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OLIVIER CREPIN-LEBLOND: There's quite a few people on the call, so yeah, let's start, please.

EVIN ERDOĞDU: Sure. Good morning, good afternoon and good evening everyone. Welcome to the At-Large ICANN Evolution call on Monday the 20th of February, 2017, from 17:00 to 18:30 UTC.

On the call today we have Olivier Crépin-Leblond, Cheryl Langdon-Orr, Barrack Otieno, Kan Kaili, Tatiana Tropina, Javier Rua-Jovet, Gordon Chillcott, Yrjo Lansipuro, Louis Houle, Alan Greenberg, and John Laprise. On the Spanish channel, we have Carlos Vera and Marcelo Telez. And apologies for the call, we have Leon Felipe Sanchez, Bastiaan Goslings, Maureen Hilyard, Sebastien Bachollet, Seun Ojedeji, and Tijani Ben Jemaa.

From staff, we have Evin Erdoğan and Mario Aleman, Evin being myself, I am also managing the call. Our Spanish interpreters are Veronica and David. 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, Olivier Crepin-Leblond speaking. I'm conducting this call from a London cab. So if I do get dropped off at some point, I'll have to ask the operator to dial me again, and if somebody can take

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over while I'm away, that would be really helpful. So, welcome everyone to this call. Have we missed anyone in the roll call?

It doesn't sound like it, okay. So let's go and have a look at our agenda. Today we're going to have pretty much the same sort of thing as we've had in the past, which is to go through all the different Workstreams that our representatives have been in and that are going to be able to provide us some feedback on those different Workstreams. So, no big difference from other calls.

Is there any additional other business to discuss today? I don't see anyone putting their hand up, so the agenda is adopted as displayed on your screen at present. Oh, Alan Greenberg just put his hand up. There's a little bit of a delay.

ALAN GREENBERG:

It took me longer than I had planned. I would like to discuss briefly how much time we want to devote to these subjects in Copenhagen. We're in the process of putting together the detailed agendas, and if there is in fact things that we need to discuss, debate and decide, then we need to allow significant time. I'm not quite sure that indeed there is, but I think it's a discussion we need to have, and today would be a good time. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you, Alan. It's Oliver speaking. We'll add this at the end of the agenda. So we'll probably have a much better idea how much work we have to do when we meet face to face. So, let's go directly to the action

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items, please. And I'm going to have to resort to the screen to see the action items.

EVIN ERDOGDU: Would you like for me to read them, Olivier?

OLIVIER CREPIN-LEBLOND: If you could, please Evin, that would be helpful.

EVIN ERDOGDU: Sure, so the first action item from the last meeting was for you Olivier, to circulate Jurisdiction draft questions to At-Large mailing list and the ICANN Evolution working group mailing list for continued feedback. Alan Greenberg to send followup reminder email regarding At-Large ALAC Accountability Document. And lastly, Avri Doria is to post link to questionnaire regarding Staff Accountability.

OLIVIER CREPIN-LEBLOND: Okay, thank you for those. It's Oliver speaking. So Alan, I know that two of the four have been dealt with, I'm not sure, did Avri post her bit and did Alan post his bit?

ALAN GREENBERG: I don't know if Avri posted anything. I think I'm pretty sure I sent my reminder, and I don't think I got anything back, but I will double check on that. Maybe someone can tell me whether they received a

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reminder? That would have been on the ALAC list. I will double check and send it if it was not sent.

OLIVIER CREPIN-LEBLOND: Thanks for this, Alan. Seeing no other hands up, let's move straight to our first part, and that's the Workstream II update. If I could ask staff to un-synch the agenda pages, that would be helpful, I think they're synchronized at the moment, ah there you go, excellent. So, Workstream II updates, we have not made any change to the order in which the dates are to be presented. So the first one is to do with human rights, and Tatiana Tropina has followed this very closely. Has there been any movement in the past two weeks since our last call? Tatiana, you have the floor.

TATIANA TROPINA: Thank you, Olivier. Tatiana Tropina is speaking for the record. Yes, there are some movements and yes I'm going to provide the update. I'm sorry for my voice, I caught a cold in Reykjavik and I hope that my voice will not disappear while I'm speaking here. So, the first and the main update is that finally after some discussion, the subgroup closed the issue of whether the framework of interpretation is finished or not. We agreed that it's not.

