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EVIN ERDOĞDU:

Hello. Welcome. Good morning, good afternoon, and good evening everyone. Welcome to the At-Large ICANN Evolution call on Monday, 6<sup>th</sup> February, 2017 at 17:00 UTC.

Today on the call we have Olivier Crepin-Leblond, Maureen Hilyard, Tijani Ben Jemaa, Cheryl Langdon-Orr, Kaili Kan, Norbert Komlan GLAKPE, Seun Ojedeji, Barrack Otieno, Gordon Chillcott, Tatiana Tropina, Leon Sanchez, Alfredo Calderon, Wilmer Azurza, Jean-Jacques Subrenat, and Sarah Kiden. We also have Carlos Vera on the Spanish line.

We have listed apologies from Bastian Goslings, Yrjö Länsipuro, Javier Rua-Jovet.

From Staff we have Heidi Ullrich and Evin Erdoğan.

Our Spanish interpreters are Veronica and David today.

I would like to remind all participants to please state your name before speaking not only for transcription purposes but also for our interpreters.

With this, I'll turn it back over to you, Olivier. Please begin.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Evin. Today's call we are again going through each one of the Work Streams to find out if there has been an update since our last call. So first we have to adopt the agenda. Are there

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requests for any amendments to the agenda, maybe changes to its order, maybe some add-ons?

I see Jean-Jacques Subrenat has put his hand up. Jean-Jacques, you have the floor.

JEAN-JACQUES SUBRENAT: Thank you, Olivier. I'd like to request the addition of an item on the Any Other Business which would be to have from either staff or one of the members of this working group an update on what's happening in Washington, precisely in Congress, about the transition of oversight of the IANA functions because there have been so many things going on in Washington that maybe I missed out on something. What I'm after is to try to find out if there is any risk on the transition of oversight of the IANA functions if some member of Congress has put in a motion to slap down the implementation which was started under the previous administration. Thank you.

OLIVIER CREPIN-LEBLOND: Okay. Thanks very much for this, Jean-Jacques. Let's put this in the Any Other Business part of our agenda. In the meantime, for those people who do know the answer to this question, please prepare yourselves to help out on this.

Alright. We've finished the roll call. I've noticed that Andrei Kolesnikov has also joined the call. Have we missed anybody else in the roll call?

No one has put their hand up. Okay. The roll call and the agenda [items] are now complete. We can review our action items from our last call.

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The only one that is still to be undertaken is for “Heidi Ullrich to report back on the ICANN Complaints Officer.” Has there been an update on this? I’m not quite sure in what context this action item comes to, but that’s what the question is.

HEIDI ULLRICH: Yes, Olivier. I will get back to you hopefully by the end of the call on that.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this. Thank you. We had an earlier action item from a previous call and I notice that Sebastien Bachollet is on the call while he was unavailable for the previous one. It was for “Sebastien to send ICANN Evolution an e-mail of the Work Streams from an At-Large perspective. ICANN Evolution group to make comments back.” It is marked as not being completed yet. I’m not sure whether it has been done or not. I’m just trying to tie the loose ends.

Sebastien Bachollet, are you able to enlighten us on this please?

SEBASTIEN BACHOLLET: I don’t know if I can enlighten you but I remember that it was written and I was supposed to do something, but if I remember well, with Cheryl we gave a webinar on that same issue, same topic, and I can send you the PowerPoint we used – Cheryl and myself – during this call where this webinar where we tried to highlight what each topic could make or say for [At-Large]. If it’s something else you want, you will have

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to wait for me to have some time to do this because it's not the case at the moment. Thank you very much.

OLIVIER CREPIN-LEBLOND: Thanks very much, Sebastien. I'm not sure I want anything specific, just reading the action item. It probably is this. The Work Streams from an At-Large perspective and the webinar. Perhaps we can mark this as being complete and we could as an action item perhaps remind everyone on the mailing list of the link to that webinar because it is helpful for everyone, especially since we do have a number of new people who have joined the group in the last few weeks.

Let's now turn to the Work Stream 2 updates. We have about 70 minutes for this. I'm not sure whether we'll take that complete amount of time for them, but we have them in slightly different order. The same order as last week effectively. I know that the names that are highlighted are due to be able to give us an update but there are some of the subsections that don't have a highlighted name but I note that everyone appears to be here today. So that's great news.

Let's start with 3A, with Human Rights. I know that there has been some movement on this. Tatiana Tropina is written down as being our rapporteur for this. Tatiana, are you able to speak at the moment?

TATIANA TROPINA: Yes. I'm able to speak. Can you hear me well?

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OLIVIER CREPIN-LEBLOND: Yes, Tatiana. Welcome and we're looking forward to hear about Human Rights.

TATIANA TROPINA: Thanks. I have to admit that I was very much involved in in the recent developments, I tried to provide a very neutral assessment of what has happened but I know that there are people on the call who might have a bit different point of view in terms of the content of the discussions so I would very welcome update from different perspective. But I will try to provide a neutral one.

A bit of recap for those who didn't attend the previous IANA Evolution call. Several meetings of the HR Design Team were cancelled because the team was waiting for the answer from the co-Chairs of the CCWG Accountability with regard to how the group should proceed with the differences between Annexes 6 and Annex 12 of the CCWG Accountability report. Because per Annex 12 the group could have produced several documents, but per Annex 12 it should have produced only one document.

The point was that the group developed a document which went through two readings at the Plenary but these documents represent a literal, textual, interpretation of the Bylaw text. It looks at the different pieces of the Bylaw. For example, "What is internationally recognized Human Rights?" "What is applicable law?" and so on and just interprets the text.

But both Annex 12 and Annex 6 contain several valid points which required the group to consider several points. For example, "Which

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international instruments can be applicable?” “How this Bylaw affects the advice given by GAC?” “How this Bylaw influences existing and future ICANN policy frameworks?”

Apparently the Drafting Team prepared the document with the goal in mind to move further to valid points after they have a textual interpretation of the Bylaw. So the valid points were not considered. Before they could be produced the second document as a third document.

Then we got the reply from co-Chairs two weeks ago and the reply asked the group to confirm whether the work of the group is concluded per Annex 12, [meaning] the group should have produced only one document.

As I said on the previous call – and those who are on the Human Rights mailing list could read my e-mail that I was strongly opposing to issue the current Framework of Interpretation of the literal, textual interpretation of the Bylaws for public comments if we have the response that we have to produce only one document. I think that we don't really have a strong Human Rights Bylaw. This Bylaw is a very big compromise and the reason why it's dormant is that we have to get a very clear and thorough Framework of Interpretation.

This literal Framework of Interpretation, this textual Framework of Interpretation which we currently produced would have watered down the core value to basically zero, which could have damaged ICANN, which could have damaged processes and policies, because this

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Framework in no way can make Bylaw operational or not even thinking about operations. This Framework cannot wake it up.

So on the call last week and also on the mailing list there was a very fierce debate as to whether the current document can go to public comment. The debate essentially revolved around one question if the co-Chairs asked us to confirm that we are finished as per Annex 12. Can we really confirm that we have finished?

One apparent answer is no, we are not. And even the pen holders of the document confirmed several times that no, we didn't consider additional valid points. No, we only produced a literal interpretation of the text. But then the question was, "To speed the things up, can we just maybe issue it for public comments and ask for community input on the valid points from Annex 12?" though they were not discussed either within the group or within the Plenary. The counter argument for this was that the group was actually tasked to consider these valid points. The group was actually tasked to do the work and analyze and provide responses so why are we coming back to the community with zero work done and just ask them for their input before trying to analyze these issues on our own?

