is there anything [inaudible]...? What is that framework you're talking about? [Inaudible] and how it's going to...?

ALAN GREENBERG: It is scheduled to be discussed in work stream two, which will start once we finish with work stream one. The original commitment within the projected bylaw was that it would be completed within one year. At our request, and that of several people, the commitment to do it within one year was changed to an intent to do it within one year. The reason being, if you say it's going to be done within one year, and for whatever reason, be it the work takes longer or there is, you know, a world weather disaster that slows us down, we're in violation of our bylaws if we don't make the target.

And that was deemed to be a significant concern. And at this point, the work will continue, essentially the framework of interpretation is an intention to understand and to carefully define where there are

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interceptions between the limited things that ICANN does with regard to Internet names and numbers and human rights.

So, I'm not sure, I don't think there is anything more we can say. It's work to be done, which will, in fact, discuss where the intersection is, and what is it that we are guaranteeing to do.

Thank you. All right. Back on the IRP. So the IRP, I believe, is going in a direction that goes along with our concerns. Reconsideration requests, we had no issue with it, and there has been virtually no discussion of it so far. Affirmation of commitments in ICANN's bylaws, again other than the issue we had with consumer trust, that's pretty well going as planned.

Enhancing accountability of supporting organizations. There has been very little discussion of that. There was an interesting reference to it in the GNSO meeting yesterday that talked about this issue, and the tone, I don't remember the exact words, but the tone essentially was, you know, who says we don't have accountability? Of course we're accountable.

And a relatively, maybe belligerent is too strong a word, but the feeling that this was being imposed by the Board, just to try to control the ACs and SOs more. In fact, the issue was raised by our external experts, and supported by a number of people including the At-Large, that you know, we're all accountable to the people who are actually making the decisions today, but not necessarily accountable to our larger communities.

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And certainly within At-Large, there has been a strong feeling, but there is also a strong feeling among a good number of the CCWG that this is an issue that must be addressed. So I don't think anything is going against where we are. How it will unfold will be interesting. But just interesting that there was this strong pushback amongst some people in the GNSO.

Of course, the GNSO has many different positions, so it's not a GNSO position as such, but just raised by some of the people on Council. Recommendation 11. The government advisory committee and stress test 18. Nobody seems to know where that is going.

There are discussions being held within the GAC. We do not know exactly what they're saying. At least, there has been no reporting that I've heard. Cheryl may have some insight that I don't have. There was an interesting discussion on this one in the GNSO. There was very strong opposition to the concept of changing the threshold, and to from half to two-thirds, and moreover, using the word vote for the first time.

The implication is that the decision to accept GAC advice or not, could have been done without a formal vote before. I'm not sure there are mechanisms within the Board to do that formally, without a vote, but there seem to be a belief that it could be done without a vote. There was an interesting set of memos that went through the list, on whether it was legal under California law to have a threshold other than 50% for any vote.

And the analysis is quite interesting. There is a concept in Californian law where the Board can essentially delegate, or request an expert



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committee, to recommend how it should act. And the analysis was that if you look at the GNSO and CNSO, ccNSO PDPs where a PDP will be approved by the Board unless it is opposed by two-thirds.

So there is already a precedent, a long standing precedent in our bylaws of the two-thirds. And if you consider the ccNSO or the GNSO an expert committee, then it pretty well falls in law with Californian law that says the Board can essentially delegate some responsibilities, but has the right to overturn those should it choose. And if you consider the GAC an expert committee on public interest issues, then it's defensible in that case also.

I had not realized there was any prescription under California law against just arbitrarily setting thresholds wherever you want. But it's an interesting discussion. In any case, we don't know what the GAC is going to accept at this point, and so that one is sort of in a black hole. I'm not sure where we're going. We still have not heard officially anything from the GAC, and until then, we don't know what's going to happen.

And recommendation 12. We were okay with this. It turns out that the reading by some of the words in the proposal was quite worrisome. And the Board in particular. The wording in the proposal said that ICANN will have an interim bylaw, I'm not quite sure what an interim bylaw is, but an interim bylaw that said that the Board will accept whatever comes out of work stream two.

And the Board quite reasonably objected to a blanket commitment to accept whatever comes out. And the wording has been changed to say,

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they will have a similar process to what is happening in work stream one, that is if the Board is happy with it, fine. If not, there will be discussions, negotiations, and come to a place where the Board believes they can accept something or explain why.