So the human rights subgroup asks for more time from the plenary to bring together two documents, the first of them is the textual interpretation of the bylaw, which is basically finished now, and the second document is the document which is supposed to address the policies and processes considerations of which the application of core

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value would have for ICANN. So for this task, we now have drafted a team of six people and three of these people were last week at the GNSO intercessional.

So it has been a bit of, how to call it, as the three of us just could not attend the call. But we had several drafting sessions over breakfast, we shows our big devotion to ICANN, and managed to revise the document which considers policies and frameworks, and sometimes we inserted very heavy revisions, which we are going to discuss on the call tomorrow. I of course listened to the call recording, the subgroup team call which we couldn't attend, and it dawned on me that even with all the extra work, the three of us, managed to follow the general line of discussion within the subgroup. And what we suggested is basically just the development of all the discussions.

For example, on the call there were some comments on some parts and it was surprising that we did take these considerations into account even if we were not on the call. Other parts of the document had no issues, but I also believe it was because three of us were not on the call, so we couldn't raise them to have redrafted them.

So, after the process, I'm going to go deep into the substance, because I believe that we made great progress in the last two weeks, from nearly zero considerations, we are now to address all the issues and add something to the textual interpretation of the bylaw and the issues like what these core values mean for ICANN and does it mean something different for ICANN community, ICANN organization, ICANN board.

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I believe that we didn't consider all these issues when we were just interpreting the bylaws textually. So I believe after listening to the call, and after being a part of Iceland drafting team, that there were several issues where the group, the subteam, the whole group is basically on the same page, and we just have to develop those considerations and we have to fine tune them.

The first one is the language. There was a bit of inconsistency with the language because some of the people called the bylaw a commitment, some of them call it an obligation, but finally I believe the group started using the right term, we started using the term "core value" which have a completely different notion.

Then I believe that the group is on the same with regards to whether we need to operationalize the bylaws. There is a general agreement that it is not up to the group to tell exactly the ICANN organization ACs and SOs and the board which framework they have to implement exactly. We don't need to go into those details. I believe that there is a general agreement that the framework of interpretation should provide the general guidance which ICANN organization, ICANN board, ICANN community will take into account while observing or applying these core values.

There is also general agreement that it all cannot be done at once, policies, frameworks, and so on. So the interpretation shall be made without intervening in specific different policy making processes of different advisory committees and support organizations, so the aim of this framework interpretation is kind of universal interpretation which any part of the ICANN community or board or organization can use.

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And of course we are going to recommend human rights impact assessments, that's what the drafting team was getting done in Reykjavik and other instruments, but it is not up to this subgroup, it's not the mandate of this subgroup to decide how they would be applied by, let's say ACs and SOs.

There is also general understanding that we can see the ICANN board as a final determination of the application of these core values, and I believe, and this is my last point, there are some issues where we are not on the same page. Like for example writing principles, because it is not clear from the previous versions of the documents that the group didn't agree on recommending to commit to them.

So the drafting team, the small team in Iceland, suggested to state this clearly, that there was no general agreement, but still say that ICANN might use them in the future, if so needed. So, that's all from me. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you very much, Tatiana. It's Oliver speaking. I unfortunately in the middle of your explanation dropped out of the call, so I missed some of it, but I open the floor for questions. And I'm not on the net temporarily, so if Evin can tell me if there's a hand in the queue?

TATIANA TROPINA: I don't see any hands, actually. Tatiana is speaking. I believe that maybe people got bored from me speaking about human rights all the time.

OLIVIER CREPIN-LEBLOND: Okay, so no one in the queue to speak about human rights. Thanks for your update. Just a quick question, is there going to be a document drafted in time for public comment in Copenhagen?

TATIANA TROPINA: Well, what can I say. If the group will agree more or less on the call tomorrow with what this small drafting team drafted in Iceland, I believe that we might be more or less done, because we basically married this document with the general line of thinking of the group. But I believe that even if we are trying to meet the deadline, we should not compromise on the quality of work and on the consensus. So, if we cannot reach consensus until Copenhagen, I believe that it's better to wait a bit longer. My personal aim is to get it done before Copenhagen. Thanks.

OLIVIER CREPIN-LEBLOND: Okay, thanks very much for this. I'm back online, I don't see any hands in the room, so let's then go to our next item, and that's going to be, let's have a look, transparency is the next one. We have Alan, Avri, Cheryl, and Jean-Jacques Subrenat. Who wishes to provide us some details on transparency? Please don't all run to the mic at the same time.

Alright, let me then ask Alan Greenberg, since you've been following this closely and since you've had the -- woops, Alan, can you hear me?