So the discussion was really fierce, and the outcome of the call was that the current text will not go to public comment and there is again a small group that is going to have a look at all the valid points in Annex 12 to consider them. The good news is that we will not start from scratch because the previous team which drafted the literal interpretation of the text actually looked at the valid points. There was some consideration on them. We just didn't include them into the Framework

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of Interpretation. That was actually another argument why these documents shall not go for public comment. So we are not starting from scratch. There is some discussion already on this and probably for the Human Rights Drafting Team call tomorrow there would be some documents to discuss for a bigger group.

That's my update. Thanks.

OLIVIER CREPIN-LEBLOND: Okay. Thank you very much for this very comprehensive update, Tatiana. We appear to have all been dropped from the Adobe Connect room. It seems to have rebooted or something.

TATIANA TROPINA: Yes. My Adobe Connect just closed.

OLIVIER CREPIN-LEBLOND: Anyway, we're all back on [the air].

SEUN OJEDEJI: Seun on the queue.

OLIVIER CREPIN-LEBLOND: Yes, Seun. You seem to be the fastest on the trigger. I was about to open the queue up and you are therefore number one in the queue. Go ahead , Seun.



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SEUN OJEDEJI: Okay, thank you. Thank you very much for that update, Tatiana – sorry if I didn’t pronounce the name correctly.

I just want to confirm – [has] this outcome about not sending this document to public comment, which is actually [was] my preference actually – has it been sent to the Plenary already or is it still going to be sent later actually to the Plenary? Thank you.

OLIVIER CREPIN-LEBLOND: Tatiana?

TATIANA TROPINA: Seun, I’m sorry. I want to clarify your question. Are you talking about the document that has already been finished or the document which we are currently drafting which considered the valid point? Because right now there are basically two documents. One of them is finished, went through two readings, and the second one is being considered but then we have to merge them into one document somehow as per Annex 12.

Are you asking about the second document, right?

SEUN OJEDEJI: Tatiana, I’m not asking about the document. I’m asking about whether the decision of the group not to send the initial document [that has the] current Framework of Interpretation for public comment for now. Has that been sent to the CCWG Plenary as [per] your suggestion from the group? Because I think that is what is important because it’s still the decision of the CCWG Plenary not to comment the public comment on

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this particular document. So has that been sent to the group? That is the question. Thank you.

TATIANA TROPINA:

Thanks, Seun. No, I can't answer your question because I have no idea. I don't know if [inaudible] communicated this to the Plenary. I see Leon is on the call. Maybe we can ask him. But I also think that until the group will confirm as Chairs asked that the work is finished as per Annex 12. I'm not even sure that anything can go to public comment because that's what basically Chairs asked us to do before the document goes to public comment.

I don't see any necessity here for the Plenary to decide if the group cannot confirm that the group is finished. Thanks.

OLIVIER CREPIN-LEBLOND:

Okay. Thanks for this, Tatiana. Let's ask Leon Sanchez who is on the call. What is the status of this please, Leon?

LEON SANCHEZ:

Thank you very much, Olivier. We are aware that the group has decided to expand their work into the bullets going through one by one. And as we said in our original communication, we are not opposed to that but we feel that that would be maybe [beyond] the mandate of the working group. So that is why we would like this decision to be supported by the Plenary, and while we do not have the notification received by the Plenary already, it would be good, of course, if this decision made in the

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sub-group could be communicated to the co-Chairs and then we in turn would add it to the call agenda on our next Plenary meeting.

I think that is how this decision would flow and how the decision needs to be made by the Plenary, Olivier. Thank you very much. I hope this clarifies the situation.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Leon. That's really helpful. Tatiana, I'm not sure – who is the Chair of that working group? I gather this is an internal matter between the Work Stream and the Leadership in CCWG Accountability.

Are there any other comments or questions from anyone?

TATIANA TROPINA: Niels is the Chair.

OLIVIER CREPIN-LEBLOND: Niels is the Chair. Okay. Excellent. Thanks.

Any other comments or points to be made by anyone else? I know that several people in this community are part of this working group. If you feel like you'd like to chime in, please do so. Tatiana is just reporting on the different issues of the group but it seems that there is a lot of work that has been done in this but certainly not ready to complete yet it seems.

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I don't see anyone putting their hand up. So we can move then to the next topic, and that's equally as important Its Transparency. On this, it appears that their first reading was completed a couple of weeks ago. I'm not quite sure whether anything – I'm sure that things have happened – I'm not quite sure what things have happened since. It's noted in our agenda that Alan, Avri, Cheryl, and Jean-Jacques, are members of this Transparency Working Group. Is anyone volunteering to give us an update on this topic?

I can see everyone is subtly making themselves extremely transparent, and therefore cannot be seen.

Transparency – who shall I pick as a start? I know that I'm going to pick on a few other people later on. Jean-Jacques, have you been on the recent calls for the Transparency Working Group? Jean-Jacques Subrenat?

JEAN-JACQUES SUBRENAT: Hello, Olivier. My very lack of transparency – no, actually of being volunteer comes from the fact that over the past two or three weeks I have been absent from quite a few calls only by the way Transparency but also on two other groups of which I was and am still an active member but it so happens that not recently.

OLIVIER CREPIN-LEBLOND: Okay. Sorry for picking on you. Let's move then backwards. I'm not going to call upon Cheryl because I know that Cheryl has to speak to us later in there. I could ask perhaps Avri or Alan. And Sebastien has put his

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hand up so maybe Sebastien Bachollet who is not listed could enlighten us on this topic.

Sebastien, you have the floor.

SEBASTIEN BACHOLLET:

I am not listed but just to tell you what was the last exchange I had as a rapporteur on the Ombuds Group with the Transparency Group. It will be part of my feedback on the Ombuds but here we had a discussion between the rapporteur of the Transparency and the rapporteur of the Ombuds about what could be the role of the Ombuds in two issue. One of them and some more important it's about DIDP, the question of opening documents or [inaudible] for documents produced by ICANN. The conclusion was that the discussion could be handled by the Ombuds or by the Complaints Officer or by somebody else. And there are still discussion within the Transparency Group between the rapporteur and some other member about what is good or not to write in the report. And when it's finished, this discussion the report will go for a second reading within the Plenary. I imagine that the Plenary, the next one, will get this Transparency report update and we'll have the second reading on that.

That's my take on where they are because I am not a member and I am [inaudible] far but it was to help start the discussion on that. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you very much for this update, Sebastien. Helpful. Is there anything else to add to this? Alan? Avri? I come back to both of you

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again in case there are other angles to this or in fact anybody else to chime in.

Going once. Going twice. Nothing from anyone else. Okay. I note Cheryl at the very last split second has put her hand up. Cheryl Langdon-Orr.

CHERYL LANGDON-ORR:

Thank you, Olivier. I put my hand up with a reasonable amount of hesitation, of course, seeing as I've already been declared that I'm far too interactive with these reports.

What Avri said in the chat I think is important, particularly since we have reported to our group here in the past how advanced we are within the Transparency Group in terms of paperwork and first readings, etc. The part that describes mechanisms particularly, as Sebastien outlined, with regard to the Ombuds Office and to allied areas the possible role or otherwise of Complaints Officer.