And I think that is quite reasonable. And certainly, I believe that that's pretty well a done deal at this point. Next steps. Well, sorry that slide should have been deleted. That's not our next step. Here is the overall timeline as we know it today.

The timeline that said we will approve, we will have a report to approve by the seventh of January, obviously did not happen. We're still having the discussions a week after that. We will not have a report for a little while. We will not certainly be able to approve the report by the 22<sup>nd</sup> of January.

The leadership of the CCWG has decided that they do not want to come up with a new timeline until they have heard, had answers and responses, formal answers, from the GNSO and the GAC. The GNSO one is forthcoming, it's not clear when it's going to come, but it is really a summary of the input that the various constituencies and stakeholders have given.

So it's not going to really change anything from what the CCWG already knows. The GAC clearly is still a mystery, and we don't know where that one is going or if there will be a formal answer. Cheryl, I see your hand up. I'll give the floor to you in a moment. The hope, at this point, but it's a hope not a firm commitment, is that we will get a report out well before Marrakesh, and the ACs and SOs will be given an opportunity to

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approve it before Marrakesh. Failing that, we will have something at Marrakesh and have to do it during our face to face meeting. It is not at all understood what the implications are of delivering the accountability report so late in terms of the discussions that will have to happen in Washington afterwards.

Clearly it is problematic as Jean-Jacques outlined, but we knew that already. So that's where we stand right now. Cheryl.

CHERYL LANGDON-ORR:

Thank you Alan. Cheryl for the record. And hopefully I'm louder than I was with my microphone [inaudible]. Look, you are pretty close on the mark with your assessment of why we're not publishing yet, the timeline will undoubtedly be shifted in some way, shape, or form. I think you could understand that we will be relatively disappointed with GNSO [inaudible] no more than the sum of its parts, but we've already got from the constituencies.

However, we've been working through all of the recommendations in full knowledge of the various constituency positions. And so, it shouldn't make that much difference to the output of our next report. What will be a problem, however, is when we call for the chartering organizations to support or otherwise, and this is where, of course, one chartering organization can remain silent or object, but to make it a problem.

There is a small risk still that we will have the GNSO being a chartering organization that, as such, will be unable to... I find it slightly ironically amusing. In doing much like a GAC-like way [inaudible], the GAC. To be

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unable to support or otherwise, so because the component parts itself will block that in some way. We will have issues before Marrakesh, possibly. I don't know whether that's going to be an outcome, hope to see Olivier's hand come up so hopefully he will have better knowledge of that.

If that is the case, if it's only the GNSO [inaudible] the GNSO and the GAC, then that is an issue. And one of the critical straws that may break this camel sack, will be the responses to the two-thirds matter of overturning and not following GAC advice, which is the core out of recommendation 11. So it may be a situation where we get to choose which one, GAC or GNSO, stand in the final counting as the thorn in all of our sides.

I must say, it will be an interesting time for the CWG, possibly as close as Marrakesh, or if not at the Marrakesh meeting, to work out who [inaudible]. I'm trying to say that I will look at the level of dysfunction on both and choose the one that we as an advisory committee feel most comfortable with.

But that's a conversation for later and perhaps nothing will happen anyway. I don't know.

ALAN GREENBERG: Thank you Cheryl. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Olivier speaking. And the GNSO chair has committed to speak the week after a few of his colleagues to draft a single

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document from the input that he has received from the different GNSO constituencies, bearing in mind that there are some constituencies that are very annoyed at the moment that their points were not included in the first draft.

And we're all waiting eagerly for the magic that will take place over the weekend to come up with a document that everyone at the GNSO Council will support on Monday. And there is a question that I have on the process actually. Could a supportive organization decide to provide details as to what recommendations it supports and what recommendation it does not support?

And therefore, allowing for lowest common multiple, if you want, the moment the SOs and ACs. I'm not quite sure whether that's a possibility or not, or whether each supporting organization has to show full support or no support.

ALAN GREENBERG:

I can certainly give you my interpretation. Cheryl may have a different one. My interpretation is, we publish the recommendations one by one. And it is wholly acceptable for the recommendations to be voted on one by one. So that could imply... The charter says, if... The charter says that the CCWG accountability recommendations can go forward if they are objected to by just one AC or SO.

I think a reasonable interpretation of that is on a recommendation by recommendation basis, as long as they are rejected only by one AC or SO, they could go forward. So that means the GNSO could object to recommendation four, the ALAC could object to recommendation

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seven. But if those are the only objections, it goes forward because each... Sorry?

