
TERRI AGNEW:

We'll go ahead and begin at this time.

Good morning, good afternoon, and good evening. Welcome to the At-Large ad-hoc working group on IANA transition and ICANN accountability, taking place on Monday the 8th of February 2016 at 16:30 UTC.

On the English call we have Cheryl Langdon-Orr, Olivier Crépin-Leblond, Barrack Otieno, Seun Ojedeji, Kaili Kan, Eduardo Diaz, Gordon Chillcott, Sébastien Bachollet, Tijani Ben Jemaa, and Alan Greenberg.

We have no apologies listed at this time.

From staff we have Heidi Ullrich and myself Terri Agnew.

Our Spanish interpreters today are Claudia and Marina.

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

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Terri. Olivier Crépin-Leblond speaking. And have we missed anybody in the roll call?

Seeing no hands up and hearing nobody shout their name out, the roll call is complete. And we can adopt today's agenda, which is again,

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primarily focusing on the CCWG accountability work. Is there any additional business to add in the any other business part of this call?

I'm not seeing any hands up. I note from Alan in the chat that he apologizes for not updating the agenda, but I'm sure we'll have plenty of things to discuss. So we can make it up as we go, and perhaps we'll have to amend the agenda afterwards if there are any documents and so on that need to be shared, or anyone who wishes to listen the call later on.

So the agenda is adopted at the moment and we can move to the action items. Those were just one action item regarding a Doodle, that was done. So we're down to agenda item number three. The update from the IANA coordination group, and also in the same header, update from the CWG IANA stewardship transition.

Not very much going on at the moment. I do not see Jean-Jacques Subrenat on the call. So I don't know if anybody has been following any events on the ICG. I believe, from the time table of calls, that there hasn't been any movement in the ICG. There are obviously still waiting for the rest of the process to continue and to conclude.

So we can focus on the CWG IANA work. There has been a call last week, but there is going to be a call this week, looking at the budget work, preparation, preparing for the call tomorrow, looking at the budget items which the CCWG accountability has been working on, and which work with the recommendations that the CWG IANA have been coming up with.

I haven't, unfortunately, seen in our emails the budget which was supposed to be sent or documents which were supposed to be sent ahead of that call tomorrow. It might be that those will be sent after this, the current call is finished.

So unfortunately, I can't really discuss much of the budget items at the moment. If anybody else has knowledge of that information, then please put your hand up and let us know. The other thing, of course, is the review of the call that took place last week, the IANA CWG call. There was an update on the IANA, okay let me start that again.

There was an update on the IANA IPR, intellectual property side of things. There was an update on the implementation. There was an update on how things, relations and things mixing between the CWG accountability and CCWG accountability and CWG IANA. And then there was a discussion on the ICANN bylaws relating to the CWG IANA stewardship.

Nothing really, from what I listened to on the call, nothing really to amazing to report. Certainly one thing I would [inaudible] to see was the implementation update. It seems that the implementation is going on very professionally, as far as the, well certainly as far as the service level agreements are concerned.

As you might know, [inaudible] Mark [inaudible] is contracted, that's working on this at the moment. And he's working with the service level expectation team. And things are, apparently, progressing, albeit at a slow rate, but well in time to have things working with proper metrics being collected, etc.

So that's one thing that I think we don't have to worry about. And if anybody else has concerns, please let us know. On the IPR issue, certainly the CRISP and the IETF working groups have been working together to try and see how we're going to have the IANA dot org and all of this dealt with. There wasn't very much that we were told on this occasion.

Let me just open the floor. I see Alan Greenberg having put his hand up. Maybe Alan wishes to comment on some of the points that I've just made. Alan, you have the floor.

ALAN GREENBERG:

Okay, thank you, a comment and a question, or several comments and a question. With regard to the work that Mark is doing on the collecting statistics and past history on the metrics for the IANA transactions. It's one of the things that I think due to the, to be kind, the over eagerness of some of the people involved in the process, what we have requested in terms of statistics and information on performance, has been far in excess of what is really needed.

I think we're spending a huge amount of effort on it, that perhaps is not really going to be, was really needed, but nevertheless, we are doing it and they're doing their best to try to collect information that just isn't available, or isn't easily available.

On a larger scale, the overall implementation of the whole transition work that's going on, I have been just overwhelmed with professional way that this whole thing has been approached. And the person they have that seems to be in charge of the process, is really, really good.

And ICANN had a reputation, when we were looking at the new gTLD process, not being able to get its act together and doing things in a professional way. And I think that seems to have been turnaround completely. And I think they deserve a lot of credit for how they're handling the overall process.

I'm being very, very impressed. Olivier, you asked a question about budgets before, and I admit, I was trying to get organized and wasn't listening to the original part of the question. What budgets were you talking about?

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. It's Olivier speaking. There is a meeting about the budget with design team O, which developed a part of the recommendations that were needed regarding the budget detail process [CROSSTALK] and then pass this on over to the CCWG accountability. Something has come back from CCWG accountability.

We need to read through those documents, and then discuss them in the call tomorrow. But I haven't seen those documents. I don't know... And there were supposed to be sent to us this weekend, so I might have missed them but I just wonder if anybody else has received them.

ALAN GREENBERG: Can't help on that one. So I'll put my hand down.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks Alan. And thank you for your comments on the professionalism that is currently being displayed. I also am absolutely, I don't know if I can say overwhelmed, but certainly extremely pleased to see that. Now when it comes down to the bylaws themselves, then the ICANN bylaws relating to the CWG stewardship, which is the next part of the discussions that has taken place, I also found that the work has been extremely thorough, and that there are tables, and responses, and just an enormous amount of data that is here.

I mean, is it an overkill? I don't think it's an overkill. I think things need to be done properly, but I can certainly see why the legal bill is mounting up, because the work that is being done there is just not particularly simple, but I'm also quite pleased about the process by which things are done.

There is an action item that came from that call last week, which was that there needs to be a discussion on the costs relating to the bylaws work, and we might be put in front of the question, basically, as to say well, does every single bylaw change have to go through this process of simply working on the bylaws and producing a draft, and another draft, the feedback, etc.?

Bearing in mind every minute that is spent on this costs a lot of money. We haven't been asked that question yet, but it looks as though with the current concern about budget, that might be a question coming across our way, specifically on CWG IANA stewardship. Alan Greenberg.

ALAN GREENBERG:

Thank you. I'd like to defer that question until we have a more general talk on budgets and budget overrun, because I think there are some things that need to be said, and this is just one subset of that. So if we could defer that for a few minutes, I would appreciate it.

I put my hand up just... I think we should go on record of saying who the person is that has been reporting on the implementation process, and who I presume is actually in charge of it, and her name is [inaudible]. And I don't know what that noise is, it's really confusing.

Can we try to get rid of it, thank you. Anyway, [inaudible] has really impressed me, and I think we should actually mention her name. I'll put it in the chat for those who didn't catch it. But worthy of noting. And of the overall budget, let's talk about that as a separate item, please.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thank you. Olivier speaking. And thanks for, indeed, mentioning the name [inaudible]. And as you know, the agenda has a link to the agenda of the IANA CWG meeting number 76. That was a lot of calls. So, are there any comments or questions regarding anything to do with CWG IANA stewardship transition?

Alan, is that a new hand?

ALAN GREENBERG:

No, old one.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks. Yes, Seun, please, you have the floor.

SEUN OJEDEJI: [Inaudible]...