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ALAN GREENBERG: Yes, and I just put a message saying I haven't attended a meeting since the last time there was a review, so I have nothing to add. I'm not even sure there was a meeting, but if there was, I wasn't there.

OLIVIER CREPIN-LEBLOND: Okay, thanks, Alan. Perhaps Cheryl, are you aware that there was any calls in the past two weeks?

ALAN GREENBERG: Leon has his hand up.

OLIVIER CREPIN-LEBLOND: Ah, and I note -- yes, thank you Alan, so let's turn over to Leon Sanchez, then, please.

LEON SANCHEZ: Thank you very much, Olivier. This is Leon Sanchez. And Alan is right, there's not really much to add to what has been said on the transparency subgroup. There was only a post to one of the president's posts to the list, and that's pretty much what has happened. The subgroup is finalizing their draft report, but other than that, there's really not much. Thanks.

OLIVIER CREPIN-LEBLOND: Thanks for this. So now we can then move to the next agenda item. That's jurisdiction. We heard from Tatiana during the last call that there

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was a lot of discussion going on, and perhaps could I turn back to her again for this update?

TATIANA TROPINA:

No, I'm sorry, I couldn't attend the last jurisdiction call because I was traveling. So, I'm trying to follow the discussion but there is not as much for me to update. Maybe next call. Thanks.

OLIVIER CREPIN-LEBLOND:

Okay, thanks for this, Tatiana. Has anyone else participated in any jurisdiction call since the last two weeks? We had quite a number of people who are a part of this, Avri Doria, Christopher Wilkinson, Tijani Ben Jemaa, and Cheryl Langdon-Orr. Anyone know if there has been any movement? The question was whether there was going to be a document ready for public commenting for Copenhagen as well. I'm not sure whether there has been any movement on this. Leon Sanchez, you probably do know the answer to that. Leon, you have the floor.

LEON SANCHEZ:

Thank you, Olivier. This is Leon Sanchez again. No, there will definitely not be any document for public comment before Copenhagen. The question that has been published, and of course once that question is closed for public comment, or replies, then I guess the subgroup will assess those replies from the public consultation and I guess that they will continue with their work. So, the answer to the question is no, we have no documents for public comments on that. Thanks.

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OLIVIER CREPIN-LEBLOND: Thank you, Leon. It's Oliver Crepin-Leblond speaking. If you recall on our last call we had quite a discussion on this topic. We then followed through with email to the ALAC committee list and also to our own working group. I didn't see that many new points being raised further than the discussion that we had. I'm going to turn to Alan Greenberg to ask whether there is a proposal that the ALAC responds to the questions as a coordinated response, or should we just remind our At-Large (inaudible) to respond directly to the consultation?

ALAN GREENBERG: That's really the call of the people who are actively participating. These are not formal statements of the ALAC. What I've done certainly in the accountability one is passed it by the ALAC for comments to make sure that it was complete. But for the ALAC accountability one, for instance, I didn't see the need to make it a formal statement to moderate of the ALAC that is ratified. So I really think it's up to the individual participants to make sure that they have some support behind what they're saying. We can certainly ratify any statement that people feel is necessary.

OLIVIER CREPIN-LEBLOND: Okay, thank you for this, Alan. Did I hear Sean in the background. Okay, well, what's the view of the participants on this call? Is there anything that we should state as a response, or we just to remind At-Large structure representatives and committee members to comment directly and respond directly to this? I think that we have provided some of how to respond. It's an A or B question. Could I just ask for a show of hands, if you think that there should be an ALAC response or

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coordinated response that you could put a green tick. If you think that there should be the individuals to respond directly, then put a red cross. [AUDIO BREAK] I really don't see much. I see that's fine from Cheryl Langdon-Orr. Okay, so --

TATIANA TROPINA: Olivier, sorry, Tatiana Tropina. Can you repeat the question? Your sound dropped. Several people in the chat are asking to repeat the question because we didn't hear you.

OLIVIER CREPIN-LEBLOND: Okay. So the question is, could I have just a quick show of hands, putting a green tick on the Adobe Connect if you think that there should be an ALAC coordinated response or if you think that it's probably better for At-Large structures and individual members to respond directly, then you put a red cross. And Christopher Wilkinson, you put your hand up, so you have the floor.

CHRISTOPHER WILKINSON: Sorry Olivier, I don't want to interfere with the process of the meeting, because I've only just joined in the last minute or two, but I'm completely lost. You said the response, responding to what, exactly?