Whilst those sections were always in the report that we've had in draft form, they have needed to be looked at and will need to be redrafted in the light of it being more advanced in discussions, particularly with advice coming directly from the existing Ombudsman and also perhaps some legal advice might be required as well.

This is a really significant document and it's got an awful lot of material in it. And I am of the opinion that sufficient change between what has been the first reading copy and what will be in this next version which Avri refers to as obviously needing to be read by all of us again may be sufficiently different for us to if not null and void the first reading in the

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whole thing to certainly null and void the first reading in that section. And I think our group needs to be aware of that in case they need to instruct our members on the group to either support that or otherwise the Plenary. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Cheryl. We've heard in the Human Rights issue that it's likely that the public comment will be delayed or it might not be launched – it certainly isn't launched right now – so it might be delayed. Is there any chance that the public comment for Transparency might not be in place for Copenhagen or the next ICANN meeting yet? Has there been any discussion on this yet?

CHERYL LANGDON-ORR: I can respond by saying, and I would suggest that's a question Leon would be better [equipped] to answer.

OLIVIER CREPIN-LEBLOND: Okay. Thanks. Well, let's turn over to Leon again. Leon Sanchez, you have the floor.

LEON SANCHEZ: Thank you very much, Olivier. I don't anticipate that there would be delay for this case. But anyways as you are aware, we are reviewing each of the timelines for each of the sub-groups so we have very little time from now to our meeting in Copenhagen. I couldn't tell you for sure whether there will be any delays in this case, but my feeling is that

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we are going to keep this on track and hopefully we will be in public comments during our meeting in Copenhagen.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this, Leon. Are there any other comments for this topic?

Seeing no hands up, then let's go over to the next topic and that is one which has indeed reached public consultation. That's the matter of Jurisdiction. We again have a number of people on this Work Stream, and the public consultation has opened. When did it open? It opened a little while ago. There is a final Jurisdiction Sub-group questionnaire that can be filled in. It would be useful to have some information as to where we are on this topic. Could I ask for a volunteer to provide us with some feedback on this please?

Alan Greenberg, you have put your hand up and you have the floor.

ALAN GREENBERG: Thank you. I'm not volunteering to comment on it but just to clarify – I do not believe it's out for public comment. They have issued a questionnaire to advise them in how they proceed but I suspect they're still quite far from a public comment on the definitive report. Thank you.

OLIVIER CREPIN-LEBLOND: Okay. Thank you for this, Alan. It's my mistake. So yes, it's not a public comment. It does say on the agenda "out for public comment." It's out



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for input I gather at the moment based on the questionnaire. I'm not quite sure when the deadline is for this questionnaire. In the meantime, also ask that the document be please unsynced because it needs to be scrollable.

Does anyone have an idea of when the deadline is for this and what the next steps are after this?

SEUN OJEDEJI: Hello.

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

SEUN OJEDEJI: Okay. I wasn't in the midst in the call the last one but from what I read from the transcripts it looks like the deadline has been pushed to 7<sup>th</sup> of February to receive the feedback on the questionnaire. And yes, it's not a public comment but rather it's public consultation on the questionnaire.

I think it's been pushed to 7<sup>th</sup> February based on some of the concerns that have been raised specifically by Kavouss and I think I also commented on that as well that it should more time be given after the meeting ICANN58 [submission] of 30 days after the meeting was made and I think what was suggested as a compromise was February 7<sup>th</sup>. I really don't know whether that has been finalized as the date but this is

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what I read on the transcript it looked that that is what the status is at the moment. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this update, Seun. It's very helpful. As per usual, when it comes down to timing, the starts and ends and keeping the train running on time.

Leon Sanchez, you have the floor.

LEON SANCHEZ: Thank you very much, Olivier. Just to thank Seun for the update and to reiterate that yes, the deadline for the expected reply to the questionnaire has been pushed to April. We had a date within the Jurisdiction Sub-group and also to [provider] list on whether this questionnaire should be closed for answers before or after our Copenhagen meeting. And while, of course, not every stakeholder group does its work in the same pace, so some members of the GAC requested that this deadline would be pushed towards after the end of our Copenhagen meeting and the suggestion was made to push this, I believe, 30 days after the meeting ended. So we're talking about somewhere Around April 14. That's what [inaudible] has typed in the chat and I don't have the exact date fresh in my mind but it's definitely in April. Thanks.

OLIVIER CREPIN-LEBLOND: Thanks for this, Leon. April is a number of months away and definitely after the Copenhagen meeting. Let's turn to Alan Greenberg.

ALAN GREENBERG:

Thank you very much. I guess I'd like to hear from people on the group a prognosis of where do they think this is going. Clearly this group has had a lot of difficulty coming to closure. The questions that are being asked seem to be essentially saying to people who have raised concerns – perhaps vague ones – that either substantiate your concerns or let's stop talking about them or provide alternatives or let's stop talking about them.

I guess I'd like a prognosis from people on the group of how successful this is going to be. Are we ever going to finish this one?

OLIVIER CREPIN-LEBLOND:

Thanks, Alan. The next is Jean-Jacques Subrenat.

JEAN-JACQUES SUBRENAT:

Thank you, Olivier. I'd like to take up Alan's point and try to do a bit of input. The discussion has often in this group as in others as far as Jurisdiction is concerned, has often brought up the really sticking point of anticipating how in the future any change of jurisdiction could impact the behavior of ICANN and the results.

I think that several of us made clear that we are not seeking for different jurisdiction which would take ICANN out of California or U.S. jurisdiction. But some of us had argued that a way forward was probably to encourage additional jurisdictions for a whole series of reasons we had explained.

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I personally am not very happy that this approach was not followed and the reason why the questionnaire in front of you is labeled as it is, is that it was felt [so] by citizens of the United States who were on the call that instead of looking to the future we should actually look at specific cases of operational plans and things like that which had suffered from the fact that there was the jurisdiction of the United States.

I think the difficulty is that we are talking about two different things. A group of people don't want to look at the possibility of future additional jurisdictions, and therefore have put forward the idea that a proof should be brought to the table that the current jurisdiction was harmful. That's why the questionnaire is as it is.

I for my part would encourage [us] since we are in Work Stream 2 and it was accepted that Work Stream 2 could include things which did not need to be implemented right away. But since we are in that spirit of Work Stream 2, I think we should – especially the ALAC – keep open the possibility of discussing that. Thanks.

OLIVIER CREPIN-LEBLOND: Thanks very much, Jean-Jacques. Next is Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Thank you, Olivier. I'm very happy if Sebastien wishes to go first, but if we are taking a queue I'm very concerned about one particular thing that Jean-Jacques has just said and that is the characterization of at least those of us who are active on this particular sub-team as being

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somehow partitioned between those who have some sort of affiliation by citizenship to some countries versus others.

There is a very small aspect in some of our members' commentaries that fears that it's somehow an orchestration of U.S. based individuals to somehow hang onto jurisdiction with some death-like grip. But I'd point out that when we polled our members on questions, etc. that it was a significant proportion, and certainly no way trackable by citizenship or allegiance, to any particular part of the world who felt first of all that the first three questions were very important but that the almost universal belief of the group who responded there was some differences between whether or not the fourth question as it was originally written was merited or not. I personally fell on the side of the group who believed that the first three questions were important and should go and would go without the fourth question if the fourth question couldn't be agreed upon and I certainly held out against the fourth question as it was originally drafted.