OLIVIER CRÉPIN-LEBLOND: Seun Ojedeji, you have the floor.

SEUN OJEDEJI: Thank you Olivier. Just wanted to make comments in relation to the...

OLIVIER CRÉPIN-LEBLOND: Have we lost Seun?

TERRI AGNEW: Hi. This is Terri. Yes we have. Seun's line has disconnected. We'll continue to try to reach him.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks for this Terri. It's Olivier speaking. A bit of a problem when we have technical problems like this. Seun is travelling at the moment, so that might be a reason why he was dropped. How long does it usually take to have him back on the call?

TERRI AGNEW: Since he's travelling on the cellular phone, it could take several minutes, if at all.

OLIVIER CRÉPIN-LEBLOND: Okay. Let's then get moving, and we can always... Alan, if that's okay, if Seun comes back on, we can always jump back to him on his comments for CWG IANA, and get back on the call. In the meantime, in the interest of efficiency, let's close this topic, seeing no other hands. And let's move to the CCWG accountability, where Alan Greenberg is going to take us through some of the recent developments. Alan, you have the floor.

ALAN GREENBERG: Thank you very much. I think the, where we are, León perhaps... Is León on the call? I think he is. If...

OLIVIER CRÉPIN-LEBLOND: León is indeed on the call.

ALAN GREENBERG: Yeah.

LEÓN SANCHEZ: Yes I am Alan.

ALAN GREENBERG:

Yeah, thank you. Because I actually haven't had a chance. I had other calls this morning that ran late, and I didn't get the chance to do my prep that I should have been doing for this call. So I'm not quite sure what the items are on the agenda tomorrow for the CCWG.

Certainly one of them is the GAC issue. And there was a meeting earlier today, León are you in a position to report on what the outcome of that meeting was? Did things change [CROSSTALK]. Okay.

LEÓN SANCHEZ:

I can gladly do so. And well, there was really not much change at all. I think that the conclusion from the cultures was that nobody really moved an inch on their positions. But I think that the discussions did flow. And my sense is that on tomorrow's call on the CCWG, we might be finding out whether we are going to get closure on these based on consensus, or whether we are going to have to have closure.

And even though we cannot reach consensus within the group, and that would of course, motivate the minority statement on the GAC, in the case [inaudible], because we are aware, or at least we have been told, that not even the GAC has the consensus position on recommendation 11.

So it would be also difficult for them to actually file minority statements in this case. But there were a couple of comments made today in the call. There was a suggestion by Steve DelBianco, now that the debate has, of course, centered on recommendation 11, singling out the GAC from the rest of the community. And the GAC, of course, not wanting to be singled out.

And one of the questions is, if the GAC is not going to be able to vote on the community council, when trying to invoke an IRP, a community IRP, that tries to override GAC advice implemented by the Board, then there is, of course, the recommendation states that in order to avoid giving the GAC two bites of the apple, then the GAC shouldn't be able to vote in that process.

But that wouldn't restrain the GAC from participating in discussions and advocating for their positions. So, at this point, this is how things stand. And there were different questions about who would determine if that is the case that the IRP would be trying to overrule the GAC advice. If the Board's decision was taken in implementation of GAC advice.

So there are similar questions around process. And, as I said, Steve proposed today, three step process in which the initiating party would have to declare whether it's or their challenge, whilst in reference to any GAC advice implantation to the Board. Then the second step would be that the community would need to actually evaluate whether this IRP or this claim by the initiating party was considered to be accurate.

And then from there, the process would initiate. So as I said, we haven't really made that much progress on this end. But at least new options are showing on the table. Another option to try to specify that this would copout would apply to GAC advice only, as opposed to those decisions made by the Board implementing advice from different ACs, like for example, the ALAC of course.

And if that is the case, then we would be very clear that this carve out would only apply to the case in which the Board decision was taken in

implementing the GAC advice. And also, we would be thinking maybe of establishing this process for work stream two.

So this hasn't been already put on the table formally, but it's another option that has been going up and down between the cultures and the leadership team in the CCWG. So that is the state at this point, Alan.

ALAN GREENBERG:

Okay. Thank you very much. One or two corrections. I hate to correct you, but I have to. You said that the GAC would be prohibited from using their vote to stop a community IRP. That's what the original proposal from Becky said, but the current one says any community actions, not just an IRP.

So for instance, if we chose to remove the entire Board, in remedy of the actions that they took in regard to a GAC advice, then that would apply to that one as well. Remember, there is a caveat saying, if this is in regard to a power that needs four ACs and SOs, it will be reduced to three.

The IRP only needs three. So it is wider than just the IRP, and in fact, some of the GAC members who are objecting are saying that if it was still restricted to just the IRP, it would be okay, but since it's wider than that, that changes the perspective.

So it's a little bit more complex. The process that Steve is now talking about, gets even messier because clearly, any AC or SO will say, this is related to GAC advice. So that essentially removes one possible rejection by saying that they can't object, and if we now need a decision

process to decide whether that's right, I don't even know how this would work. I find the whole discussion somewhat, I will say, amusing, except it's not funny. We're talking about three, at least, three ACs and SOs, taking action because of the Board's implementation of GAC advice, or lack there of.

And to imagine that since the GAC can't be a participant in this, according to the current proposal, it has to be three of the GNSO, the ccNSO, the ASO, and the ALAC, deciding that the Board acted completely unreasonably. I find that so unimaginable, that GAC advice is likely to be in relation to one of the ASO, the ccNSO, or the GNSO. Not likely to span it.

To get at least two of those SOs and the ALAC, or all three SOs without the ALAC, supporting such actions, is just so unimaginable, that I just don't, you know... I understand the symbolic importance of it, like the symbolic importance of a super majority or 60% to overrule the advice, but it's all symbolic in my mind. It has nothing to do with reality that will really unfold.

It's rather mind boggling. The other thing that confuses me is out of the first meeting of this special group, they came up with an announcement saying there was a consensus, and then several of the GAC members who were at the meeting, immediately says no there wasn't. So I don't quite understand this. I see Olivier's hand is up.

OLIVIER CRÉPIN-LEBLOND: Yes, thanks very much Alan. Olivier speaking. And one thing that we have to remember is that GAC members who are at a meeting cannot

portray the position of the GAC. They represent individual countries. And it's very difficult for the GAC to reach consensus on things in such a fast way because every member of the GAC has to go back to their government department, etc.

They just work at a different speed. So that's probably one of the reasons why we have some might say, yeah, we have consensus, and then they'll have to turn back and say, no actually we don't, because their boss, or whatever it is, says no we don't have a consensus. It's a bit of a headache in this respect.

But coming back to why I wanted to have my hand up. You mentioned the symbolic aspects, and I have great concerns about it. What we're doing here now is to carve out the GAC from the community powers, and we are doing it in a way which basically, I would say, really is seen as weakening the GAC's influence.

And I always think of examples. So let's think of something that happened in the past. The morality and public order. Do you remember the morality and public order thing that the GAC pushed forward with? And there was a big flashpoint with the ICANN Board and the discussions that took place.

I just wonder how that would have played out if the SOs and ACs, if the rest of the community, could have actually overruled the whole fragile, because I think that when the GAC ends up in direct negotiations with the Board, it's something that is important enough for countries to go into negotiations with the Board, to strike a fragile agreement, and then the community is able to overrule this.

