
TERRI AGNEW:

Thank you. We'll go ahead and begin at this time. Good morning, good afternoon, and good evening. Welcome to the LACRALO monthly teleconference taking place on Monday, 28 March 2016, at 23:00 UTC.

On the Spanish channel, we have Maritza Agüero, Jania Lopez, Raul Solares, Ricardo Holmquist, Alfredo Lopez, Adrian Carballo, Philippe Boland, Harold Arcos, Alberto Soto, Aida Noblia, and Humberto Carrasco.

On the English channel, we have Alan Greenberg, Vanda Scartezini, and Leon Sanchez.

Currently at this time, we have no one on the Portuguese channel.

Joining us for the first time, we do have French interpretation. So on the French channel, we have Milo Paraison and Jean Bernard Marcellus.

We have apologies from Jacqueline Morris, Alyne Andrade, Dev Anand Teelucksingh, and Heidi Ullrich.

From staff, we have Silvia Vivanco, Albert Daniels, and myself, Terri Agnew.

Our Spanish interpreters today are Sabrina and Veronica. Our Portuguese interpreter today is Bettina. Our French interpreters today are Camila and Isabelle.

I would like to remind all participants to please state your name before speaking, not only for transcription purposes, but also to allow our interpreters on the other language channels.

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.

Thank you very much for joining. I'll now turn it over to Humberto.
Please begin.

MARITZA AGUERO: I will speak on behalf of Humberto until he can join us. I believe Humberto is already on the call. Humberto, are you there?

HUMBERTO CARRASCO: Hello. Maritza, can you hear me?

MARITZA AGUERO: Yes, go ahead, Humberto. We hear you well.

HUMBERTO CARRASCO: Okay, thank you very much. Sorry for being late. I had some technical issues. I see that the call has already started so, Maritza, please, you can proceed. But before that, I would like to thank the fact that we have French interpretation and the fact that our ALSes from Haiti are actively participating. I would like you to begin with the adoption of the agenda.

MARITZA AGUERO: Thank you very much. In the agenda for today, this is our first call, so we have the report about the Cross-Community Working Group on Accountability. This will be done by Leon Sanchez. After that, we will have a report about the GAC position on the IANA transition. This will be led by Olga Cavalli. Then we have the perspectives and activities of the NomCom. This will be led by Sylvia Herlein.

We have received an e-mail from Dev Anand. He's sending his apologies. He's not able to participate in the call due to health reasons, so we wish him a prompt recovery.

Then we have a report from the ALAC members and a LAC space report by Vanda Scartezini. Then we have a report by Harold Arcos as an ALAC member. Finally, we will have a very brief report by myself in terms of the participation in the Fellowship program, and finally there is the review on the progress of the MOU with LACNIC and the next steps. This will be led by our chair, Humberto Carrasco.

Humberto, you have the floor. Go ahead, please.

HUMBERTO CARRASCO: Thank you very much for the adoption of the agenda. I see think about we have different topics to deal with today. Now I will give the floor to Leon Sanchez for him to provide us with a short summary of the CCWG on Accountability. Leon, go ahead.

MARITZA AGUERO: Leon, you have the floor. Go ahead, please.

TERRI AGNEW: We are still connecting Leon on the audio. It will be one moment longer.

HUMBERTO CARRASCO: Maritza, we will wait for a couple of minutes and, if not, we can reverse the order and give the floor to Olga Cavalli first.

MARITZA AGUERO: Okay. I know Olga Cavalli, she is in Washington right now. She's there due to the South School on Internet Governance that will begin tomorrow. We will provide more references about that.

TERRI AGNEW: We are having difficulties reaching Leon's line on the dial-out request, but we'll continue trying. So, Olga, your line is open if you want to go ahead and speak at this time.

LEON SANCHEZ: Terri? Am I available to speak?

HUMBERTO CARRASCO: Leon, perhaps you're having some technical difficulties. If that is the case, we will give the floor to Olga first and then we will give the floor to you, if that is okay for you.

We'll now give the floor to Olga Cavalli.

OLGA CAVALLI: Good afternoon, everyone. Can you hear me?

HUMBERTO CARRASCO: Yes, go ahead, please.