I, however, and we're perfectly supportive along with what turned out to be the majority of the group on the redrafting of the fourth question. So I think to characterize anything as being partitioned by any particular group by nationality trying to hold onto jurisdiction or to block a discussion of jurisdiction is not particularly accurate. And most importantly, we certainly need to remember that with the resulting heroic amount of work that went on in Work Stream 1, a lot of what we have in our Bylaws and in our modeling presumes that at least for near term if not medium term the jurisdiction for the entity ICANN is in fact looking towards California not-for-profit law as part of its foundations.

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Whilst Work Stream 2 is certainly to be looking forward, it may not be the ideal and certainly not the only opportunity for us to look at jurisdiction in a wider context later on in ICANN's life. That said, these questions I believe are important because hearsay and conjecture is always a much shakier foundation to base any discussion on than facts and requirements and problem statements. I'm not saying either of them are unnecessary, but I certainly will support the desire to see what problems [if] we are in fact trying to solve as opposed to what hypotheticals we're trying to explore. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you for this, Cheryl. Next is Sebastien Bachollet.

SEBASTIEN BACHOLLET: Thank you very much. I guess I would have been very happy if we would have been able to close the discussion on Jurisdiction at least on the part where we can have some action now the one with contract and so on and so forth and to leave to somewhere else the broader discussion about the future jurisdiction or jurisdictions of ICANN. But in the same time, the question raised by Jean-Jacques Subrenat to be put in the Any Other Business bring a real question. We may bring back to the discussion quicker than we wanted with the current situation in the U.S. since the beginning of January. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Sebastien. I notice that Avri Doria had put her hand up and down and then up again.

SEUN OJEDEJI: This is Seun.

OLIVIER CREPIN-LEBLOND: Thanks, Seun. I'll put you in the queue. Avri, you had put your hand up and down and then you wrote a few things in the chat. I'm not sure, did you wish to take the floor?

AVRI DORIA: I did at points, but then I didn't really need to once I wrote down what I was going to say. But now that I'm talking I'll repeat it for those that aren't reading I guess.

First of all, obviously it's not all U.S. versus all non-U.S. We've had counter-examples. But I do agree that there are a group that are afraid of any question being asked could in some sense be an argument about jurisdiction of home office. And even though lots of people have said there's no intent to try and move it now, but we really do need to gather all the information. So we do need to be forward-looking. We can't just be, "What case action did you take?"

Therefore I'm happy that we were able to open up the question some, but there is a very strong defensive block inside the group that just will not allow any question that might bring into question where corporate is. And that has become, I think, one of the things that will make it hard for the group to reach some consensus unless one group or the other – the one that says, "No, we've got to look at it in a broader scale," to come to agreement.

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I think the question you've been asking: "How easy is it going to be to make an end of it?" Not that easy. Bye.

OLIVIER CREPIN-LEBLOND: Thank you, Avri. Next in the queue we have Jean-Jacques Subrenat, then we'll have Seun Ojedeji, and then Tijani Ben Jemaa. And I think we might have to close the queue after that because I know that it's a hard fought topic and it seems certainly to be still on a knife edge swinging one way or the other, but I wanted to ask whether we were going to have maybe a special call or a specific discussion on the Jurisdiction to try and see if we can have an ALAC response on 1, 2, 3, and 4.

Let's go to Jean-Jacques Subrenat first.

JEAN-JACQUES SUBRENAT: Thank you, Olivier. Three short remarks. First, I agree with Cheryl that if my characterization was as she understood, then it was wrong. I think that I spoke of a majority, not of all. By the way, Avri is a perfect proof of that.

My second remark is about Sebastien's point. I think that it does deserve some attention and especially in the framework of ALAC where we represent, the user community globally.

My third remark is to say that Avri has perfectly described the tension and the difficulty of coming to some sort of agreement in this group on Jurisdiction, precisely for the reasons she so eloquently brought out. Thank you.



OLIVIER CREPIN-LEBLOND: Thanks for this, Jean-Jacques. Next is Seun Ojedeji.

SEUN OJEDEJI: Can you hear me?

OLIVIER CREPIN-LEBLOND: Yes, very well. Go ahead, Seun.

SEUN OJEDEJI: Not to take too much of the time, I'd just like to also say a huge plus one to what Avri has mentioned. And I would also state that that group that is referred to is not a small group in the sub-group. It is a large group and it's definitely one of those [don't haven't] at the moment seen any reason why there's a need for a change. It's not a question of wanting to change the jurisdiction at this point. It's a question of even given the opportunity to even hear what the issues are. And the questions we have in front of us does not give that chance or it limits that chance to hear what people have to say and so possibilities in terms of we have this current document, if this document is implemented in a particular way this could happen. We should be open to hear the questions. I personally think the strength of the group [who] are scared of hearing those questions are more domineering in the sub-group and that is a concern. I think that will indeed make the decision and the work of the group much more difficult going forward. Thank you.

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OLIVIER CREPIN-LEBLOND: Thank you, Seun. Next is Tijani Ben Jemaa.

TIJANI BEN JEMAA: Thank you very much, Olivier. I would like to second everything Avri said and I would like to remind you that from the beginning I told you that even before we start our work there was one of the members called [Phil] who said in the Plenary that there is no way to change ICANN from California. And the answer was, “Who told you we want to change it?”

This is before the sub-group starts working. And when we started working, our tasks are in Annex 12 of the final report of Work Stream 1. And among the tasks there is one very clearly written: “Address the multilayer jurisdiction and they detail the layers.” And they mention at the beginning jurisdiction of incorporation, jurisdiction of location.

So it is the point that we have normally to discuss at least. There are people who refused, who from the beginning, we didn’t start to do anything, they say, “We have to remove this point from the table.” And this make it difficult. As Avri said. It’s make it difficult. I personally think that ICANN shouldn’t move from California. This is clear. And I don’t think it will because we did everything based on California, ICANN incorporated in California. So we will not redo everything because we want to change it. I don’t think it will happen, but if you say to people, “We don’t have to discuss it at all,” people will begin to think other things and there is a strong opposition now, and this strong opposition made it, if you want, the position of two parties made it absolutely difficult for the group to move on.

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I think that it is even the questionnaire will not solve the problem. You will see it will be a problem. Why we don't discuss it? And I am sure if we discuss it we will decide not to move anything from California. Why we don't want to discuss it? Why? This is the problem. This is the issue. People are afraid of this point.

I don't think if you ask the members of the group one by one, I am sure all will tell you – except one or two – will tell you, “No. No way. We will stay in California.” Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you for this, Tijani. I'm listening to the different points of view and this reporting, having not taken part myself in the discussions. I do find it somehow curious that, whilst, on the one hand, we always predict the end of the nation-state, the Westphalian state and the Internet have no borders, etc., when it comes down to a matter of jurisdiction for an organization, it all pulls back into national lines as to, “No, it has to be in this country,” or, “that country.” Yeah, it certainly seems to be, as Loris Taylor mentioned in the chat, a healthy, but a reasoned versus a reactionary approach will be necessary during a time when emotions and fears are high.

I'm equally – well, I can't say I'm not particularly amused, but the recent travel ban for some countries to the United States and the repercussions that this has had on the ICANN Board might also play some part in the discussions. I don't know whether anybody has raised this in the working group, but it's certainly not likely to make matters easier to reach a consensus.

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So I gather that the four questions that we have in front of us, of the ones that people will be responding to – Alan, I was going to turn over to you as the ALAC Chair, on whether there was any will on your behalf to try to see if we could get an At-Large response or maybe launch a discussion within At-Large on these four questions that are being asked – not being a public comment but just questions from the Work Stream.