But yes, fine, there needs to be a lot of the community involved, but imagine the whole community is overruling this. What happens then with the governments that are concerned? If the GAC pushes that for, and they reach a consensus because we're dealing here with a consensus thing, does that mean all of the governments of the world are going to be overruled, in which case the danger being that they're just going to be saying forget about the GAC.

We'll just do this in the United Nations. I don't know. I have a concern about this. And it doesn't seem right. And I know that the agenda of some of the members of that working group have been, from the very beginning, to interpret the US requisite in the IANA stewardship transition that the solution should not be a government led solution, but I have a feeling they're going a little too far on that. Thank you.

Alan, you might be muted.

ALAN GREENBERG: Yup. No sorry, I forgot I was chairing this section, this session. Sébastien, go ahead.

SÉBASTIEN BACHOLLET: I just read [inaudible] that I read into the chat that Seun is back on audio. Maybe you can give him the floor before.

TERRI AGNEW: This is Terri. Just for a quick update. Seun had some noise in the background...

SEUN OJEDEJI: Hello?

ALAN GREENBERG: Thank you. Go ahead Seun.

SEUN OJEDEJI: Hello? Can you hear...?

ALAN GREENBERG: We can, go ahead.

SEUN OJEDEJI: Okay. This is Seun. I think the comment I was [inaudible] question [inaudible] the CCWG, [inaudible] anybody knew what the [inaudible]...
That said, of the current [inaudible] discussion, I think Olivier has actually [inaudible]...
...of the [inaudible] other parts of the group. My [inaudible]...
....supporting GAC, actually protecting the interest of Internet [inaudible]. So [inaudible]... as such, but [inaudible]... much time [inaudible]. Thank you.

ALAN GREENBERG: Thank you. I'm afraid I couldn't understand much of what you were saying, but hopefully someone else can and will respond as appropriate. Sébastien, go ahead.

SÉBASTIEN BACHOLLET: Thank you. I will not help with that. I couldn't understand. I have two questions. One is that I have, I was thinking that it was only possible for the community to act if the Board was not acting within the bylaw of ICANN, following the GAC advice, and it's not just the GAC advice was targeted, but it is the fact that the Board didn't act following the bylaws.

And it's so, I guess it's a little bit different. But the second point is that I really think that a lot of those discussions are just what we can have an image. It's a question of image more than anything else. And I get your point, for you to say that it will never happen, but a lot of things we're discussing here will never happen because it's almost impossible.

But we need to keep the government inside the organization. I will agree with Olivier in one of his last mail about that, and then there went, the other mails talking about that. It's important that we get the GAC inside ICANN.

But the third one is if, for example, we get the same advice to the Board and the GAC, ALAC gives the same advice to the Board and the GAC, what will happen? I read somewhere that somebody wanted, then ALAC will be outside of the game too. And at the end, we may end up all the people, all of the organizations giving advice to be outside of this community power.

I feel very uncomfortable with that. Thank you.

ALAN GREENBERG:

Thank you. You raised a number of things, and some of them were ones that I was going to talk about also. Let me try to go over some of them, then we'll [CROSSTALK]...

We seem to have Seun coming in again. Okay. On the issue of, is this only violation of bylaws? If it was only an IRP that we could initiate because of this, and the IRP can only rule on bylaws, then you are correct. And that is, I believe, what was originally proposed. Currently, it's talking about any community power. So for instance, if the GAC makes a recommendation, which ends up in a specific budget action, and the rest of the community is up in arms, saying we shouldn't take that budget action.

Then we could use the budget power, and the GAC would not be able to respond, would not be able to stop that. So it's not just the bylaws through an IRP, it's any of the community actions that were originally requested through a GAC advice, or advised through GAC advice. So it's a little bit more general than just bylaws right now.

In terms of keeping governments happy, you have to remember, there are a few governments right now, or a few representatives of governments in the CCWG, who say they're exceedingly unhappy. It's quite clear, however, the GAC at this point cannot act because their acting requires consensus which says no objection. And no matter which proposal is put forward, somebody is going to object.

There are strong supporters of these restrictions in the GAC right now. There are strong opposition. So it's pretty clear, the GAC is not going to be able to come to closure and make a statement on recommendation 11. That may be unfortunate, but I can't see it happening. Because no matter which direction you pick, somebody is going to object to it.

So keeping all governments happy is not going to be possible. The question is, how do we do the minimal damage? The situation we have is sort of interesting. I don't think there is a chance right now of the ALAC also being included in this carve out, because we're talking about GAC advice, which the Board must adhere to or negotiate on. And we don't have that level of provision.

If we were given the same influence as the GAC, then maybe we would be carved out too, but that is nothing that is being said right now. And I don't think there is any chance we're going to get it in this go around. We're, you know, the situation is interesting. We're saying if the GAC gives advice and the Board follows it, then the community can overturn it, but the GAC can't be involved in that decision.

We're saying if the GNSO gives recommendations and the Board follows it, it cannot be overturned by the community unless the GAC, unless the GNSO agrees. So it's almost different decisions, different opposite way of treating it, except the GNSO decision has had community involvement and comment before.

So that's the big difference. The GAC advice is made without any other input. So the overall situation is intriguing, the question we're really asking right now is, this is a discussion between really passionate people

in the GAC and in the GNSO in particular, who are insisting that there be some way to limit the GAC, what they perceive as the GAC's complete control. Does the ALAC really want to formally intervene? And if so, is this a [inaudible] issue for us, that we will refuse to ratify unless we get what we want?

So, I guess that's one of the questions we need to answer. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Olivier speaking. I note that Seun wants to be put in the queue. So perhaps, should we first have Seun, and then I can intervene...

ALAN GREENBERG: Okay, sorry I didn't see that message. Certainly if he can speak, go ahead.

SEUN OJEDEJI: Thank you Alan. Thank you Olivier. This is Seun for the record. Can you hear me?

ALAN GREENBERG: We can hear you but we can also hear noise in the background, so it's hard to make out what you're saying.

SEUN OJEDEJI: Yeah, so sorry, because I'm on the road. So [inaudible]... Yeah, so I think you responded to one of the questions [inaudible]... question about [inaudible]...

I think you have really, really defined the issue by a couple of sentences. The main issue is that it is not [inaudible]...

ALAN GREENBERG: We've lost you Seun.

SEUN OJEDEJI: [Inaudible]

ALAN GREENBERG: Seun, we can't hear you speaking any more.

CHERYL LANGDON-ORR: I thought he had finished.

ALAN GREENBERG: Maybe. I couldn't understand enough. Could you repeat what you think he said then?

Can anyone repeat what Seun said?

OLIVIER CRÉPIN-LEBLOND: Yeah, Alan, it's Olivier speaking. I was trying to focus and take notes, but he said the main issue, and it just got worse, and that was it.

ALAN GREENBERG: I think he said I brought his concerns to a focus, but I didn't hear what he said after that.

OLIVIER CRÉPIN-LEBLOND: You framed that well, that's the next thing that I heard. And then main issue is, and that was it. Then he was cut off. Okay. So it's Olivier speaking. Let me just then take my turn, and then maybe if Seun gets back on afterwards we can go back to him.

I totally understand your positions. I'm horrified to hear, and I was not fully aware of this. So any decisions of the GNSO cannot be overturned without the agreement of the GNSO, that any decision of the GAC could be overturned but without the GAC having any part in being able to defend its position or go against, overruling the GAC position.