CHERYL LANGDON-ORR: I would certainly support that. Whether we could convince the rest of the CCWG members to interpret it that way...

ALAN GREENBERG: Ah. Well my general feeling is, none of us really want to have wasted the year.

CHERYL LANGDON-ORR: Actually Alan, some people would be very happy to...

ALAN GREENBERG: Yeah. Well there are some people who have invested a year and try to make sure that nothing happens.

CHERYL LANGDON-ORR: Exactly.

ALAN GREENBERG: I'm not counting those. And I see we have some hands up, but I just want to finish very quickly. So I think that is a viable way to go forward. Now the interesting thing is, there may be cases, and I haven't tried to analyze it, there may be cases of recommendations that are objected to by parts, remember if the GNSO is to make a determination, they will

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vote according to their standard rules, where each constituency or stakeholder group has certain votes, and they would be tallied and passed according to the established process by which majority is counted.

Because of the bicameral council, it's not an obvious, it's not an intuitive calculation of what is the majority or not, but there are rules. The interesting thing is, you could have multiple stakeholder groups or constituencies objecting to a recommendation, but for completely different reasons. And they could contribute to it being rejected by the GNSO, but no single remedy would fix it.

So that's an interesting situation. I'm not sure it actually applies in practice. The second thing to note is, the ALAC, we have had calls, we have had discussions multiple times, saying, "Is this something the ALAC would reject the proposals for?" In other words, would we stand out and say, "We as a chartering organization are objecting to this particular issue, and therefore we do not approve at least that recommendation, if not the whole proposal."

The constituencies and stakeholder groups in the GNSO do not have that moral decision to make. So, they can stick by their guns and say, "We object to it," knowing that they themselves are not the impediment to stopping this proposal going through. Because no single stakeholder group or constituency can veto something in the GNSO.

So they don't have the same moral obligation as we have, to look at something and say, "Is it really important enough to us?" And that, I think, contributes to one of the issues, and one of the reasons that they,

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more than us, may be adamant about some issue, which ultimately they could live with if they chose to. And we have several hands up. Tijani and then Olivier.

TIJANI BEN JEMAA: Thank you Alan. Do you hear me?

ALAN GREENBERG: Yes we can.

TIJANI BEN JEMAA: Okay, thank you. Tijani speaking. You gave an explanation of the charter that may be not the right one, because it was not said in the charter that it is approved recommendation by recommendation. So I am afraid it is not the official or the right explanation. I would be happy if people can understand it like this, but they're not sure. And they have another fear.

Suppose, for example, that the last proposal [inaudible] regarding, vis a vis the SOs, should we act on the reports or the proposal? And saying we object only to this recommendation? I would be very [inaudible] with this.

So I think it is very sensitive and it is more nuance in this explanation. Thank you.



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ALAN GREENBERG:

Thank you Tijani. I think you record exactly what Cheryl and I said. That this is an interpretation that we hope the CCWG would take. Because as Cheryl pointed out, there are people in the CCWG who would probably object strongly to that interpretation. So it's no way that it's a given. It's just a possible way forward.

And the question of would the ALAC agree to the rest of the proposal if we were disenfranchised, or had lower voting weights than the other groups. Well, number one, I think the whole counting ACs and SOs without actually giving them weights, is going to make that very difficult to happen. But whether we would object to just that recommendation or the whole thing, is a good question that one we would have to face at a time.

I would not be surprised if we decided to reject the whole report because of that kind of single recommendation. So it's a decision we would have to make at the time, if it comes to that. Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you Alan. Olivier speaking. A few points. First on the interpretation of the charter, I believe it might be the actual chartering organization that would need to make any amendments to the interpretation of the charter itself. It's now down to the working group itself to do so, based on prior work that I've done on chartering or cross community working groups.

If it came to down to voting on individual recommendations, there is a big question mark as to what the GAC would do, whether the GAC would follow the, or whether the GAC might agree to disagree with

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itself, due primarily to stress test 18, and therefore remain silent. So be the first of the chartering organizations that abstains, rather than being able to vote positively on the report, which means that any other SO or AC that might vote against this specific recommendation.