OLGA CAVALLI:

Okay, thank you very much. I would like to thank you for the invitation to this teleconference. Every time that I am invited to this kind of teleconference, these are very interesting calls and I say as much as I can because I make the most of it. I would like to congratulate Humberto and Maritza and the LACRALO team because they are every day organizing activities that are very valuable for the community. So thank you very much for the invitation. It's an honor for me to be here.

Now I will speak about our view on the document issued by the Cross-Community Working Group on Accountability for the IANA Transition. I believe it would be good to have Leon's presentation first because I wanted to speak from the perspective of the Governmental Advisory Committee. Leon is going to speak about the work in general.

We have been working very hard with the Cross-Community Working Group for two years now. I would like to highlight the great effort being made by the three co-chairs. Of course, Leon's work has been great because our region has been very well represented by his efforts. So I would like to express my thanks to the three co-chairs, but especially to Leon because every time he came to the GAC he was speaking in Spanish and that made me really happy.

Now I would like to tell you about the experience of the GAC within the Cross-Community Working Group. Can we move forward? Please, next slide. Okay, there we go. What is the GAC? GAC today has very important participation. Every month, there are more countries which are interested in participating. We have more than 160 countries and many observers. This is an advisory committee within ICANN. This is not a supporting organization (SO), but it is an advisory committee (AC).

The chair is Thomas Schneider from Switzerland. Nowadays, there are four vice chairs. In the past, we were five. We have Gema Campillos from Spain, Wanawit Ahkuputra from Thailand, Henri Kassen from Namibia, and Olga Cavalli (myself) from Argentina.

We work by region. In the last amendment that we had in our GAC rules, we intended to have a widespread representation across the regions. Now I am representing the region, and my term will be over soon. Let's move to the other slide, please.

How do we participate in the CCWG on Accountability? Perhaps you already know this, but since this was a cross-community working group, they were chartering organizations. This means that certain organizations within ICANN were the creators, were the ones providing opinions and the ones issuing the document. This was the case for the GAC.

You can participate in one of these groups or not, either by being and advisory committee or a supporting organization. But in this case, the GAC was a chartering organization, so we could be a part of the Cross-Community Working Group.

We had five members who participated within the CCWG. In this case, internally we decided to have representation from different regions around the world. In the case of North America, Suzanne Radell was the representative. For Africa, we had Alice Munyua. She is representing the African Union. From the Latin America and the Caribbean, it was myself the representative. In Asia, we had the Niue representative. For Europe, we have the representative from Denmark. That is for Europe.

I would like to highlight here that on a daily basis, some people participated on the calls. There was not a great distinction among members and participants. In fact, the participants were actively participating. In the GAC, we have a very active participation from Brazil, U.K., Switzerland, Spain, Italy, among others. This means that the GAC has a very important participation and representation in this activity.

The GAC has a very intense activity in the review of the whole process. Finally, we decided to issue a response to the final version of the document. Here you will see a summary of the GAC's reaction to this document. Of course, as you know, the process was really complex, and there were some points that might need further clarification. But I tried to do my best to clarify and be simple.

First of all, the GAC was agreed upon supporting the multi-stakeholder model. In this case, there was full consensus with other countries. We also agreed on supporting all the bottom-up processes.

The GAC reiterated its interest in participating in the post-transition phase. It reaffirmed its role as an advisory committee to the ICANN Board and within the multi-stakeholder environment.

The Governmental Advisory Committee supported the whole document. You might recall that the document had recommendations. The GAC was in favor of all the recommendations from 1 to 10 and 12. There was only one recommendation in which we were not agreed. In the next slide, I will speak about this recommendation and why we were not able to reach consensus and agreement.

Let me tell you that GAC worked on a consensus basis. When we don't have consensus, we cannot say yes or no, but we should express that there was no consensus on a certain topic. That's why when it comes to Recommendation 11, this was the case. And we had a "carve-out" provision contained in Recommendations 1 and 2, and we had no consensus on that. But I will explain that further on.

The committee expressed willingness to take part in the empowered community mechanism. I don't know how to translate that into Spanish, indeed, but in English it's the empowered community. The GAC expressed its desire and wish to participate in this empowered community mechanism.