OLIVIER CREPIN-LEBLOND: There is a questionnaire that has been sent out regarding jurisdiction, and whether one has any examples, well, the questionnaire mainly asks whether you have any examples of ICANN's current jurisdiction having

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affected outcomes or decisions being made, and the question is whether we should provide an ALAC response to this questionnaire, or a coordinated ALAC, or whether we should just ask our members to respond directly to the consultation. And Christopher Wilkinson, you have the floor.

CHRISTOPHER WILKINSON: Thank you. This is a new hand. For what it's worth, I think it's important that ALAC should not respond collectively. The purpose of the questionnaire is to obtain information from a very wide range of interested parties. My personal recommendation to the subgroup, and I think Cheryl will confirm this, she's on this call, my recommendation is that the ICANN staff should address this questionnaire to as wide a range as possible of the active participants in the ICANN community worldly defined.

Without this, I would be outraged if, for example, GNSO decided that they would propose a collective response for GNSO members, suppressing thus the range and detail of responses from individual GNSO members. So I think it's an absolutely bad idea for At-Large to present a collective response. I will go one stage further. If any other community decides they want to present a collective response, that should be disqualified. Sorry to be so blunt.

OLIVIER CREPIN-LEBLOND: Thank you for that Christopher. I have seen over time a majority of red crosses so far. Let's go to our queue, next is John Laprise.

JOHN LAPRISE: Olivier, why does this have to be either/or? Why can't we do both? And this is sort of in line with Christopher's comment. I don't have a problem with ALAC issuing a position, but it should not preclude other ALS'es or individuals from chiming in, as well. Thank you.

OLIVIER CREPIN-LEBLOND: Yes, thank you, John. I'm sorry if I came out as yes, it's either/or. Perhaps there could be a possibility to do both, although I do find that seeing the range of responses and the range of positions that were expressed during our last call, it might be hard to reach consensus in our community. Let's see from Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: Thank you, Olivier. I'm speaking because Christopher called me, not because I'm intending to speak at every opportunity on every subject. With this in particular, I think the value is as Christopher outlined, for fact-based information to be sought, so should an At-Large structure or group have absolute unequivocal experience and evidence, then yeah, sure, they can say, you know, we've seen this happen and we are concerned about this. I'm very keen to get diversity and variety. I certainly would rather see a broader number of people respond to this, than I would to see the particular constituency of a GNSO says this, or ALAC says that.

Although I, like Christopher, do wonder, I guess I'm saying I'm wondering, but I'm probably more on the side of him, I doubt the

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particular value of a group view other than if it is pointing out specific experiential material, which is what the questions are trying to get to. So if the ALAC thinks it has the time managing the inclination to do so, it should do so, but then again, that is up to the ALAC to decide, not this particular little working group of the ALAC, which really is the methodology of keeping people updated and hopefully getting the community views back into those attending the meetings. Thanks.

OLIVIER CREPIN-LEBLOND: Thanks very much, Cheryl. Next is Christopher Wilkinson.

CHRISTOPHER WILKINSON: I would just add that there are finite resources and this would be a distraction for all of us if At-Large set in motion an elaborate procedure to agree common responses to all the questions, it would be much more revealing and relevant to have direct responses from as wide a range as possible. Just as a footnote, Olivier, the discussion in the CCWG and particularly the jurisdiction subgroup, does illustrate that there are substantially different points of view, depending on whether or not your business or your internet activity is being conducted under US jurisdiction or under non-US jurisdiction. If the leadership of At-Large wants to try and get a common position out of all that, I don't think it would work, and we could spend a lot of time, it should be better spent elsewhere. Thank you Olivier. Thank you, Cheryl.

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OLIVIER CREPIN-LEBLOND: Okay, thank you, Christopher. I guess I can turn over then to Alan Greenberg next, because Cheryl did mention about the ALAC really to make a decision on this. And so I know that you shared this or someone has shared these questions with the wider ALAC. I'm not sure if whether there was any feedback on this or anybody jumping in to provide an answer. So, Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you very much. As Cheryl mentioned, these questions are largely asking for anecdotal evidence. I am not aware of the ALAC being in a position to answer any of these questions based on the ALAC being involved in any of these things, or the ALAC knowing it has been affected by any of these things. Therefore, the best ALAC could do is consolidate input from other people if there was some merit in doing that. Given that we have not received anything and requesting us to forward it, and in fact, I don't believe we received an awful lot of even anecdotal evidence that our community has amassed, I don't see how we can do anything.