Might get that recommendation to be deleted all together, since we're having the two organizations not supporting, two chartering organizations not supporting is a bit of a question mark. And thirdly, on the matter of GNSO voting, I think that the GNSO Council leadership is concerned enough to try and even look at finding the background to what the GNSO vote is like, and trying to say well, if any of the SO, any of the constituencies would abstain, that would be counted as an agree, a yes, rather than counted as a no.

As you know, when you abstain, it is usually counted as a no. And that might introduce some problem because that's not how it is currently understood in the GNSO Council. I have no clue whether they're planning on proposing that the abstentions as a yes as well. That's currently in discussion on the GNSO Council. Thank you.

ALAN GREENBERG:

There is an awful lot of hypotheticals at this point. Certainly in discussions I've had earlier, the presumption is that if a chartering organization is silent, it will be deemed to be they did not object to it and therefore it can go forward. That's not quite how the charter is written.

And regarding who would pass judgment on the charter, I would think the CCWG would have to make a determination on how to interpret the

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charter and then the chartering organizations could object or not. So again, we're going through multiple hypotheticals at this point, and I'm not sure how much we want to play them all out. Cheryl.

CHERYL LANGDON-ORR:

Very briefly Alan. Cheryl for the record. Yeah, look I agree with they are just all possibilities, but we do have some precedents, and there we can look to how we managed more of a [inaudible] approach, which is the one that Alan and I are hoping that we may be able to, if there was a problem, we don't know that there is a problem yet, come to a solution.

So perhaps we can be overall supportive, not total support for absolutely every recommendation. And that's [how we worked with the] CWG. But that doesn't mean, and something that I want to reassure Tijani, that does not mean that should something be of such importance, in other words, the particular matter which we've all very clearly reiterated again and again, and despite everyone in the Board that I talk to, reassuring me that, "It will never happen Cheryl. Don't be silly."

When I say if we don't have equity of power in the community model across all of the ACs and SOs which are involved, that is a deal breaker, then yeah, I can't imagine we'd do other than say, that is a deal breaker. So not only would we object, even if it was just a rec by rec [inaudible] to that, but we would further object totally, and therefore be an absolute deal breaker.

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So regardless of which way we carve this [inaudible], but I'll say [inaudible], it's more politically correct. We will have ways of making sure that we are not disenfranchised. Thanks.

ALAN GREENBERG:

Yeah, thank you. To be honest, I don't see the Board accepting it if there is not equality. But they haven't commented on that because they were only commenting on what was in the report, not what was not in the report, but that's my personal feeling. They have certainly indicated before that there was no justification for changing the equal footing for all ACs and SOs for those who have chosen to participate.

And that is where I stand. The parenthetical comment on my ending slide applied in December and it applies even more in January.

CHERYL LANGDON-ORR:

Oh, [inaudible] the time even more strict, frizzled and fractured. [Inaudible]....

ALAN GREENBERG;

Cheryl, if I had done this more than 40 minutes before the session, that might have been something I would have had time to do, but as it was I didn't.

I will look for a better font, I will even buy one if necessary. And I turn the floor back to you Olivier.

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OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. Olivier speaking. And I was going to touch on... Sébastien had posted this thing on the working group. The first one was, should the ALAC call a face to face meeting prior to the [inaudible] the proposal? Has there been some thinking on this?

ALAN GREENBERG: Well, we did do a survey. People have generally said they would be willing to attend. I haven't done a count, but I think in general. But until we have something to have a meeting about, I don't think we're in a position to ask for one or set a date. So I think, until there is a timeline, there is not much to be done.

And to be quite candid, I think that timeline is going to come out late enough that there won't be time to do anything, even if we chose to want to do it. And I will not be surprised if the decision cannot be made until Marrakesh in any case, in which case there is a face to face meeting.

So I don't see how we could take any action, at this point, not knowing when we're going to have something to make a decision on. Tijani, your hand is up.

TIJANI BEN JEMAA: Thank you Alan. Tijani speaking. I do think we will be modifying the [inaudible] in Marrakesh. I don't think things should be finished before that. And as you said, if we have the timeline, we may speak about that. Now we cannot. We don't know when the work will be finished.

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ALAN GREENBERG:

I agree. And although I would really like to think that we would be able to raise the question to the ALAC, are we ratifying before Marrakesh, until we have a document to talk about, I don't think we can have that discussion. And until we know when we will have that document, we certainly can't have a discussion on a face to face meeting.