ALAN GREENBERG: Any part is exaggerating. They could not be a formal participant in the supporting or objecting to the community power.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. So that's really, at the end of the day, completely disenfranchising of the GAC, and as I said in my email messages, the question really becomes whether we want to get involved or not in this.

Because is this going to be a redline issue for the GAC? Well, I don't know the history of it, but how would it be, special powers of the GAC and the negotiation between the GAC and the Board power come about?

I don't know if you do remember, or if Cheryl remembers, or someone who was there at the time remembers, but that was obviously, that special power was there for a reason, and it must have been quite an important reason for it to happen. And I'm concerned that we really are taking this thing apart, and taking this thing apart is not going to fly well with GAC members.

And it might well be that there will be no consensus on the GAC, but you know, we're going to end up with a default, which is that the GAC is not going to vote on this, and the whole thing might come, indeed, go through. The whole process might work out, but then the fire will take place outside of ICANN.

ALAN GREENBERG:

Yeah. Olivier, I'm not sure how far back the bylaws go, and I'm looking at it as we speak right now and I'll check. I believe the condition goes far enough back that it was not even clear at that point if the GAC was a part of ICANN or a body outside of ICANN. So it certainly goes back way, way into history.

And I'm not sure trying to analyze why it was to begin with is all that relevant at this point. It's quite clear, in my mind...

OLIVIER CRÉPIN-LEBLOND: ...just to gauge the importance of, you know, how important is it for the GAC to have this power?

ALAN GREENBERG: Oh, it's exceedingly important.

OLIVIER CRÉPIN-LEBLOND: Well, from the ATRT 2, the fact that we wanted to have, we as in the ALAC, and you were there in the room, we saw the amount of fire that erupted, the shields that went up when we mentioned and say, "Well, why doesn't the ALAC have also this ability to have some feedback from the Board?"

And we were told, "No, the GAC is a special animal." I don't know how this would fly if we now have the GAC regulated to the back of the room at the kiddy's table.

ALAN GREENBERG: I see Cheryl's hand is up and I'll give the floor to her. I really don't think that this changes anything in reality. I understand perceptions count. The Board still has to give the GAC preferential treatment in their advice. So I really don't think that that alters that at all. But recall, the GAC is not likely to make a decision, because there are differing opinions in the GAC.

So parts of the GAC are going to be upset, but that's true regardless of how we go forward. Cheryl.

CHERYL LANGDON-ORR: Thanks Alan. Cheryl Langdon-Orr for the record. I hope my microphone is appropriate for the interpreters. [Inaudible] if that's not the case. [Inaudible] historical record in just a moment, but perhaps before I do, I agree with you Alan. I don't think it makes a difference, however I also think that if the GAC is unable to either endorse or oblige or otherwise remain silent on all of this as a [inaudible], and that allows the GNSO to pat its little selves on its collective on their back and go, my, my aren't we strong, and we won this one. Then so be it.

At least we can move forward. That said, the special consideration of GAC advice is an important metric, important feature, that I think has been a very reasonable, and even when we saw the development, sitting down at the roundtable and discussing the issues [inaudible] during the new gTLD focus, with the scorecard development and all of those sorts of things, without the special circumstances associated with GAC advice, none of that would have ever happened.

It does need to be maintained. Of course, recommendation 11 and stress test 18, at no point, try and diminish that. What it does do, is stress test 18 and recommendation 11, what they do do is instruct the Board how to act and react in circumstance where it is not going to follow that advice, and that advice is a consensus advice. Right now the GAC has that consensus advice clearly articulated in one way, but there is nothing stopping the GAC changing that concept and definition of consensus.

So at the moment, there is no objection with these could go through. From a historical perspective now, the particular preferential treatment to consensus GAC advice, goes back to pre-ccNSO days, and whilst the GNSO was going through its first little growing and teenage-hood. And it was at a point where there was a fairly low number of governments, and a quite narrowly focused number of governments paying attention to the GAC.

But it's a good a thing that of course had in fact been a major attraction for the other governments, running now [inaudible] 150, I think it is, to become involved and engaged. So really important that we recognize that stress test 18 and rec 11 don't diminish that, has no intention of diminishing that as such, but it does instruct the Board how to react when they are not going to follow that advice, and how that advice is defined. Thank you.

ALAN GREENBERG:

Thank you Cheryl. Yeah, I just went back through the bylaws. The explicit handling of GAC advice was added in the bylaws of December 2002, which was generally called ICANN 2.0, that is when the GNSO was split into the ccNSO and the GNSO when the ALAC was created. All of those changes came about at the same time, and that's when the explicit phrase was put in about GAC advice.

There is something to remember here. And again, people who haven't been involved in the process for very long may not understand it. Almost all of the GAC advice, which has been interesting, so to speak, has been in relation to the new gTLD policy. And that is explicitly in

relation to GNSO related things. So there is very much a GAC versus GNSO issue going on here, and that's the reason that I don't think that it's substantially important, that is in reality, because it is a GNSO versus GAC issue, and not an ICANN versus GAC issue.

But it explains some of the history of why parts of the GNSO definitely want to be able to limit what the GAC can ultimately do, if not through advice then through other processes. So we're saying an incarnation what is happening, what has happened in the world, and where the GAC has been focused when it has been sensitive. So I think that's simply a reality we have to live with, but it's for that same reason, it's not likely to have any substance in reality. Thank you.

Anyone else? There are some other substantive issue we need to talk about. At this point, I'm not hearing a lot of people. I'm hearing people who are worried about some governments may react to this. I'm not hearing that this is something which we believe we can either influence strongly, or should refuse to ratify because of.

I maybe misjudging that, but that's the way I'm hearing this. Is there anyone who feels this is something that we really need to weigh in on and perhaps potentially not ratify the recommendation because of it? I saw Sébastien and then Olivier and Tijani.

SÉBASTIEN BACHOLLET:

Thank you. The question is, is what we will end up. It's not too much one or the other recommendation. What is the overall picture? And I really feel that if the endgame is the GNSO winning against the GAC, we are then losing. We need a stable organization, and a stable

organization is that with almost equivalent gain and loss in this change. If not, we will be in trouble. And I will repeat once again, hopefully last time, that the, my trouble is that if at the end of the day, ICANN can't work, we will close ICANN, and the member of the GNSO will have no trouble.

And ccNSO will have no trouble, and [inaudible] trouble [inaudible]. The only one out of the game will be the end user, will be [inaudible]. We have to take into account that in our decision. Thank you.

ALAN GREENBERG:

Thank you. I'll point out that those in the GNSO who have pushed heavily for this carve out, have said, well the GAC added in the 66%, now 60, as the way they could stomach the change that was required by stress test 18. And so they're saying, this carve out just balance what they're getting on the 66 or 60%. So that's how they're rationalizing it as equal. I realize Olivier said something earlier, and I just want to, a very quick comment.

That the question is, if the community can override the GAC in something, then we're headed for trouble. That's not his exact words. I'm afraid we headed down that path when we started this whole CCWG accountability. That we're empowering the community, and once you empower the community, the community has power. We're going to talk about that in a few minutes when we get to budget.

Anyway, Olivier and then Tijani and Cheryl in that order. We're going to run out of time, so let's try to keep comments brief. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. Olivier speaking. And I'm glad you just mentioned this thing about the community empowering, being empowered because it is indeed the community being empowered, but the community, a multistakeholder model includes governments. And I don't understand how we are doing now in putting together a multistakeholder model without governments or government advice.