If that evidence comes up and we are asked to forward it, we certainly can do that, but I don't see the relevance or even understand the concept of the ALAC endorsing answers, when they are going to specifically come from other individuals who are certifying that they have been affected or groups they know of have been affected. If the ALAC indeed has been affected in its own right, please, someone advise us and maybe we have an answer, but I'm not aware of that. Thank you.



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OLIVIER CREPIN-LEBLOND: Okay, thanks very much for this, Alan. I was then going to suggest that the call for input be renewed on the various At-Large wide mailing list and perhaps to ask that At-Large structures who have been affected will go and respond directly to this, I don't know what to call it, consultations, this set of questions, and to copy either the ALAC mailing list or to copy staff, so that we make a record of the points that have been made by our members, so there could be some coordination and understanding of who has said what, and what ALS'es might have been affected. Does that sound like maybe a good way forward? I do note in the chat that there is a discussion, it's not being able to get consensus, but certainly we should try to get as wide as possible input. And John your hand is still up, is that a new hand? Am I still on this call?

CHERYL LANGDON-ORR: Yes, you are Olivier.

OLIVIER CREPIN-LEBLOND: I see that there are no further hands, and this debate or discussion has come to an end, due to lack of new things to it. Let's just settle for renewal on the ALAC list and ask perhaps that we would be notified if any of our ALS'es are going to send individual points of view. Let's move on and go to the next item, 3-D. Guidelines for good faith. It's still marked as the first reading to come, I'm not sure, well, that probably has been now published. Let's hear from Cheryl, Avir, or Alan, whoever has followed this closely. Guidelines for good faith, has there been any movement since the last call?

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CHERYL LANGDON-ORR: We had the reading, that was the movement.

OLIVIER CREPIN-LEBLOND: Ah, that was Cheryl Langdon-Orr, for the record. We've had the reading. Okay, thanks. Alan, you have the floor.

ALAN GREENBERG: The report last time was the subgroup had sent it to the CCWG. As Cheryl has reported, the CCWG has read it. We are waiting input and comments as to what we got wrong, so we can revise it as necessary. I do not think believe I've seen any, but I might have missed some.

OLIVIER CREPIN-LEBLOND: Is there anything that is going to be happening in Copenhagen? Are we likely to see any movement on this?

ALAN GREENBERG: Olivier, you've gone under water.

OLIVIER CREPIN-LEBLOND: I can't do anything about it. Hello?

ALAN GREENBERG: Alright, oh, that was clear. Yes, and better than before.

OLIVIER CREPIN-LEBLOND: Okay, I'm holding my hand up in the air now, this is not helpful. I'm sorry, I'm in London and it is the rush hour here, and you do tend to get terrible lines as they try to squeeze as many people into the airwaves. The question was whether there was going to be any public consultation to be addressed in Copenhagen regarding the guidelines for good faith. Cheryl Langdon-Orr.

CHERYL LANGDON-ORR: How to say this politely? CCWG will be meeting on Friday. Many of the working groups, the workstreams, are doing their damndest to have material available in advance of that meeting, so that we can have discussion at that one day meeting. So I guess to that extent, yes, that's public, and so we'll be discussing it.

But as Leon said, I thought very clearly, there isn't going to be documents as for public comment from the CCWG before Copenhagen and the only papers that will be out for Copenhagen will be focusing on the CCWG meeting, that can of course be used, accessed, and discussed if people want to pad out their agendas because they have nothing better to do, so as much as I want to do that, but there's nothing going out to community, saying please discuss this in Copenhagen. And I don't see that's going to change for anyone about topics, and maybe you can stop asking it for every topic.

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OLIVIER CREPIN-LEBLOND: Okay, thanks for this Cheryl. I'm only just making sure that we're not going to miss something, and this is to get an idea of how much work we're likely to have in Copenhagen, and it looks likely that because the CCWG meeting will take place before the ICANN meeting, we'll have very last minute actions and movement on this, so let's take note of that. Let's move through our agenda, if there is no discussion on guidelines for good faith. Next is SO/AC accountability. Cheryl Langdon-Orr is the co-rapporteur for this. Cheryl, you have the floor.

CHERYL LANGDON-ORR: Thank you very much. To some extent, I have just said part of what I am going to be saying for accountability, and that is what the accountability for support organization and advisory committee is doing, and doing its best to do, is to ensure that it can have its recommendations and report. They are two different parts of our reporting documentation.