So I think the logistics are going to make it very, very difficult. A number of people who responded to our ALAC survey basically said yes they're willing to go, but if you don't give them enough time to get arrangements to take time off work and to get a visa, if necessary, then it's not likely to going to happen for them. So you know [inaudible] a willingness, which they didn't the first time we asked the question.

The first time we asked the question, there was a general negative comment on should we meet. This time it was more positive, but there are caveats about under what conditions they could actually physically do it. And I think the world is going to conspire against us, to make it almost impossible to do that.

But until we have a date and a report, there is not much we can actually talk about. Cheryl.

CHERYL LANGDON-ORR:

Thank you Alan. Cheryl for the record. Look, I support what you said, absolutely. And I'm now saddened by the fact that, I think one of the people who have been pushing that along, at the leadership level in particular, to have had an end of January, after the middle, so late January, fixed formal face to face, so that this wouldn't have been an issue, and it would have allowed the chartering organizations to gather

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together upon with the people from the CCWG. Because one of the interesting things is, you know, you can interpret the request to meet face to face as the COs could meet separately, and it could be great [inaudible] meet jointly.

Anyway, all of that aside, that didn't happen. The other advantage, if that would have happened, would we would have a nice endpoint in terms of timeline, and that may have motivated some of our chartering organizations to work backwards from the date, and perhaps act differently at the end of 2015, but that also didn't happen.

But what is the greatest unlikely pressure [inaudible] pressure to make such a gathering unlikely for the ALAC is that it would be something that couldn't be decided before, in my view, practically, the very beginning of February. And of course, you already having a face to face meeting at the beginning of March.

And February is a short month, and I think [inaudible] logistics just won't work. And that's [inaudible]...

ALAN GREENBERG:

Yup, I agree and I believe, after the kind of work we're putting in on the CCWG, a two day face to face would allow us to pretty well come to closure on everything. And I think the chances of doing that are lessened because we're not having a face to face scheduled, but I keep on saying, if I were king, the world would unfold differently, but no one made me king yet.

Tijani.

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TIJANI BEN JEMAA:

Thank you Alan. As you know, I was one of the very strong supporters of the face to face meeting. And I feel part of that kind of meeting, because, as I told, the first [inaudible] when we had the discussion about the verification of this report, I think that only a few people in ALAC participated in the addition.

The others followed because they trust Alan or they trust [inaudible], so and this is not the way for me. We need, really, the At-Large, to have to try to find their interests in this proposal. I prefer a face to face meeting, but now, as I said, it is not in our hands. And I do hope that we will have the opportunity to [inaudible] in Marrakesh, when we are together, and when we will have time to have a real face to face meeting, and we can discuss it and we can explain to people, we can perhaps repeat, perhaps give the advantage and the problems given by each recommendation [inaudible].

So I [inaudible] it's not in our hands, and I don't think that we will have an opportunity to have it before Marrakesh. Thank you.

ALAN GREENBERG:

Yeah, I tend to agree. For what it's worth, Tijani, if it makes you feel any better, I've had a talk with a number of chairs of other ACs and SOs, and listening to the GNSO meeting yesterday, we are far from the only group where significant parts of the AC or SO, or other of the committee or councils, are working in the dark, and don't have a real idea of what's going on.



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It was quite evident from some of the discussions in the GNSO council meeting that there are a good number of counselors who are really not following closing as they should, and there are other SOs where the same is true. And I'm sure the same is true in the GAC for a large number of the GAC members.

So although it may be sad, I don't think we're unique at all. That doesn't make it any better, but maybe it's a comfort to some. Cheryl.

CHERYL LANGDON-ORR:

Yeah, I just wanted to... Cheryl for the record. Not quite counter that Alan, because I do agree, but I think a number of the chartering organizations have not had their leadership as closely engaged or briefed as they should have been. But I actually think that the ALAC should be somewhat more complimented, because I think with this particular working group and with the actual quite regular updates that we have given, including webinars, but also within your ALAC meeting, I would suggest that what we have done as the CCWG membership from ALAC, is actually far better at keeping and having kept the ALAC per se more up to day and more engaged then just about any of the others.

With the possible exception, believe it or not, of, I think the GAC has actually kept its rank and file quite well up to date. And I think the way the CNSO works means that it's not in as bad a position as many were, but I actually think ALAC if we did a run on, you know, pop quiz, would probably be one of the highest ranking aware chartering organizations.