And this was something to decide within the GAC: how the GAC would participate within this empowered community. We will have to decide whether this is a public policy issue or not because sometimes there might be topics of an operational nature, and that might not be adequate for ICANN or perhaps it's not with ICANN's remit. So all that will be decided in the empowered community mechanism once the transition is implemented.

Finally, the GAC did not show any objection to the transmission of the proposal to the ICANN Board and to the Congress of the United States.

The main objection that we faced were Recommendation 11 and certain other points that we called "carve-out." This would be a kind of limitation, to put it somehow.

When it comes to Recommendation 11, these were our concerns. This was first called "Stress Test 18." Stress Test 18 as well as

Recommendation 11 implied changes in the ICANN Bylaws. [inaudible] the GAC not necessarily make decisions by consensus so that GAC Advice might be taken into account by the ICANN Board. But this goes beyond that because it expresses how the consensus should be adopted. I put that sentence in English, which is “understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection.”

What happened here with this kind of consensus is that for certain pieces of advice – perhaps you might recall debating meetings – there was only one country opposing to, for example, 100 countries. So some countries wanted to redefine or at least have the freedom to define consensus in a different way. This, in the final document of the Cross-Community Working Group on Accountability was not adopted. This was said as it is being shown here. Some countries believe that this is a limitation for the GAC, and some people believe that GAC should make its decisions as it decides as it is done by the GNSO or the ccNSO. Our advisory committee should not have limitations in the ICANN Bylaws.

That was the first and the main concern. For you to have an idea, this came up in the Dublin meeting. Most of the countries there had this feeling that it was a limitation for the GAC to decide. Since we were not able to adopt a consensus-based decision, we only said that there was no consensus on this Recommendation 11 related to Stress Test 18.

The “carve-out” concept appeared at the end of the process, establishing certain limitations for the GAC in terms of participation in the empowered community if situations or cases related to the GAC. We saw this as a limitation and, therefore, we expressed our concerns.

You might say there was a minority report filed by 20 countries. This was done very quickly. As you notice, too many countries were not able to participate, and this was expressed by those countries at the Marrakech meeting.

Apart from expressing this concern and the fact that there was no objection to the transmission of the proposal and the carve-out issue, there was no issue for the GAC to accept the proposal and to submit this proposal to the U.S. Congress. As you can see, the GAC finished these tasks before other supporting organizations, such as the GNSO or the ccNSO during the Marrakech meeting.

This is all I have to tell you. This is a very short and brief summary. This is the result of very intensive and heated debate. But in general terms, this is what happened. If you have any questions or further comment, I'm here to answer those questions. Thank you.

HUMBERTO CARRASCO: Thank you very much, Olga, for your presentation. I think it was a very clear presentation. This is very simple. I will give the floor to the audience for questions.

OLGA CAVALLI: I see that you were not listening to me well, so perhaps I might need to repeat something. Let me know if that is the case.

HUMBERTO CARRASCO: Alejandro Pisanty would like to take the floor. Alejandro Pisanty, go ahead, please.

ALEJANDRO PISANTY: I'm running a quick audio check.

[HUMBERTO CARRASCO]: Yes, we can hear you.

ALEJANDRO PISANTY: Olga, were all the GAC representatives included there? All the governments were represented?

OLGA CAVALLI: I don't get your question.

ALEJANDRO PISANTY: All GAC representatives are duly accredited by their governments, and they need to present their credentials before the GAC, correct?

OLGA CAVALLI: I don't know what you mean when you say "credentials."

ALEJANDRO PISANTY: An official document that accredits your status as an official government representative.

OLGA CAVALLI: Yes, of course, but this is not the same type of accreditation as you would have in the case of an embassy in a country. There is a different degree of formality. For example, we do have people coming from the regulatory sector, people coming from ministries, from foreign ministries, so the level of formality is not that strict.

HUMBERTO CARRASCO: Alejandro, is that the end of your question? Would you like to take the floor again?

ALEJANDRO PISANTY: No, no. Not for the time being. Thank you.

HUMBERTO CARRASCO: If anybody else would like to take the floor for any further questions.

OLGA CAVALLI: If I may, Humberto?

HUMBERTO CARRASCO: Yes, go ahead, Olga.