We do have to come up with some recommendations for the configuration of the CCWG and then obviously we'll put that out to public comment to the community, on what our subteam believes will be methods to improve accountability within SOs and ACs, with a view to preventing (inaudible) and making that our mandate. But obviously our report also talks about the three primary streams of activities we've undertaken in terms of our particular focus.

The focus at the moment is still, however, primarily on the data capture that we've done from the SOs and ACs, and the subcomponents of the GNSO, the constituencies and how they've responded to our questionnaire as it relates to input during the Hyderabad meeting, and

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we've worked our way through all but the last three of the subtopics that we identified from those questions. We are at this week's call going to move through as much of the remainder of those last three subtopics as we can, with a view to next week's call, having it completed, we hope on line, if not at the call, so that we can have our report discussion and some solid recommendation put together so that they can be out in time for first reading at the CCWG meeting in Copenhagen. So that's our update. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you Cheryl. Are there any comments or questions regarding this topic of SO/AC accountability? Christopher Wilkinson.

CHRISTOPHER WILKINSON: Thank you Cheryl. I would just like to give a gloss on this activity. First of all, we identified at a very early stage in the debate that important was the mutual transparency of the decision making processes of each of the ACs and SOs. Secondly, looking at it a little bit from the outside, I've followed this but I didn't draft the questionnaire, but it does seem to me that the subgroup has been remarkably successful in collecting substantive reports from each of the ACs and SOs as to what their internal accountability proceedings and processes are.

I think that's a first and it's an extremely valuable piece of work. I think it's important in the longer term, because of the accountability of the ICANN community as a whole will become increasingly important in the months and years to come, because just look around you. The functioning of internet services affect more and more people

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worldwide. I think of the fellow who once said to me, "Welcome to the goldfish bowl," I welcome the subgroup and the SOs and ACs to the global goldfish bowl. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Christopher. Next is Alan Greenberg.

ALAN GREENBERG: Just to echo what I said in the chat, that we did receive one set of comments which were mainly clarification and cleanup on the ALAC statement. It will be adjusted based on those comments, and what we have now stands at least until the subgroup makes recommendations as to what they may feel is lacking in our summary, or something like that.

OLIVIER CREPIN-LEBLOND: Thanks for this, Alan. If no further hands, we can probably then move to the next agenda item.

CHERYL LANGDON-ORR: Sorry, I was trying to put up my hand. Alan was saying something that I needed to respond to, and that was the workteam might be making some recommendations which were, I guess, reflective on the specifics and the quality in some way of what we had reported to as in response to our questions. That really isn't our intent in the accountability recommendations. What we will be trying to do is identify as many potential best practices and concepts that are fit for a purpose for the

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various SOs and ACs, and obviously put some high level commentary and recommendations together.

Certainly nothing will end up being critical or in any way try to tell the SOs and ACs how they do things, only to identify how perhaps by doing things in a particular way, in a generic way, they could be in a stronger position to declare that their accountability is ensuring to the best of their ability that there is a minimal risk of capture. This is not a report card, it really is in true spirit of what a review could and should be.

So certainly not who's got it right and who has got it wrong analysis. I think that's very important to understand. Which is why we need a broad amount of details input from the SOs and ACs, as possible, so that we can do our data and analysis and see who is doing what, and what amongst us, we, as a team, believe we've got such terrific ideas, where they might be shared, and of course, most importantly, see if there is something that none, or perhaps only one of the SOs and ACs are doing, that would be an oversight if the rest of them were never aware of it.

OLIVIER CREPIN-LEBLOND: Thank you Cheryl. I see Alan Greenberg has his hand up.

ALAN GREENBERG: Thank you very much. Let me qualify what I meant by what I said. What I was referring to was should during the view, it becomes apparent that some groups within ICANN have identified specific accountability things which may apply to the ALAC, but I just neglected to include them in the document, we've already found a few of those in

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the first section review, the things that I just didn't think were necessary, other people have included them, and therefore it may be wise or useful to go back and revise the document to make sure it is as fulsome as it can be, given what we learn during the process. Yes, some day we may change our rules and our processes because of best practices that other groups adhere to, that we have not thought of before, but that's not what I was referring to at this phase. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you Alan. I have a question regarding the responses. Is the ALAC response impacted by the current At-Large review, or are we taking that into consideration, or is it premature to do so, and we're just using the current situation as is, rather than what it might be in a year's time?

ALAN GREENBERG: All we can report is what we are doing today and what is in our rules today. If there is something that has been identified during the At-Large review that we feel negatively impacts on our accountability, it could be mentioned in the document, and in fact there are things in the document that have been identified during the At-Large review.