I just think, I don't want to see you guys all doing a forest and trees. I think you've all done a superb job. Could you have done, you know,

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more engaged? Sure it would have been nice to have, you know, 75 to 80% of the ALAC attending all of these calls, or at least half of these calls. You know, some of them didn't attend any, but you've made more outreach, more effort, and I believe more input into your leadership than, I think, any of the others.

And I think you should be somewhat proud of not disappointed with your level of preparedness. Anyway, I thought I would be nice for a change.

ALAN GREENBERG:

Thank you Cheryl. To be clear, I was not talking about that. You were right. We have probably done the best job, and compared, and certainly in light of criticism that we make statements that are really done by one person and blindly rubber stamped by others, and that has been true, that is not the case here.

And I was commenting purely on the end product, not the effort we put into it. You're right, we probably are also ahead of the game in terms of, if we held the pop quizzes, we may well be ahead of the game of the other ACs and SOs. I wouldn't be surprised at that at all. That doesn't alter the fact there are still a significant number of the people who, if we gave the pop quiz, would not do well.

And that's all I was comment on. But just being best of doesn't mean you're perfect. But thank you for the compliment. I do appreciate it. Olivier, I see your hand up, and I really would like to turn the meeting back to you instead of just calling on you.

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OLIVIER CRÉPIN-LEBLOND: Thanks Alan. It's Olivier speaking. And I was just going to point out two more topics which Sébastien had suggested. First, very short discussion on work stream two, organization and budget. And the next thing was also a discussion IRP versus multistakeholder. I don't think either of them are a 10 minute discussion, but it's just points that need to be discussed quickly here.

So work stream two organization and budget. Do we know much about this? Is there [CROSSTALK]...

ALAN GREENBERG: We know nothing about it. We know that the CCWG is talking about it as a continuation of the CCWG. The Board, among others, have said this might well be handled in a different way. That is we may create some specialized CCWGs with people who actually have a knowledge of the specific subjects, instead of trying to do it with a generalized group.

I know from my perspective, there is significant burn out. And I suspect that if we continue as a CCWG who is responsible for the whole task, we may have some significant turnover of the people who are representing us. Certainty, I'm tempted to say, "Thank you very much. It has been fun. Now someone else takeover."

So, regardless I think the cast of characters will change somewhat. I think it might well be appropriate to subdivide the work as the Board has suggested, instead of simply saying it is the CCWG. But that really is not something we have focused on at this point. That discussion hasn't

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finished yet in the CCWG either. So we'll see where that one goes. Let me comment on the second one, if you remind me what it is, and then I'll go through the queue.

OLIVIER CRÉPIN-LEBLOND: The second one is the IRP versus the multistakeholder model. IRP...

ALAN GREENBERG: I don't see that as a versus. The IRP is very much an external body saying that, you know, looking and making a judgment as to whether the bylaws have been followed or not. And it's only, you know, it can be triggered by the community process, by the multistakeholders, or it could be triggered by someone else who feels they have been harmed because ICANN hasn't followed its bylaws.

I'm not sure you could replace the IRP with a multistakeholder body instead. All the more so because the multistakeholder body in some cases, that may be bringing in the case. So it's not a discussion I really thought much about. And I don't know if you're in the queue in its own right, or you want me to manage the queue.

Why don't I turn it back to you? You manage the queue and I can rest.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. Cheryl Langdon-Orr.

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CHERYL LANGDON-ORR: [Inaudible] Olivier. It's Cheryl for the record. Two things, and I'll take the second one first. I think we can have the conversation on IRP versus multistakeholder, but it isn't a conversation that the CCWG particularly had. It may indeed have one. But I would suggest that our external experts, if I was to look in my crystal ball, my crystal ball would probably tell me that our external experts are of the writ At-Large community beyond our capital A capital L, At-Large people, would expect that something like an independent review panel is simply good practice for any form of accountability, and particularly for an organization like ICANN, which by its very nature we hope will continue to stay multistakeholder.

That said, coming back to the facilitation, organization, and budget for work stream two, I felt was important as to, for the record, remind everybody that during our discussions in our last CCWG meeting where the recommendation on work stream two activities was discussed, the Board did reiterate that not only its suggestion we may want to carve this up into streams itself, streams within streams, and cross community working groups cannot always be formed by any chartering organization, otherwise a AC and SO could do anyway, that they would be supporting, that they wish to facilitate and support [inaudible] and in a predictable way.