I mean, that just defies logic. But anyway, I just wanted to read the point that Seun was mentioning. He sent it via Terri on the chat. So from Seun, there is no reason to allow GAC to defend herself, and not to allow GAC to defend herself, especially since GAC has only one single vote and that vote can't exercise any power.

If there is need to increase the thresholds to rejecting Board's action on GAC advice, then we could do that. We should not make them not be able to participate in the decision making at all. I have discussed this with people privately. And the only reason they gave is that GNSO will not pass the proposal. Nobody is considering GAC at all.

I think it will be in the interest of Internet user not to use this little influence of an advisory committee. That's the point of Seun. My own points on this, you're asking, is this a redline issue for us? I did say in my message earlier that unless the GAC is going to fight [inaudible] and tooth on this, I don't think the ALAC should fight [inaudible] and tooth on this.

Because we're certainly not going to take bullets on behalf of the GAC. And I wondered if there was, or there is the ability to discuss this with

GAC members as bilateral, whether... I don't know when the ratification is due to take place. Is it going to take place before Marrakesh or after Marrakesh? Is it going to be too late when we are in Marrakesh? And are we meeting with the GAC in Marrakesh?

Maybe that would be one of the things that we need to discuss with it. Thank you.

ALAN GREENBERG:

Thank you. We are meeting with the GAC in Marrakesh. The decision... It is conceivable that if we got our act together, we or anybody else could make a decision prior to Marrakesh. It's not very likely at this point. Now whether the decision would be made prior to us meeting with the GAC, I don't remember when we're meeting with the GAC, perhaps staff can remind me.

Sorry, I had something else to say but I can't remember what it is now. Tijani.

TIJANI BEN JEMAA:

Thank you very much Alan. Tijani speaking. I'd like to say that we think [inaudible]... Do you hear me now?

ALAN GREENBERG:

Yes we can.

TIJANI BEN JEMAA:

Okay, thank you. So I said that we took a very wise decision at [inaudible] not to take any position on anything regarding the GAC. Last time we were asked, I think we had to vote how we would vote. I said that it is better that we don't vote, but [inaudible] I will support the [conversation?].

Now coming back to this issue, on this particular issue. I think that, I don't want to repeat what was just said, I think I agree with everything he said, and we will not oppose [inaudible] the GAC [inaudible]. And second, the GAC will never have the opportunity to have a decision, because that decision should be with no objection.

And as you know, there is two parts, at least two parts, that are opposite to the other, and they will never agree on something together. They think on what they must more or less agree upon, was some issues on the [inaudible]...

So the recommendation was to not enroll in the decision making any party, any SO or AC, who is involved in the issue discussed. I will agree on. [Inaudible] by the GAC, I think [inaudible]. My fear is only one. As you know, ICANN had a lot of [inaudible], and with the coming of Fadi, we had less because Fadi tried to [inaudible] the pressure by the [inaudible] organization, by the [inaudible] here and there, also by going to China, going to everywhere, speaking everywhere.

Now, if we go and make the governments more or less out of the decision, they already say that is not a real transition. If we do it in this way, I think it will be helpful for the future of ICANN, but we don't have

anything to do as end users now, and the best position we have to take is not a position. Thank you.

ALAN GREENBERG:

Thank you Tijani. And I think we agree that unless there is strong opinion otherwise, we would support a general recommendation, but that doesn't mean that we're actively campaigning for it. I'll point out with a new Swedish CEO, we should have a peacemaker who will get everyone to talk to each other. Cheryl.

CHERYL LANGDON-ORR:

Cheryl for the record. If that was the case, I would be very happy. [Laughter] Paradise. The main thing is that it is [inaudible] to send [inaudible] and across the experience [inaudible] in the Board room [inaudible]... Good choice. Anyway, that said, it is not a die in the ditch issue from my perspective. I believe we need to stay the course, as Tijani says, that we agreed to earlier on this.

I am [inaudible] then Seun and others are indicating on today's call about this being a situation where the GAC is somehow being muted. I think natural and practical concerns, that's really not the case. We are talking about the fact here that under the current definition of GAC consensus, and to quote Thomas from today's meeting, 99.9% of what the GAC says is a consensus position, therefore the Board's appropriate response and deference to [inaudible].

That's not going to change, you know, in the near future anyway. The Board has to date, under very few circumstances, found that for good

reasons, it is not in a position to, in inverted commas, follow GAC advice, so the inverted commas. And under those circumstances, it has behaved as the current bylaws outline, which is the mutually acceptable solutions followed by the [inaudible]. That's not going to change.

Right? The whole thing about the carve out is, in that point of however much of a rare point in time in the near, distant future we have [inaudible] to have a situation where the Board says no, and for some reason decides that it's not going to do what the GAC wants, and for some reason, that is counter to the community as well, then all it says is the GAC can certainly [inaudible], certainly influence, certainly advise, that's not GAC advice to the Board, but advise the community, and help the community in parts of this model, understand its position, but it can't exercise a vote.

In other words it doesn't get a double dip on that issue. It's like finding a [inaudible] really [inaudible] every happening, you said that earlier Alan. So it's the worrying that is politically and, I was going to say superficially but that doesn't indicate the seriousness of the nature. On the surface of things, it's very important, so we do need to get it down and get it done right.

The worst case scenario in my view will be that the GAC remains silent. And if that's the case, so be it. We should stay our course on this one though. Thank you.

ALAN GREENBERG:

Thank you Cheryl. Terri has noted that the ALAC GAC meeting is on Tuesday, which will mean it is likely after we have made a decision on the, on ratification. Quick comment.

Sorry. I was distracted. The comment that Seun made, I think there is an issue with the first part of his first sentence, and I think we all have done this at various times. He started off saying there is no reason to not allow the GAC to defend itself. That's an opinion, it's not a fact because very clearly, there are people within the CCWG who feel very strongly that we need this carve out.

So we need to really be careful when we talk about differentiating between what we believe and what are actual facts. So just a caution as we go forward. I'd like to go on to other issues. Are there other things that people want to continue on this one? I think we've sort of come to closure, but there are two other issues that I think we need to discuss, and we're going to run out of time if we don't move to them soon.

Are we okay on stopping this one now? I see no hands and hear no voices. Okay, the next issue is the one that I raised at the last meeting, and there was some discussion on the list, and some discussion on this meeting. And that is the recommendation that we found that the change to a core value, which says anything which ICANN does in relation to market issues, must be developed through a bottom up, multistakeholder policy development process.

We objected to the fact that they used the expression policy development process, and said that that could influence how we move forward on things like the African strategy, where quite clearly ICANN is

stepping in and attempting to create a DNS industry, or a stronger DNS industry, within Africa, and the same is true to a lesser extent in Latin America. There has been very strong pushback on that. Milton Mueller made a comment, which I think is relevant, because he said, the term policy development process in that core value is not capitalized. He is correct.

And I did go back through the bylaws with some care, and the term policy development process is used in two different ways. One is in relation to the processes within the ccNSO and GNSO, where it is capitalized explicitly in the bylaws. And other places where it is used where it is not capitalized. So I've really lessened my... I haven't commented on the list because we haven't talked about it, but I'm really not as nearly as concerned as I was when the issue first came up about the wording.

I think there is a strong case that can be made that since it's not capitalized, it is not talking about GNSO, ccNSO processes, but a more generic type, and for instance, the group that put together the African strategy, I believe, to the extent that is a policy, I believe it is easy to claim that it was a policy created by a bottom up multistakeholder process.