ALAN GREENBERG: I would really like to take that under advisement from the people participating in the group.

OLIVIER CREPIN-LEBLOND: Okay. Thanks, Alan.

ALAN GREENBERG: I'll be honest. This is turning into a "make work" activity, and I'm not quite sure what the merits of the final outcome are. So I really have no personal opinion on it, and I would like to get some input from other people as to whether we need to respond, and if so – and when I say "need to respond," it's either to make a specific position known or that perhaps we can help guide this to some form of resolution by providing some input.

OLIVIER CREPIN-LEBLOND: Okay. Thanks, Alan. I see a few hands that have come up.

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Tijani, is this your previous hand? Yes, it is. Jean-Jacques Subrenat is next.

JEAN-JACQUES SUBRENAT: Thanks, Olivier. I would suggest, in response to Alan's willingness for the ALAC position, that, whereas as we could have of course answered the four questions, I think reviewing contributions that ALAC could make as a body representing the global users is to point out that these four questions just come with a whole slate and that the points made by you, Tijani, and perhaps by me also, deserve to be taken up, precisely because it was understood right from the start that Work Stream 2 was the opportunity to bring up things which did not need or could not have direct implementation immediately.

So I think that we only make things worse if we neglect, if we shove under the rug these crucial questions. As Tijani said, currently most people answering these, including in the [inaudible] of ALAC, would respond by saying that there is no need to move the central jurisdiction of ICANN as a corporation from California. But avoiding the question is itself a [political] message, especially since about two weeks ago [inaudible].

So I think that would be the real contribution of ALAC, not limiting yourselves to the four questions but putting that in context. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Jean-Jacques. Next is Cheryl Langdon-Orr.

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CHERYL LANGDON-ORR:

Thanks you. My hand went up specifically in response to Alan's inquiry as to what we should do in terms of his need to take instructions. I actually think that – and I always have thought – that, whilst the answers to these questions may not make our pathway to consensus outcomes any easier, it certainly is a very important part of the material the sub-team needs to have access to in its deliberations. So I'm not saying it's going to make the job easier, but I am saying that it's important.

To that end, I'm not sure I would be terribly keen to try to get a collaborative response out of either our group or for the ALAC itself to put forward in response to these questions. I think it's extremely important that we facilitate via the RALOs and the ALSes anyone who has specific opinion, let alone actual experience and knowledge to some of these questions, to be able to respond back to them.

So I'm keen for us to somehow facilitate an as-wide-as-possible outreach on these questions and to facilitate anything we can do to get responses to these questions funneled back to the group. I'm much more keen on that than I am for us to try to bludgeon out a particular set of consensus responses because that's not really what these questions are designed to find out about. These are fact-finding questions, if indeed facts exist at all.

So, yeah, let's do something. But I'm not sure that it's [wanting] a response so much as making sure people who may have vital information in response to these questions know the questions are out here and helping them get the responses back. Thanks.

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OLIVIER CREPIN-LEBLOND: Thank you, Cheryl. I can think, as you mentioned this, of a couple of ways. Obviously, we could circulate those questions to the ICANN Evolution Working Group. We could certainly circulate these questions to the ICANN Evolution Working Group and ask for this to generate some kind of discussion in our working group on the mailing list.

We could also forward this to the At-Large mailing list and perhaps generate a discussion there, which would then help our representatives in that working group be able to take some [inaudible] from it.

I understand that you are –

SEUN OJEDEJI: Hello. This is Seun. I'd like to speak.

OLIVIER CREPIN-LEBLOND: If my understanding is correct – yes, Seun, I'll put you in the queue; no problem – Cheryl, and I think from what I've heard, it would be very difficult to get a unified position. But certainly getting some discussion going in our community, especially since this is going all the way until April, could be a way forward.

Alan Greenberg, you're in charge, so what do you think?

ALAN GREENBERG: Well, that isn't why I put my hand up. What do I think on that? The questions are targeted at finding examples of real problems caused by

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the jurisdiction. So I don't think it's suitable for a consolidated approach because, indeed, what we're looking for are specific cases. That's what the questions are asking.

I put my hand up because I thought it would be useful, since we're spending a lot of time on this, to try to answer these questions. I'm giving you a personal opinion. "Have you, your business, or your privacy been affected?" The best answer I could give to that is maybe. ICANN has policies that say – for instance, in WHOIS – I should reveal some information if I don't choose to use a proxy service. Would that have been different if we had been incorporated in a different jurisdiction? Would we have changed it quicker in response to privacy issues? The answer is maybe. We don't know. It's hypothetical.

In two, certainly I don't have any personal issue in dispute resolution. Do we have records of things that have been affected by the jurisdiction? Again, it's a maybe. If you look at .africa, would it have been different if we had been incorporated somewhere else and used the courts of some other jurisdiction? Maybe. On the other hand, the courts of California or the U.S. might have still been used because we have a presence there. So we don't really know if it would have had a different outcome or not, but it's conceivable.

"Are you aware of any case situation where we could not fulfill our mission?" The only one I can think of is infamous digital archery. Should we not have been in California, maybe we would have had a faster path to resolution on that one. It didn't really affect the outcome, but it certainly effected a lot of wasted time.



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So from a personal point of view, I don't have a lot to add that would really help in these questions. Maybe other people do, but I don't think we can consolidate. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Alan. Should we just send those questions to the At-Large mailing list and see what kind of response we get on there? The only way I can imagine, from what Cheryl was saying, is by widening the scope and getting more people to be able to contribute to this. Certainly, your At-Large Structures might have some information that we don't have.

ALAN GREENBERG: I'm not sure we want the answers, but perhaps encourage them to contribute them if they have something substantive.

OLIVIER CREPIN-LEBLOND: Okay. Thanks, Alan. Let's put this as an action item; that I'll be circulating these jurisdiction draft questions to the At-Large mailing list and all BMSPC lists for continued feedback.

We have two more people in the queue. Then I'll close the queue after that. Tijani Ben Jemaa and then Seun Ojedeji. First is Tijani. You have the floor.

Tijani, you might be muted. Can we hear from Tijani? Have I been kicked out?

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UNIDENTIFIED FEMALE: No, we can hear you, Olivier.

OLIVIER CREPIN-LEBLOND: You can hear me. Okay. In the absence of Tijani at the moment, let's have Seun Ojedeji, please.

SEUN OJEDEJI: Okay.

OLIVIER CREPIN-LEBLOND: Yes. Go ahead, Seun.

SEUN OJEDJI: Okay. Sorry for the background sound. I may be yelling. That is [inaudible] in my country.

One thing I wanted to mention is that I think that, yes, we should put more effort in to encourage people who have something to contribute to actually fill in their input directly to the process. [We're] not necessarily trying to get [all] the feedback together, but we shouldn't encourage [restraints] to the questions. We should allow people to share their thoughts, even if it's beyond the scope of the question, so long as it's in relation to the jurisdiction issues.

So it's not within us to try to constrain people within the particular set of questions that have been asked. So long as it has to do with

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jurisdiction, we should encourage people to put in their input accordingly. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Seun. I thought we were just [sending] this message and then letting a free-flow dialogue. I don't think we're asking for a direct response on each of these. It's just a way to generate the discussion.

Sebastien, you put your hand up, but I've already closed the queue on this topic. But okay. I will let [inaudible] since this is that important. But first, Tijani Ben Jemaa is next.