Now that said, this is very much a reason for this very topic to be part of our agenda, when we plan our agenda in more detail for our face to face meeting on the Friday just before the ICANN meeting in Marrakesh. So that I would have thought the planning, the specifics of the organization, and therefore the predictability of the budget and support for it, would be one of our primary activities in Marrakesh.

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So I think we will be getting to this in greater detail. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks Cheryl. Next is Tijani Ben Jemaa.

TIJANI BEN JEMAA: The charter says that it is the duty of the CCWG to undertake work stream one and work stream two. In fact, the work was split into two parts of the CCWG was split in two parts, work stream one and work stream two. So I understand that the Board didn't want, that the work stream two continue. I remember their rejection, not rejection, but their proposal to make it done by the review mechanisms that ICANN had now etc.

But I am afraid this is an obligation, it is part of the work of the CWG duty and physical duty has to continue on work stream two. Now, if one organization or several organizations, chartering organizations, chooses to change the members or change some members of their team inside the CWG, this is another issue. But I prefer that the same team continue because as you know very well, a lot of elements, a lot of items of the work stream two work, if something that is pending from the work stream one work.

So the spirit, the way it was done, etc. it is better to have the same people to work on it. We may have other people, this is the choice of the chartering organizations, but the work must be done, in my point of view, by the CCWG as by the charter.

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Second point, regarding the IRP and multistakeholder, I have seen this from Sébastien, but I didn't understand and I still don't understand what here is his concern. And I have to hear from him the concern he has. I don't see [inaudible] as Alan said, and I don't know what is his concern. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you for this Tijani. It's Olivier speaking. Maybe we can follow up on the mailing list, and we can [inaudible] on our next call. Alan Greenberg, you're next.

ALAN GREENBERG: Thank you. Three comments, in reverse order. On the multistakeholder versus IRP, I think the issue is there are people in the community who believe that every decision in ICANN should be made from the bottom up. And that going to some outside authority, it violates that. And that's where I think the verses comes from.

On the... Cheryl's comment on we can always create new CCWGs, that's correct. We can. The community creates CCWGs, but this CCWG has a particular, because the Board has previously agreed to it, has an ability to, if not force issues, then force for consideration under a certain due process by the Board.

And another CCWG that we created without the Board's blessing in that way, would not necessarily have the same approval, the same authority, and therefore, you know, if the Board is saying we can create other CCWGs, including the Board being part of that creation process and

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therefore blessing them, which also provides a level of budget support that we have never seen before in other CCWGs, then that's okay. But it's not quite the same as the community just creating a CCWG. So I just wanted to note that.

And lastly, in regards to Tijani's comment on charters, and I recognize Tijani is one of the authors of the charter of the CCWG. He was part of the group that created it. The charter was written with our best understanding of the world as it was unfolding in late 2014. The world has changed.

I don't think anyone would have guessed the amount of effort that we've put into it, the number of person hours into it, or the level of exhaustion of the people who are doing the work. So yes, the charter says the CCWG is responsible for work stream two, but that could change. Anyway, and you know, I personally would support that.

Prior to having discussion, I would be receptive to having the discussion about whether it should change or not. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this Alan. Olivier speaking. And we have past the ending time for our call by 11 minutes already, so I am eager to close this call soon. Any other business?

CHERYL LANGDON-ORR: How about a hell no?



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ALAN GREENBERG: Given that our only any other business is ever let's hold a Doodle for the future meetings, and those Doodles have already been issued, I don't think we have any other business.

OLIVIER CRÉPIN-LEBLOND: Well there is just one other business which is an action item to table the IRP versus multistakeholder discussion on our future call next week. We'll revisit that discussion again. And that's it. The Doodles have been sent out. Please fill them out quite openly so it's not always the same people in the middle of the night and on weekends.

Yes, I recognize it's weekend as well somewhere [CROSSTALK]...

CHERYL LANGDON-ORR: ...on a Saturday morning and I'm with you again Olivier.

OLIVIER CRÉPIN-LEBLOND: Anyway, it has been an excellent call. Thanks very much to Veronica and David. And Alan, did you want to say last few words?

ALAN GREENBERG: I was just going to echo what Gisella put in the chat. The next meeting has already been scheduled. So we're still looking at the Friday one, but...

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OLIVIER CRÉPIN-LEBLOND: Next call, Wednesday 20<sup>th</sup> of January at 16:00 UTC, and the invitation has been sent.

**[END OF TRANSCRIPTION]**