So, I'm not feeling particularly uncomfortable about letting that one die in the ditch, and I wanted to make sure that, or see if that was the feeling from others. I certainly don't feel strongly about pushing it, as much as I did before. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. Olivier speaking. I have a question for you. Many of the things that we're now seeing coming up in this CCWG accountability appear to be favoring the GNSO in one way or the other, in making basically, the GNSO the center of ICANN, the final choice being primarily on any policy related work being done by the GNSO, the last word would be with the GNSO and so on.

It provides more power to the GNSO. The question I have is on this issue, do you think that, or is there any one here that thinks that this is all part of this concentration of power within the GNSO, or is this just sort of a good way to draft things? Bearing in mind, of course, the capital PDP, lowercase PDP thing.

ALAN GREENBERG: Olivier, I think there are two parts to that. First of all, in reality, look at the amount of time we spend on GNSO related issues versus other issues. Look at the amount of time the Board spends on GNSO related issues versus other issues. The GNSO and gTLDs are the center of a large part of what ICANN does.

You know, we have far less influence and ability to influence the cc world. The addressing world, we have an ASO, but the work is done outside of ICANN. So, GNSO is the center of a lot of what ICANN is about. And you know, is this being done...? Is the wording done because of the GNSO? To some extent, but I think in this case, I don't think the wording is going to hurt us.

And I guess that is about as much as I want to say. Tijani, go ahead.

TIJANI BEN JEMAA: Thank you Alan. Tijani speaking. When you remove the policy development from the GAC, what is the harm that we will accept the other people? The GNSO [inaudible]. I don't think there is any harm, but when you really put it, even if it is not the [solution?], it means [inaudible]...

ALAN GREENBERG: Tijani, you're very hard to hear. You're sounding like you're in an echo chamber. If you go closer to your microphone please.

TIJANI BEN JEMAA: Do you hear me now?

ALAN GREENBERG: Much better.

TIJANI BEN JEMAA: Okay, thank you. So I repeat. If we remove this section of the [inaudible] from the text, what is the harm that we effect the GNSO or any other party? I don't think there is anyone. If you put it in the text, it means policy development. And in ICANN, the policy development is done by the two SOs, GNSO and ccNSO.

So I think that it is really meant to put it there. I remember when we discussed the issue of private sector led, we fight it, but finally it is there at the end. And today when we speak about putting the governments

aside, you will have people who will say, ICANN is a private sector. And for them, private sector means business and end users, but not governments. So there multistakeholder model is only said like this, but in the spirit of some people in our group, ICANN is private sector.

So in the same way here, we wanted, you wanted, Alan, to remove this expression of policy development. But at the end, we were convinced that since it is not capital letters, it is not important. I think it is important. But anyway, I think, as Olivier said, and I agree with you Alan. Yes, most of the work in ICANN is about gTLDs, but there is not only the GNSO involved in it. Everyone is involved in it.

And by everyone I mean the end users, the governments, and the contracted parties. So I am not comfortable with that. Thank you.

ALAN GREENBERG: Sorry, your last sentence was you are not uncomfortable or not comfortable?

TIJANI BEN JEMAA: I am not comfortable.

ALAN GREENBERG: Okay. A couple of things, and I see Cheryl's hand is up. I'll go to Cheryl in a minute. You said what is the harm? The answer is that some people believe that the expression policy development process and bottom up multistakeholder are used together within the bylaws in

some places, and therefore should continue to be used as a linked process.

So that's, you know, removing it has, may have implications that some people see. So that's really the question. And again, we're talking about people's perceptions at this point. In terms of the policy development process is the one used by the GNSO and ccNSO, therefore that's all it means, is that's, that is not correct. And it's a position I took, but I've looked at the bylaws with some care again.

For instance, one of the... The current core value, is employing open and transparency policy development mechanisms that promote well informed decisions based on expert advice, and ensure that those entities most effected can assist in the policy development process. So that's a very general statement.

It certainly applies to creating the African policy, the African strategy. And it does use the expression policy development process, which is why I don't feel particularly uncomfortable at his point. Cheryl.

CHERYL LANGDON-ORR:

Thanks Alan. Cheryl for the record. And I put my hand up specifically to respond to one of Tijani's points. And this is all based on, as León will attest to, a somewhat and almost heated exchange for some significant length of time between myself and Becky Burr, during the leadership planning meeting for recent CCWG meetings.

[Inaudible] I really wished you would have cooled down on this one a little bit early, I wouldn't have been this aggressive, but anyway [LAUGHTER].

ALAN GREENBERG:

I actually read the comments people make and I think about them.

CHERYL LANGDON-ORR:

That's great. Wish you would have done it sooner rather than later. That's all right. And I'm just [inaudible] a little. I think the uppercase and lowercase, term about definitions here are very important as well. That said, one of the primary reasons that Becky was being particularly resistant with me, was that the use of the terminology, policy development process, and to the last, I can't remember, I believe it was lowercase and not uppercase in this context, earlier in the documentation relating to the global public interest, which of course, a quite lengthy and much higher and broader debate that we had.

And she thought to move the terminology in the last sentence as you're proposing, was going to put that definition [inaudible] or questions or situation. So that's just to present the argument that was then given to me, as a counterpoint to the argument of making in support of what you are asking for, [inaudible].

ALAN GREENBERG:

To be clear Cheryl if you think...

CHERYL LANGDON-ORR: ...from that point of view. That's all.

ALAN GREENBERG: Cheryl, to be clear, if you think we can win, I'll continue to be hard on it. I just don't think we're going to win, I don't think we're going to win and I'm simply saying that I think I can live with not winning in this case.

CHERYL LANGDON-ORR: Well I'm glad of that because I think what we can do is appear to be good little consensus builders and go through [inaudible], but after the discussion, in inverted commas, [inaudible] she assured in private that correspondence [inaudible] though, that she was absolutely okay and had read, and understood, and was assuring herself that both the African and the Latin strategy, as is stated by [inaudible], were not in peril.

And so, you know, she certainly looked at it from a wider and different perspective, and I think I can also rest assured that if she dotted the I's and crossed the T's on that, looking at it from our point of view, that is also reassuring for me. Thank you.

ALAN GREENBERG: And that was one of the comments that she did make, that caused me to go back and read the words again carefully. We have, Tijani I think that's an old hand, but if not, we'll go to you after Sébastien.

SÉBASTIEN BACHOLLET:

Yes, thank you Alan. It's interesting, I have trouble with the fact that one person that from even in the leadership team, and doing a lot of this work, it's worth not what is one, because at the end of the day, Becky will not be here to tell us, or will not be asked to say, yes, it's what we meant.

Then I could agree with proposal of Alan, if at the reverse, we start to say that I saw as the only place where we do policy development, because if we react to this world here, it's because we have so much time, the people saying that, hey you are not SO. You are not doing policy development. And if that's the case, we stop to say that policy development is just in one place, I have no problem with the policy proposal made by Alan to stop fighting for that. Thank you.

ALAN GREENBERG:

Thank you. Sébastien, you make a good point. And we sometimes in ICANN, as Olivier alluded to earlier, that we are so GNSO-centric, that we think of all policy as GNSO policy. But indeed, the SOs are the only ones to recommend to the Board, because they don't make policy, all they do is recommend it, are the only ones to recommend policy on their issue.