Not that we weren't aware of them before and would not have identified them anyway, but they do happen to coincide with things that are mentioned, and that's particularly issues-related capture, which are mentioned in the review and have been the subject of our discussion for years now. So there may well be coincidences or situations where there is overlap, but certainly any changes in how we do our business are only



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going to come as a result of the review being finalized and the board eventually acting on it, and certainly not before.

OLIVIER CREPIN-LEBLOND: Okay, well thanks very much for this Alan. I just remind everyone that this is a public comment period that is currently open until the 1<sup>st</sup> of March. I'm not sure if whether there is any likelihood for this to be delayed until after Copenhagen, but if it isn't, then if I could ask everyone to have a look at the first draft which Alan has put on that page. I will do a cut and paste, or maybe it's already in there, is it?

Maybe it isn't, a cut and paste to the relevant page that has the current public comment, and I invite you all to have a look at it and to submit your comments relating to this. I see no other further hands, so let's then move on to the next topic, and that's diversity. Cheryl, Sebastien, Seun, Tijani are following this topic. I open the floor to anyone who wishes to provide an update on this. What's happened in Diversity in the past two weeks? Avri Doria, you have the floor.

AVRI DORIA: Thank you. I'm not one of the names you have on that list, but over the last, I guess, week, there has been a certain amount of discussion both on the list and in the document and in the last meeting about some of the finer points of diversity having to do with whether diversity was more important than skills and experience, less important than skills and experience, should we avoid it until skills and experience are dealt with, or go hand and glove between skills and experience and diversity, and that you can't have one without the other.

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So that's one issue that's being discussed, and there's a certain amount of back and forth in the document on it. Another issue that's being discussed, but not as big of one, is in terms of age diversity. The document was very focused on we wanted lots and lots of young people, millennials, and even the next generation, though there is some doubt whether millennials are still the younger generation. But the older people got lost. So there's some sense in terms of trying to do that.

And then on gender, we got into the issue and we got confused in the issue, but I think we're sorting it out, you know, is there a need for there to be a party between men and women on the various panels, and in another dimension, there's a need for us to start looking beyond the binary male female, and going at least for the acknowledgment that there are those that don't consider themselves in either of those two binaries, and getting ICANN to include a collection, an ability for someone to indicate other. But trying also not to conflate those two sides of the gender issue. So that's kind of my impression and I've been messing about in the document a lot, and that's why I put my hand up. Bye.

OLIVIER CREPIN-LEBLOND: Thank you, Avri. Are you following this diversity regularly? And if that's the case, then we'll add you to the list of people that are following this regularly.

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AVRI DORIA: No need to add me, yes, I follow it regularly. I follow them, well, I follow all of them semi-regularly.

OLIVIER CREPIN-LEBLOND: Okay, thanks. Alright, Christopher Wilkinson, you have the floor.

CHRISTOPHER WILKINSON: I've written about this, but I haven't participated in the group, so I'm really coming at it from the outside. My analysis of the issue is first of all, ICANN and the debate in general, between diversity, by which I mean geographical, ethnic, professional diversity, and gender balance. I think it is not correct to subsume gender balance into the general debate about diversity. My second point is recalling what Avri has just said, you won't get experience and skills unless you have opportunities available for people to acquire skills and experience.

So at some juncture, the institution the organization, and right down to the working level groups, you're going to have to take some risks, but unless you do, you will never get the broad range of experiences and skills that will be necessary to achieve gender balance and diversity. And what I detect is a certain acceptance of the objective of diversity and gender balance is accepted, but the matter of getting there in terms of providing opportunities for experience and skills, that's not there yet. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this Christopher. Your points are well taken. I have a question regarding this topic of diversity. I'm not sure actually

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where this question fits, whether it fits in any of the workstreams, and that's stakeholder diversity and stakeholder balance.

As an example, a PVP that has a majority of a specific type of stakeholder, that doesn't have an end user or a number of end user representatives and we've seen that in PVPs where depending on what the topic is, there seems to be an overwhelming majority of directly affected parties taking part in the PVP but no other parties or very few other parties taking an active role, sometimes due to the lack of interest, but most often due to the lack of knowledge or in depth knowledge about the topic for meaningful participation. Is diversity the right working group or substream to be looking at this, or is this to be tailored for elsewhere? The balance of stakeholder input? Alan Greenberg.