OLGA CAVALLI: I believe that the most important part of this process was the fact that there were a lot of participants engaged. This came to the fore in the

Dublin meeting. The [core] was to maintain the GAC's decision-making power, which to my mind was crucial. That is, not to fully agree with the Bylaw amendment because this is an amendment of the ICANN Bylaws. We're not speaking about the GAC internal Rules of Procedure, but we're speaking about the ICANN Bylaws where it is explicitly stated the way in which a group has to engage in a decision-making process within the ICANN multi-stakeholder model, which does not apply to other groups.

I believe that the fact that countries wanted to maintain internally within the GAC their decision-making power was something interesting, and we were able to discuss that position within the GAC. We engaged in very intense discussions, but with a very important democratic spirit.

If I may, Humberto, I would like to add that not all the countries agreed on Recommendation 11. We didn't find any hurdles or obstacles that prevented the proposal's submission to the NTIA and to the U.S. Congress, so this did not hinder the process going forward.

HUMBERTO CARRASCO: Alejandro, you have the floor. And thank you, Olga. Alejandro, you have the floor. Go ahead, please.

ALEJANDRO PISANTY: My apologies. I have the impression that Olga is referring to a rule that has to do with the fact that the GAC has always had an asymmetrical role in terms of representation and have always claimed that role. Therefore...

INTERPRETER: The interpreter apologizes, but Mr. Pisanty's audio is choppy on the Spanish line.

ALEJANDRO PISANTY: ...so the GAC has had an asymmetrical role that has been evolving progressively and increasing progressively. For example, the GAC has to receive a certain type of reply or specific reply, and this new mechanism aims at preventing GAC capture so that a small number of governments within the GAC wouldn't be able to modify or amend rules according to their best interests. For example, changing consensus to super majority or any other type of voting. That would lead into a capture within the GAC. That's why these new rules were led within this multi-stakeholder model in terms of accountability.

OLGA CAVALLI: If I may, I would like to take the floor. Thank you, Humberto. Thank you, Alejandro. You have very well described the position of certain countries, but I would like to speak about the position of other countries within the GAC, hence we did not reach consensus.

First of all, the GAC never wanted to work on the basis of consensus. We always wanted to avoid the following. In some cases, a single country, opposed or held an opposing view. And in Alejandro's words, we saw that there was a "capture" of the situation in the hands of a specific government because, given the lack of consensus, then we were not able to provide our advice to the ICANN Board.

There are many ways in which capture can take place and many ways in which capture can be construed. It all depends on the viewpoint or the perspective you apply. We can also say that the definition of consensus proposed in this new document also entails the risk of a country deciding on something that the majority does not want.

I do not agree with Alejandro in that the GAC has a prominent position. The multi-stakeholder model defined in [inaudible] in 2005 and redefined later on, for example in the NETmundial meeting, entails that all the stakeholders are on an equal, level playing field. However, the GAC does not participate in the NomCom, for instance. No GAC representative can be a voting member of the ICANN Board. We have only one known voting member within the ICANN Board, currently our chair, Mr. Thomas Schneider. So to be honest, many participants in the GAC do not see that we are on an equal footing within the multi-stakeholder model vis-à-vis other groups that have many more opportunities to participate. Thank you.

HUMBERTO CARRASCO: Thank you, Olga. I believe Alejandro was asking for the floor again, but now he lowered his – oh, no, he’s asking for the floor again, I believe. Please, be brief because Leon Sanchez is waiting to give his presentation.

ALEJANDRO PISANTY: In 2001 or 2003, there was a very important reform or review within ICANN, and the GAC had the opportunity to appoint members by means of electoral procedures, regional procedures, etc., so that the GAC

would appoint members in the ICANN Board. The GAC decided that was not relevant for the GAC because it entailed unacceptable risks for the GAC because the moment the GAC shifted from an advisory role to being a full-fledged member of the ICANN Board, then the GAC would have all the legal responsibilities that entail even being taken to court in some instances. That's why this did not happen deliberately. Of course, I am very pleased to hear the defense of government and the fact that certain people insist on holding an asymmetrical position within the ICANN multi-stakeholder model. Thank you, Humberto, for giving me the floor again.

HUMBERTO CARRASCO: Thank you. Thank you, everyone. Now I give the floor to Leon Sanchez so that we can listen to his presentation.