So the GNSO recommends policy on gTLDs, ccNSO on ccTLDs, ASO on addressing issues. They don't have a wider scope on policy outside of their particular domain. So and there is nowhere that says the only policies can exist are policies on those three areas. So I feel moderately comfortable now, regardless of whether Becky is there or not.

So, you know, as I said, I can live with it. My preference would still be to remove the words, but I think we can live with the results. And you will recall that on the other issue that we felt strongly on, that is, putting back in the where feasible clause on the market issues, that Becky's position was, we feel strongly that it has to be back in.

We and a few other people, because we did have some supporters. She felt that adamant that it can't be there, and everyone else really didn't care. So given that she was the only one, she dropped that position and we're reinstating the words. So, you know, I think yes, she had some very strong positions and a very large history involved in this, but I think she is not acting completely unreasonably.

So I'm happy to drop that where we are right now. I'm still going to say, I want to see it, but I don't think we're going to die in the ditch over it. Anything else on this before one other issue? And we're almost out of time, but I think I have to mention it.

Okay. The last issue I want to bring up is the one on overall budgets. And as hopefully all of you know, or many of you know, the Board has identified that the overall CCWG CWG budget, which at this point is projected to be \$25 million over two years, is, and I quote, over budget. And something has to be done about it.

The money is coming, largely coming out of the reserve fund, which is put the ICANN reserve fund in a somewhat dangerous position. And it's not clear how we're going to reimburse it, and it's not clear with the rest of work stream one and then work stream two coming up, how we are going to attempt to control costs in the future.

I find the wording completely inappropriate, that is, you can only exceed a budget if you are actually given that budget, and we were never given things that resembled a budget. We are seeing costs for things that we have asked, we ALAC has asked many times, what do they cost? And we are never given, been given an answer.

And now we're being told that we are over budget on it. On the other hand, the amount of money we're spending is totally ridiculous, and needs to be controlled somehow. I think the Board has a larger part of the responsibility on this, not just the CCWG. They allowed the situation to go ahead with the CCWG working on, on plans that they knew that they were not going to accept, and somehow believed that if they just stayed quiet, the CCWG would somehow see the light and change its direction on its own.

And I think that was living in a fairytale world. And I think they bear a large part of the responsibility of where we are now, but we are where we are regardless of how we got there. And we're going to have to see some interesting changes going forward, if we don't want to bankrupt ICANN on making it accountable.

Comments? Thoughts?

Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thanks very much Alan. Olivier speaking. I agree with you on the certain disappointment on the wording of the letter. I have concerns that it seems to be putting the focus on the three co-chairs of the

accountability working group as being the people that are supposed to be keeping costs low and keeping track of these things. And I think that they have enough on their plate already without having to deal with this sort of thing.

I would have thought that there was, and I hope there is a staff member that is in charge of this whole thing, because ultimately that's the interface between the community and, you know, the payment and all of this stuff. So I'm just a bit disappointed there hasn't been an accountant that was delegated to this, keeping track of things, and providing regular details of where the money was going and how things have been going.

Just poor project management on ICANN's part.

ALAN GREENBERG: Well, Olivier, you're co-chair of the CCWG on Internet governance. Have you ever been told what your budget is?

OLIVIER CRÉPIN-LEBLOND: Not at all. That's a more, that's a wider problem. If only we could rewrite the world as it is now, or the ICANN world as it is now, but it's true that we are, as volunteers, we are not told the ins and outs of how much things cost.

ALAN GREENBERG: Olivier, I would claim, I suspect, that there is no budget for the CCWG Internet governance. I don't believe, although we're in the midst of

creating a CCWG and auction funds, that there was a budget associated with it. If there is, and we've never been told about it, I think there is some serious problems here. I think the budget only came about after the fact. Cheryl, go ahead.

CHERYL LANGDON-ORR:

Thanks Alan. Look, [inaudible] I don't think we're going to be bankrupting ICANN [inaudible] become accountable. And, you know, whether some can be back up in a slower and steadier state, but we will have different financial and fiscal concerns and responsibilities, because of the funds that have been extended on this, not just CCWG accountability, but CWG as well.

So of course, the co-chairs there as well as the CWG. So [inaudible]... That said, of course, exceeding a budget, perhaps it's just me, but [inaudible] one tries to budget adequately. I personally am not surprised the amount of money this has taken, especially because it was always very predictable that this was going to involve a lot of legal advice.

We also need to recognize, of course, that this budget is not just legal advice from the independent legal advisors to the CWG and CCWG. Quite the contrary. There is a hell of a lot coming in on the other side of the tables ledger for legal advice as well. Perhaps if one felt that the ICANN general council's normal selection of experts, external legal advice with fully accountable transparency understood by the community, we wouldn't be in this situation in the first place.

But we couldn't, we didn't, and we knew we wouldn't be able to right at the beginning. So maybe they should have given a bigger number that was pulled out of the air before all of this came to the point it is now. One of the main things I wanted to just remind everyone however, is that even during the process, both in the CWG and CCWG, for one of the significant costs that gives the example legal, external legal advice.

Both of those working groups have been, I think, quite responsible about controlling and focusing particular permissions for works to be done. Have we run down a couple of alleyways that, in retrospect, wouldn't have bothered with? Sure, that's true. Is a more frank fearless and timely conversation with main protagonists, including the Board earlier on, could that have changed the outcome? Undoubtedly.

But, we got, as those of us who have been looking at the budget and [inaudible] during these processes, we got very little, if any, information about costs early enough. There was an awful lot of, this could have been done better, that can be leveled here.

So it is what it is. I certainly remember, Olivier, you were in the room, and I think Alan, you were on the phone call, it might have been the other way around, when we certainly told just on the CWG activity such as the accountability activity. That the budget, that the idea had put down on that year, had to be, you know, probably 10 fold more.

But they didn't quite propose figures as high as we had suggested. We are where we are, but we're coming out of the spending, how we do the spending for the next work stream two [inaudible], can and needs to be managed more effectively and efficiently. Thank you.

ALAN GREENBERG:

Yeah. I agree on all accounts. One of the real problems I think is, León can verify if this is true, the claim is made that when the co-chairs of the CCWG were approached, their answer was, it's not in our charter therefore we don't have to do it. I think that was the wrong answer, but the fact that it isn't in the charter and no one ever said it should be in the charter, and we've never gotten any numbers ahead of time, I think is the real indictment of where the problems are, not so much what the co-chairs have done or not done along the way. Tijani, go ahead.

TIJANI BEN JEMAA:

Thank you very much Alan. I agree with what you just said, what was said, especially because Fadi told us in one of, I think it was the Board CCWG joint meeting, that the legal advice, we don't have any say in it. He said we just [inaudible], we'll decide it. So the full responsibility is ours. And I think that during our work, there was some members on the CCWG that while always asking questions to the lawyers, and under the pressure [inaudible], questions like this, the CCWG co-chairs simplified those questions.

And sometimes they are really useless. [Inaudible] but I think we don't need to have these particular questions because we have other elements that need us to have the answer. Anyway, so it is our responsibility, in my point of view, and I think that, I don't know if it happened that our responsibility is to have some kind of elements or the costs, so we know how to use the legal advice, so that we will not pay a lot.

And I don't think it will happen, but if [inaudible] happen [inaudible] too. Thank you.

ALAN GREENBERG:

Thank you Tijani. Remember, we only have this concept of certifying requests for the lawyers because of the initial concern over how much money we were spending. That process has changed. My concern is, to a large extent, not so much on the legal costs, but on the fact that the total costs over twice what the legal costs are.