TIJANI BEN JEMAA: Thank you very much, Olivier, and I am sorry for this problem of communication. Thank you very much, Alan, for trying to answer those questions. But we see exactly the problem of question number four. The group wanted this to be only factual things. If you have seen or you have experienced it or if something happened, when you say "maybe," question four was made so that you say "That may happen. That can happen." It was refused because it wasn't this way. Now it is [inaudible] happened.

I think this is really a problem. I think that ALAC should have a statement – not answer the questions – because I think the questions will not add anything. In our answering, we can note what Alan said [inaudible]. I'm saying that we do that because we cannot predict something that we cannot experience since we are a [inaudible]. Those are the things that we have to do. We have to [invite] people and send

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our questions to the ALSes so that they give us their input. This is something that's very important also. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Tijani. I note a message from a Jean-Jacques Subrenat in the chat, where he proposes that the ALAC considers giving a position not limited to these four questions but putting them in a wider context, following on the remarks by Tijani and others.

To be clear, I think an ALAC response to those four questions alone would provide no added value. I think the idea of first having a discussion perhaps might lead us to an ALAC response later on. Or it might not. We'll just have to see where the discussion takes us. But the first step is really to have that wider discussion in our committee.

Sebastien Bachollet, just closing the floor, please, on this topic.

SEBASTIEN BACHOLLET: Thank you, Olivier. I raised my hand to be sure that you had this input from Jean-Jacques because it's maybe difficult to be Chair and read everything. But thank you. You have done it great. Thank you very much.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this, Sebastien. It's been a good discussion so far.

Now, guidelines for good faith is the next one. We still have one, two, three, four, five, six, seven, eight topics to touch on in the next 20

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minutes. Let's try to go through these a little faster, except that there is something right now that is really, again, contentious or as contentious as the jurisdiction and human rights and the transparency topics.

Guidelines for good faith. Cheryl, Avri, and Alan are the people on this who are following this topic. Has there been much of a follow-up?

Alan was fast just on the button, so Alan Greenberg, your first in the queue.

ALAN GREENBERG:

Thank you. We have submitted something for first reading of the plenary. Barring some people identifying real grievous problems we have, I think we're pretty close to being finished. I think what we've done meets the original qualifications. It will require the ALAC to do a little bit of work, but not a lot, and I think we're in a good position. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you, Alan. I note that both Avri Doria and Cheryl Langdon-Orr are putting a great big green tick on this. Could I just ask one question to you, which is: are there any specific contentious issues on this topic?

ALAN GREENBERG:

None, as far as I am aware.

OLIVIER CREPIN-LEBLOND:

Okay. Excellent. What are the next steps on this?

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ALAN GREENBERG: First, reading. We'll presumably get some comments. We'll bring it back to the sub-group. No doubt we will do some refinement and rewording just to clean it up more and go to second reading.

OLIVIER CREPIN-LEBLOND: Okay. Thanks. Is there a public comment in store for Copenhagen?

ALAN GREENBERG: Public comment I think comes after second reading, but I'm not 100% sure. But I think that's the case.

OLIVIER CREPIN-LEBLOND: Okay. Thanks. Seeing no hands and with nothing contentious on this, let's move to SO/AC accountability, where Cheryl Langdon-Orr is the co-rapporteur. Cheryl?

CHERYL LANGDON-ORR: Thank you. Just briefly and with a very small reiteration of what was covered in our last meeting, we have collated the various data points that were provided by the response to the questionnaire we sent out at the end of last year to the SO/ACs. We have got in from most – unfortunately, not all – a healthy sample of responses from SO/ACs. As well as the SO/AC responses, we have got a number of constituencies from within the GNSO responding the questions, all of which is very important.

This data capture exercise has had a two-pronged approach to the analysis. Note I'm talking about just looking at provided data now. Seeing where there are similarities, unique points, departures, and obvious omissions is all we are doing. We are not making any value judgment, and we're also not closing the books. For example, if during one of our analysis discussions within our sub-team a group or a penholder who had contributed answers to the questions on behalf of an SO/AC or a constituency goes, "Oh. We didn't cover that off when we responded," then we are certainly more than happy for that additional information to be added. So this is still at the living document stage.

To make it slightly easier to manage, having started to look at the data capture exercise more as a large matrix, for the last three weeks we have taken a topic or an aspect of topic by topic, and so far we've covered off to a first run. Certainly I wouldn't go so far as to calling it a first agreement. It really is just a first preliminary discussion [of our] analysis of the point.

We looked at outreach. We then followed that up as an exercise last week on looking at some of the aspects of transparency. This coming week, we will be looking specifically at the concept of participation. But the aspect of participation that we will be looking at will be methods and mechanisms that were reported for participation.

So what we're doing is a full sub-team interaction in our mailings on a topic-by-topic approach or an aspect of topic-by-topic approach. Each time we've done that, we've asked some volunteers – hopefully members of the Drafting Team tasked with the work for this thread, but limited to those people. I have been concerned that we've had far too

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much of that work being done by co-rapporteurs to date, but I'm delighted to report that Tatiana stepped up without too much poking and prodding in the last call and that she is going to be doing some of the baseline analysis for getting a draft document out with Farzi for this topic in the coming week's meeting.

That's it from me. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much for this comprehensive review of the activities of the Work Stream. Quick question for you. Is there anything that requires at this moment of time the direct input from our committee?

CHERYL LANGDON-ORR: I don't believe there is a requirement at this stage. When we have taken these deliberations and discussions to the next level, and most importantly, when we are looking at one of the important things our group is tasked with – that is, making some recommendations, albeit high-level and overarching ones, to improve the accountability aspects of the Supporting Organizations and Advisory Committees, specifically with a focus on minimizing the risk of capture – that is our task – I think we will need a lot of orchestrated input. At that point, I would certainly be calling for probably a lion's share of one of these calls, if not a single purpose outreach webinar, to make sure we do respect At-Large's communities' input on the [inaudible].

OLIVIER CREPIN-LEBLOND: Excellent. Thank you, Cheryl. Alan Greenberg, is this a new hand?



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ALAN GREENBERG: Yes, it is a new hand.

OLIVIER CREPIN-LEBLOND: You have the floor, sir.

ALAN GREENBERG: I beg to differ slightly with my colleague. By the way, this is a sub-group, I believe. The Work Stream is the overall thing. You asked, "Is there anything we should be doing at this point?" The sub-group does have access to the draft ALAC At-Large Accountability document, which I distributed a little over a week ago, I think, to the ALAC list.

I have received, as of a few minutes ago, some minor editorial comments from Seun. If anyone else has any comments before I finalize this document, I really would like to get them sooner rather than later. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Alan. If you could please send a link on the chat for everyone to look at, that would be helpful.

ALAN GREENBERG: I will do that.

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OLIVIER CREPIN-LEBLOND: And perhaps a follow-up reminder e-mail as well. As you know, our e-mail mailboxes are filled to the brim on these things.

Next, seeing no other hands, we have Diversity. Cheryl, Sebastien, Seun, Tijani, and Beran are on this Work Stream. Is anyone wishing to provide us with some details or a quick update on this, perhaps?

May I ask Sebastien, as he has been vocal on Diversity in At-Large? I'm not sure whether there is any movement in the Diversity Work Stream. Sebastien Bachollet?