LEON SANCHEZ: Thank you, Humberto. I would like to welcome the new LACRALO leadership. This is your first call, so rest assured that you can count on our support and help.

Olga already mentioned certain details that I will be touching upon. I would like to give you an overview of our current status. As of today, the CCWG proposal for the Work Stream 1 is complete. As you may recall, this task entailed two work streams. We focused on completing Work Stream 1, and we are already in the planning phase of Work Stream 2. We are focusing on the implementation of Work Stream 1 as well.

In Marrakech, the chartering organizations, the SOs and ACs, approved the CCWG proposal, and the CWG also confirmed that the dependencies in terms of accountability have been addressed.

I am being told there is an echo on my line. However, my computer speakers are muted, so maybe the echo is coming from somebody else's computer or line.

As I was saying, the CCWG proposal was approved by the chartering organizations, and the proposal in turn was presented to the ICANN Board so that they would submit it to the NTIA. This doesn't mean that the transition process is over, of course. The moment the proposal was submitted, another process began. That is a process the U.S. government has to implement in order to review the proposal, to assess it in different stages, and finally approve the proposal.

Certain arrangements or actions have been agreed upon regardless of the U.S. government approval or rejection of the proposal. That is changes in terms of accountability and transparency that fall within the implementation stage. That implementation will take place regardless of the proposal approval. We are already working on the drafting of the new ICANN Bylaws comprising these 12 recommendations that are part of the CCWG final report.

We had 203 participants in our group somehow balanced geographic diversity, however with very low participation from Latin America and Africa. So clearly, that means our region was not fully represented throughout the stages of this process. Clearly, this can be corrected or amended. We are beginning Work Stream 2, and a call for volunteers

has been posted. Clearly, this call for volunteers is open to anyone willing to join the process. If you need any further information, please feel free to contact me. I will be more than happy to help you, and so will staff in charge of these calls and mailing lists.

We had observers. We exchange more than 12,400 e-mail messages. We held conference calls and meetings totaling over 400 working hours. If we multiply that times 203 members and observers, this translates into a significant and unprecedented work load within ICANN's multi-stakeholder model. These [205 calls] and 400 working hours. Clearly, this was no easy project. There was plenty of friction at some points, and a lot of negotiation was entailed. But at the end of the day, the community understood that a compromise was needed.

In this regard, Olga's presentation on behalf of the GAC is relevant. The GAC did not reject the proposal but expressed their reservations in terms of Recommendation 11, as Olga already explained. This recommendation had to do with the GAC's participation within this new empowered community.

Let me now give you an overview of the 12 recommendations contained in the final report submitted to the NTIA for review and, eventually, approval.

First of all, we have a recommendation that has to do with the empowered community, that is this new body to be created together with the SOs and Activities. This empowered community will remain sort of dormant, but it will be called upon whenever necessary.

Also, we would like to see ICANN's structure to remain unchanged, let's say. The structure will be as it is today. It will remain as it is today. The only difference is that if it were necessary to exercise any of the powers of this new empowered community, then the body with the legal power to exert these powers will be this empowered community.

Then in terms of participation within the empowered community, if stakeholders did not explicitly refuse to participate within this new body, then they are taken or considered as within this new body. Olga was mentioning that the GAC will be deciding on a case-by-case basis in terms of decision-making. By default, for the CCWG report, the GAC is a participant in this new body. Clearly, the GAC may express reservations or may decide not to participate in certain cases. The SSAC and the RSAC explicitly stated their willingness not to join this body. They want to remain as advisory committees.

Recommendation 2 has to do with an escalation process. I'm not sure about the term in Spanish. The objective of this escalation process is to put in place a procedure in order to avoid the final stage, that is the decision-making stage, within the empowered community and also as a final stage, any legal action to be taken by the empowered community.

So prior to this, we had a process or procedure by which community members can request this discussion and escalation process to address policy issues or ICANN's activities. Then we reviewed ICANN Bylaws, and they were classified into ordinary bylaws and fundamental bylaws. The latter, the fundamental bylaws, unlike the ordinary bylaws require the affirmative vote of the community prior to being amended.

Today, bylaw amendments involve a public comment period initiated by the Board. Then the Board considers the public comments received and proceeds unilaterally to amend the Bylaws. So the Board has that decision-making power. With these changes, the... [audio cuts off]

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