Yes, the legal costs are \$11 million, but there is 22 or \$23 million, rather 12 or \$13 million of other costs that we had no handle on whatsoever. Sébastien, and then Olivier.

SÉBASTIEN BACHOLLET:

Yes, thank you. Sébastien speaking. I think [inaudible] or unfortunately there was no budget at the beginning. I didn't see anything in the budget, in the yearly budget on that. I think the Board must have been more ready and the organization be more ready to do that, to do this transition. And a lesson of pain to do that in one year or one and a half year.

But that was not the case. And yes, we spent a lot of money. Can we spend less? Maybe on legal costs, but I hope that we will not end up as it is proposed, but to decrease the cost, we will decrease the face to face meeting. I want to be sure that we got as much in the work stream one, the possibility to work on work stream two, because it's much as important.

It's just the fact that we decide to split in two, what we are doing until now an earlier transition, but we still need to do the work stream two in good condition. And that's important that we will have a budget, we will have possibility to face to face meeting, and to work with some legal inputs.

And the fact that now we are talking about this question of budget, I would like not to say, end up with a situation to say that the three co-chair cannot do their job. They are already doing so much as volunteers, and we can't ask them to do everything. It's difficult. Who must do that? I don't know, but the group is not very helping.

The situation of the two day call was quite interesting. I am almost sure that we don't need the writing document or the legal advisor of what we talked today, but at the end, few will say, yes, yes, we need it. Then we will have it, and then we will spend the money. Who must have said no? I don't think it must have been the co-chair, they have already too much to do, but maybe somebody must be in charge of this type of thing.

We need to split the roles or something like that. But this two day meeting was quite [inaudible] on that. Thank you.

ALAN GREENBERG:

Thank you very much. We have Olivier and Tijani, and then I'll close the queue.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. It's Olivier. Thank you very much Alan. Olivier speaking. I'm concerned about time, we are eight minutes past the end of the, the official end of this call. So if we could just quickly close up in five minutes or less.

Just quickly thinking, you know, that's life. Things have happened. How do we move forward with this, I think is even more important. Do we...? I mean, I've seen suggestions of no more, no further face to face meetings of the CCWG. Is this something that is acceptable to us? A whole number of restrictions of the work of the CCWG, and it looks as though there are some way to move things over to some already existing processes, for example, the work on human rights would be moved to the human rights working group and other things.

I mean, how does this abode for work stream two? Maybe we need to table this for our next call, because I think we probably need to discuss this a bit more. Thank you.

ALAN GREENBERG: Yeah, I think the issues are related, and it's not clear how we go forward. With regard to Sébastien's comment, the face to faces, they're going to be a lot more difficult right now. There is no question about it. Tijani go ahead. Last comments.

TIJANI BEN JEMAA: Thank you very much Alan. Exactly. Sébastien said, work stream two, I am not sure [inaudible] work stream two. Since they are taking now out some issues [inaudible] in work stream two. I feel that there is a will to

have a real work stream two, and I think that our CWG, it charters to work on work stream two. It is part of our duty in the charter. So we need to complete inside the CWG.

And if CWG can fully, fully, I repeat, satisfy any condition that was mentioned about the human rights subject, it must be what people want, [inaudible] CCWG. Thank you.

ALAN GREENBERG:

Thank you Tijani. Olivier, I'll turn it back to you now.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much Alan. Olivier speaking. We're moving swiftly into any other business, and the question of whether we need another call this week, or whether we can wait until next week. What are the thoughts of both León and Alan, since you are the main machines behind, I'll call you machines now because you must be machines, being able to stay up all of that time.

The main machines behind this drive in CCWG accountability.

ALAN GREENBERG:

My feeling, at this point, is that there isn't another... There is a CCWG meeting tomorrow, there is another one the following Tuesday. I believe, we decided we didn't need to meet until today because the meeting is not until tomorrow. However, because of that, we were not in a position to make comments on the list when the substantive

discussions are happening, which happens immediately following the meeting, because we weren't advised by this group.

So I would really strongly suggest that we want to meet maybe next Tuesday or Wednesday, whenever, after the meeting is. I don't remember exactly when that meeting is, but I would suggest perhaps Wednesday would be a good time to meet. So we can advise this group what happened at the meeting and get some feedback to influence our discussions.

OLIVIER CRÉPIN-LEBLOND: Thanks Alan. León?

LEÓN SANCHEZ: Thank you Olivier. This is León Sanchez. I would just kindly like to ask everyone on this group to make a list, a wish list, for work stream two, because as I have pointed in the chat box, this will be the main issue that we will be working on Marrakesh. So it would be very helpful if we, as members and participants on behalf of the At-large community, go to Marrakesh with a list of expectations, clear expectations, that we want to put on the table for the CCWG to consider and to take into account as they plan their work for work stream two.

So I guess that could be one of the items for the agenda for our next call, and of course homework for everyone to make their list and come with these clear expectations to Marrakesh. Thanks Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this León. It's Olivier speaking. We'll have this as an action item. In the interest of saving time, we'll listen to the recording to draft the action item from there, or maybe Terri has caught all of that.

And regarding the timing next week. So next call, 16th or 17th of February... [CROSSTALK]

ALAN GREENBERG: I'm talking about having a meeting after this week's meeting.

OLIVIER CRÉPIN-LEBLOND: Oh, so this week's meeting. Sorry about that.

ALAN GREENBERG: And going forward, but this week's meeting is the initial one.

OLIVIER CRÉPIN-LEBLOND: So then we need to... Thank you Alan. Then we need to look at the 11th or the 12th...

ALAN GREENBERG: Or even the 10th.

OLIVIER CRÉPIN-LEBLOND: It's going to be very short. Terri, can you have a Doodle set up for this please [CROSSTALK]...

CHERYL LANGDON-ORR: ...put it at the same inconvenient time you always do, Olivier.

OLIVIER CRÉPIN-LEBLOND: Well we don't know which one of the three days, or three nights for you, we're going to inconvenience you on. So let's see which one we're going to make [inaudible] out of. Should we go for it Saturday night? Maybe we should do one of these weekend nights for you, shouldn't we?

CHERYL LANGDON-ORR: It has been done before.

ALAN GREENBERG: Do our Sunday, it's Monday for Cheryl.

CHERYL LANGDON-ORR: Actually, I would be more than happy for you all to do something on Sunday, and it will be my Monday working day, that's fine.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this...

ALAN GREENBERG: Olivier, I'm simply suggesting that if we have the meeting relatively soon after tomorrow's accountability, then we are better positioned to talk

on the list about what ALAC feels as opposed to our own personal positions only.

OLIVIER CRÉPIN-LEBLOND: Totally understood Alan, thank you. And so it's marked down in the action items, 10, 11, or 12 of February, time by Doodle. Terri, if you could please send this out ASAP, and we'll close this off sometime in the next 24 hours so we have a short notice.

I'd like to thank the interpreters. León, your hand is still up.

LEÓN SANCHEZ: Oh no, that's an old hand. Sorry.

OLIVIER CRÉPIN-LEBLOND: Thanks León. I'd like to thank our interpreters, Claudia and Marina, for the additional amount of time, they've given us another 15 minutes. And thanks to all of you. It's been a very, very interesting call today. Good luck to those people who are on the accountability call tomorrow.

With this, this call is now adjourned. Thank you and goodbye.

[END OF TRANSCRIPTION]