SEBASTIEN BACHOLLET: Thank you, Olivier. Yes, there are different issues currently discussed. I guess we are relatively close to having a document to be sent to the plenary for first reading. But there are some issues still under discussion, and one item is linked with the next one on the Ombudsman. I have to write a document, and I was not able to do so yet. I will try to do that tomorrow. It's about why the Ombudsman Group was pushing to have the office of diversity within the Office of the Ombudsman and what could be the other possibilities.

As I have the floor, I just want you to think about it because it's a broader question. There are some issues on which we will be able to be under by staff. That could be by any staff, but maybe for some of them it will be the newly-created job of the Complaint Office, which is still an open job.

But for a lot of questions, we are asking for an independent body. Currently, within ICANN we have just independent body. It's the

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Ombuds. The Ombuds has no link with staff, just a link with the Board. The boss of the Ombuds is the Chair and the Board Governance Committee. I'm not sure it's the best one, but at least there's some independence from staff.

The question is: can we have all these who will come from the different drafting teams or sub-groups for independency able to go through the Ombud's, or do we need to think about the creation of a new independent body? I know it's a broad question, and there is no yes or no that comes very easily, but I think it's a topic we need to all together think about: is specific to everything fitting within the Ombud's or do we need another group? There are some good reasons to do that and some bad reasons, and we can have this discussion later on, if you wish.

That's my take on Diversity. If you'll allow me, as I have the floor, I will finish about the Ombudsman at the same time, and you will be able to spread the discussion after.

At the Ombud's, we didn't have too much to discuss during our call this morning. Just letting you know that ICANN received seven answers to their request for proposals for the external review of the Ombud's Office. Staff will read the seven proposals and make some scorecards, and we will discuss this within the Ombud's Group next week. Hopefully, they will be able to do that by the time we are giving them. But we will see and know better about the timing next week. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Sebastien, for this update on Diversity and Ombuds. Cheryl Langdon-Orr is in the queue.

CHERYL LANGDON-ORRL

Thank you, Olivier. Just briefly following on Sebastien, he said some obviously extremely points regarding independence of office and opportunity for work with the Ombuds as well. One of the things I think we should note, because it will have an impact on our work flow from this group in the near-future, is that we are getting closer in the diversity group to the establishment of a set of questions, which will be going out, just as you've seen questions come out from a number of the other topics. Diversity has a set of questions that will be heading out as well. So I just wanted to make sure we had a heads up, particularly on such a vital and important topic. I would think that this group and indeed the wider At-Large community would want to have their voices heard jointly, collectively, or severally in response to those questions. Thanks.

OLIVIER CREPIN-LEBLOND:

Thank you for this additional information, Cheryl. That's very helpful. We're looking forward to receiving those questions regarding diversity.

Regarding Ombuds, it's interesting that Sebastien perhaps launching a discussion in our community. I'm not quite sure whether our community in general realizes or understands the different finer points about internal/external and what an Ombud is supposed to do.

If you were to do that, Sebastien, may I ask that you perhaps weigh in the different options and explain the different options on the table and launch a dialogue again on our mailing list, perhaps starting with the

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ICANN Evolution mailing list but also in our wider At-Large list? That really I've leave up to you.

Realizing we have four minutes until the end of the call – we are running out of time – let's go quickly to reviewing the cooperative engagement process – the CEP. Has there been a movement on this?

Avri Doria?

AVRI DORIA:

Not a lot. I think one of the main issues being looked at there is its relation to the Independent Review Team (IRT) work and its role as part of that. So I think that kind of gets straightened out.

But, no, very little has been done on it. Still at the starting point.

OLIVIER CREPIN-LEBLOND:

Okay, Avri. Thanks for this update. Just a quick question. Has this topic got to do also with the end of the Affirmation of Commitments, or is that completely different?

AVRI DORIA:

I don't know.

OLIVIER CREPIN-LEBLOND:

Okay. Alright. Thanks. I'm asking this question because one piece of news, which I think you might have all received in your mailboxes, is about how the NTIA (The National Telecommunication Infrastructure

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Administration) has signed the final letter to [end] the Affirmation of Commitments with ICANN. Both parties have signed it. I think it was yesterday or earlier this month. So ICANN is definitely completely independent from the United States when it comes down to this Affirmation of Commitment.

Let's go to Staff Accountability. Who will speak to this? Avri Doria again?

AVRI DORIA:

Yeah. Sorry to speak so much. I'm the co-rapporteur on that, so I figured I might as well put in my two cents and make myself useful, as it were.

Basically, as mentioned before, we have two documents; one on the roles that exist and one on the instruments, such as conduct, performance indicators, etc.

On the one on roles, we're going to go to see if we have consensus on sending it for a first reading at our next meeting. The one on instruments is lagging behind, but we just got some final documentation from staff that we had asked for, so we should be able to move that along.

We also got a set of questions from staff, asking us what our concerns were, what issues we have about staff members participating in our group, etc. We have a set of draft answers that we started talking about. Some very interesting discussions there. If you only listen to one meeting of this group, that last one was an interesting discussion. Basically, it's boiling down to a discussion on staff being a determining

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factor in how groups do their work versus groups being a determining factor in how they do their work.

There was interesting set of examples; bilaterals of different groups that had different issues with staff interaction and staff direction and people going, “Oh. Yours sounds like mine,” “Oh. Mine sounds like yours.”

So that discussion is just starting. I recommend reading – I’ve given the names before, but I can again – our documents and commenting. All of our documents are on Google Drive, and they’re open for comments and suggested text changes. Thanks.

OLIVIER CREPIN-LEBLOND: Thank for this update, Avri. I’ve marked you down then as co-rapporteur for the Staff Accountability sub-team. Hopefully you’ll be able to provide us with more updates in the future. It would be helpful if you could post a link to that questionnaire. That would be a good thing. I’m not sure I have a link at the moment. I can see the first draft –

AVRI DORIA Basically, all of our stuff is on the community ICANN [or] if you go to our top page, you’ll find the things. But I’ve posted them last time. Give me a second and I’ll post them now.

OLIVIER CREPIN-LEBLOND: Are these the ones that were sent on the 26<sup>th</sup> of October, 2016? Because the last document dates from the 1<sup>st</sup> of February, and it’s the first draft document B. The other one is already in response that those

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questions. So it's a bit confusing. One might not know what is there or not.

AVRI DORIA:

There's three documents. There's Doc A, Doc B, and the comments. I will break it down for you yet again and send it out. Thank you.

OLIVIER CREPIN-LEBLOND:

Okay. Thanks for this, Avri. We have reached the 19-minute mark on our call. Evin tells me that we have a small extension with our interpreters, I think. She has come back to me and said it's okay with Adigo. I don't think the interpreters are with Adigo, but let's hope she's right.

We still have two small points. IRP Phase 2 – we have no one listed next to this – and ATRT 2. No one listed next to this. I think that Avri would be listed next to ATRT 2 review. I'm not sure who would be next to IRP Phase 2.

Avri, could I ask you about ATRT 2, please?

AVRI DORIA:

At this point, there's very little to add about ATRT 2. People have started looking about 3. But I'm not quite sure I understand where we're at at the moment.

In terms of ATRT 2, the main task, which was to make sure that there weren't overlaps in work and that the work from ATRT 2 had indeed been considered and dealt with, I think is close to completion but still



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keeping a view of it. But really, at this point, it's the coming of ATRT 3, which should be happening. I was expecting to already see the first actions, but perhaps this is not happening until next year. That won't happen for another couple months.

Other than that, on the IRP, I happen to also be on the IRP-IOT. I think orienting ourselves to the next step of work while the current draft is still out for review is where we're at. So we're really in one of those interstitial spaces of waiting for answers and getting ready for the next set of work.

OLIVIER CREPIN-LEBLOND: Okay –

SEUN OJEDEJI: Hello. This Seun. I'd like to be in the queue.

OLIVIER CREPIN-LEBLOND: Thank you, Seun. I'll put you in the queue. Let's go through the queue. There's still Sebastien and Alan. Let's close the queue after you, Seun.

Sebastien Bachollet?

SEBASTIEN BACHOLLET: Thank you, Olivier. Very short. It's to say that what was in the ATRT 2 was distributed in the sub-team. It's why we are within the Ombud's Group's external review. It's not just because of Work Stream 2. It's also because of ATRT 2. Thank you.

OLIVIER CREPIN-LEBLOND: Okay. Thanks, Sebastien. That's helpful to know. Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you. Just to note the call for volunteers for ATRT 3 has gone out. I thought we had approved a much narrower scope, but based on what it says, it's the full-blown thing. So I encourage people to have fun with it. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this public service announcement, Alan Greenberg. Is it to start this year or is it for next year?

ALAN GREENBERG: The call for volunteers has gone out. It has started. I would expect it to convene sometime in the early part of the second half of this year.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this, Alan. I do recall –

ALAN GREENBERG: Or earlier.

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OLIVIER CREPIN-LEBLOND: I do recall, being part of ATRT 2, that with the call for volunteers, I think we had asked for the next call for volunteers to go out earlier so the ATRT 3 would have a full year to do its work, rather than the usual eight or nine months. And usually the month of December, incorporating no holiday whatsoever for the Chair.

ALAN GREENBERG: Olivier, just for clarification, that was a recommendation out of ATRT 2. I presume it will be followed, but there's nothing to say it has to be done on a calendar year basis.

OLIVIER CREPIN-LEBLOND: Okay. Thanks.

ALAN GREENBERG: As a matter of fact, given Christmas holidays, it shouldn't be done on a calendar year basis.

OLIVIER CREPIN-LEBLOND: Let's not start that discussion here. Both of us remember Larry's points of view on this point, which was, if it needs to be finished by the 31<sup>st</sup> by December, it will be finished by the 31<sup>st</sup> of December. But then again, Larry is probably not going to be back on ATRT 3.

Seun Ojedeji, you have the floor for the last word on this topic.

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SEUN OJEDEJI: Okay. It's difficult to say this should be the last word because of the question I wanted to pose. Since it's going to be a full-blown ATRT, is there an extension to the handling of those discussions within this group as to when it stops?

Most importantly, is it WS2 going on? How are we going to be handling the overlaps [inaudible] around this thing? The other thing is that the Board has said that they are continuing this particular action because the community did not actually raise any comments on the need to add a formal comment to the [inaudible] to step down because the current Work Stream 2 is overlapping. I want to confirm. Did ALAC actually make a statement in that regard? I've forgotten. I just want to be sure we did. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Seun. You asked a million-dollar question, which probably will take another 45 minutes to respond. But Alan Greenberg can probably respond to this in a summarizing second.

ALAN GREENBERG: Thank you. It will not take 45 minutes. The ATRT did recommend that there be an abbreviated or a less-in-scope that is within the mandate of the ATRT to follow or not. I thought it was going to be even less than it we are currently talking about. Exactly what ATRT 3 does is up to ATRT 3. Presumably, they will be advised to avoid subjects which are currently undergoing discussion within the CCWG. I have no doubt they will try to avoid such things.

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That being said, it's going to be a significant effort. The new Bylaws provide no wriggle room for when these reviews are to start. However, the ATRT 3 did not need to start before January 2018. It is likely to start a little bit earlier than that. But just a little bit. So there is no wriggle room to postpone it a lot.

The Bylaws do not give any discretion at all to the Board in doing that, which is why we are going to have a WHOIS RDS review. So what we say doesn't matter. Unfortunately, the CCWG wrote rules which are very rigid. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Alan. Avri Doria is next.

AVRI DORIA: Just a quick comment on how long it's going to take. The process of picking the members will be different than it has been in the past, so we really don't know how long it's going to take at this point because it's going to involve participation from all of the groups and the leaders of the groups. So it's going to take a while.

Yeah, it could start before '18, but I'll be surprised if it starts much before then.

OLIVIER CREPIN-LEBLOND: Thank you, Avri. We are totally running out of time. Let's go to Any Other Business, with two responses from Heidi Ullrich.

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HEIDI ULLRICH: Thank you, Olivier. On the first question about the complaints officer, I have heard that the position is still open. I will update you as soon as I hear something.

On the question of whether there has been or if there is currently any activity in the U.S. Congress in [inaudible] validating the transfer oversight of the IANA functions implemented by the former administration as of the 1<sup>st</sup> of October, 2016, the answer is no. The D.C. office is monitoring this issue, and apparently the Commerce Secretary, [inaudible], has said that the transition is out of the barn.

So those are my responses.

OLIVIER CREPIN-LEBLOND: Thank you for this, Heidi. It's helpful. Sebastien Bachollet?

SEBASTIEN BACHOLLET: It was another topic I wanted to understand. What does it mean the first action item? I have no idea why the BMSPC thinks we're taking this action item, but maybe you have good reasons for that. Thank you.

OLIVIER CREPIN-LEBLOND: First action item – oh, that's interesting. Yeah, I have no idea either. I thought this was supposed to be the At-Large list. Thanks for pointing this out, Sebastien. The action item, the first one, was incorrectly recorded. It should be [inaudible] jurisdiction draft questions to the At-

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Large mailing list, or – and this is the IANA issues – in fact, it’s called the ICANN Evolution mailing list, not BMSPC.

Okay. I note we are quite late. I’d like to thank you all for this. Just one quick comment on what Heidi has mentioned. Indeed, the new Secretary for the Department of Commerce has actually even indicated that, now that the U.S. is out of its position that they had – this historic position – they might be able to take a more partisan view with regards to some of the issues around domain names.

One thing that I heard about is to do with .amazon, where they might be putting their weight behind the allocation of Amazon to the well-known mail-order company. That’s certainly going to put some more heat on international relations and certainly in the Government Advisory Committee, the GAC.

Anyway, with all this, I’d like to thank you all for a very exciting call today. It was very helpful. I would suggest a call in two weeks’ time, if we’re all okay with it. Week-on-week is a little short, but two weeks’ time takes us to the week of the 20<sup>th</sup> of February. Is it better to have in two weeks or next week?

CHERYL LANGDON-ORR: Oh, God. Two weeks, please!

OLIVIER CREPIN-LEBLOND: I see Cheryl Langdon-Orr with a green tick and “Two weeks, please!” note. Whatever time it is, it’s early in the morning for her. “Two weeks, please!” Everyone is saying two weeks. That sounds good. Let’s do it in

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two weeks' time, please. I think we will see if we're doing a – it's still February – rotation or we'll do a [inaudible] task after this call.

Thanks to everyone and thanks specifically to our interpreters, Veronica and David, who have been fantastic in being able to speak for another 15 minutes. Bad, bad, bad. Always late. Thank you. This call is adjourned.

UNIDENTIFIED MALE: Thank you. Bye-bye.

UNIDENTIFIED FEMALE: Thank you.

EVIN ERDOĞDU: Thank you all. The meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and have a wonderful rest of your day. Thank you very much for your patience on the call.

[END OF TRANSCRIPTION]