ALAN GREENBERG:

It certainly is a place you can look at. I'm not sure it is the only group that should be concerned about it. The whole viability of the multi-stakeholder model depends on the fact that the stakeholders are moderately balanced. So even if we have diversity in the group, but the diversity is not based on the stakeholder qualifications, then we have an issue. So we can have diversity within At-Large, but we don't have diversity in participation in the groups. How do we address that?

We still met the diversity criteria, but we can't get people to put their hand up and volunteer, and devote the unending number of hours that are necessary for some of these groups. And I'm not sure to the diversity issue. I think that may be more of an issue of our

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restructuring the requirements to participate so that we can attract people from various areas. But yes, it can be looked at from a dozen different ways, I have no problem having it looked at from diversity, but I think that is not the only way, the only place to be concerned about it.

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

AVRI DORIA: I actually, yeah, we have not discussed it in diversity, at least not in any of the meetings I've been in or seen in the document. I think part of it, though, is really less diversity than, you know, spread of interest. I think we see that overall in ICANN there is diversity of stakeholder groups participation, but in a lot of issues, the issue does focus more and so if you're looking at diversity, you have to look at the whole scope, not only who participates, but who comments, and who the issue is relevant to.

Because just because you can have diversity on every issue, you know, contract negotiation, you may not have complete diversity of interest and I don't know how you make interest go that way. When you do have the people around they do get the notices, and they can comment, but just don't care.

OLIVIER CREPIN-LEBLOND: Okay, thanks for this, Avri. I note a green glick from Alan Greenberg to your last statement. Well, I'm not sure whether that group will discuss this, but I note in the chat that Cheryl is saying stakeholder diversity is

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considered within the GNSO PVPs by obviously asking for all of the different constituencies in the GNSO to supply people or to name people to go into these PVPs. Then of course the question remains, and I was going to ask, whether the end users, how are the end user interests defended. But anyway, let's not go further on this. Avri, is this a new hand?

AVRI DORIA:

It is, just to respond to the question that was sort of posed towards me about the GNSO and PVP diversity. Indeed, it is sort of the requirement of the chairs and the liaison to the GNSO to affirm that there is sufficient diversity in the PVP and in fact, on one PDP recently, I did raise the alarm as a co-chair that I wasn't quite sure that we had that, we needed to look at it and then talk to the GNSO and others.

In terms of defending the users, I'd say if there is a new group outside of GNSO that participates in PVP, it is At-Large and ALAC people more than most. So I think that their participation is there to protect as you say the end users. So I think that's included there. But we're not studying the PVP as it were, in any of the workstreams at the moment.

OLIVIER CREPIN-LEBLOND:

Thanks, Avri. And this is topic of stakeholder diversity likely to come up in the working group in the diversity working group or not. Have you passed that stage of identifying?

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AVRI DORIA: If you're asking me, this is Avri again, it will only come up if one of us sticks it in the document at the moment. We're certainly identifying the areas of discussion, but we're not beyond the area where if one of us wanted to champion that idea into the document, they couldn't try to do so. I'm not volunteering to do so.

OLIVIER CREPIN-LEBLOND: Okay, thanks for this, Avri. Next is Alan Greenberg.

ALAN GREENBERG: Thank you, all note there is an ATRT-2 recommendation on just this subject. It is ticked on the score, it is ticked on the score card, it is ticked off as being green and completed. It has not been addressed virtually at all. And I'm in process of mentioning that. So you'll see that sone. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Alan. And I don't see any other hands up, so let's move, then, to the next topic and that's the ombudsman. Sebastien Bachollet is our usual rapporteur, but he has sent his apologies to today's call. Alberto Soto, Carlos Vera Quintana, Cheryl Langdon-Orr, José Arce, Siva are the people listed on our agenda, but of course, if anybody else has followed this thread, could they please let us know what the latest developments are regarding the ombudsman. Cheryl Langdon-Orr.

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CHERYL LANGDON-ORR: Thank you, I apologize sincerely for putting my hand up again for a topic that is not mine to speak on in this group. But seeing as there is a 5 minute induration, there isn't must to report on since our session that it was 5 minutes, and yes, I was woken up at midnight to attend, but anyway, a convenient time for some of us.

A 5 minute call was attended by some of us, and it had a primary focus that should have been on an update from the process of what was happening with the review of the ombud's office, the formal organization review at the ombud's office. As you know, probably about half a dozen names are being looked for as popular consultants, and unfortunately the staff that should have been reported on that did not attend the call. And that's the most I can say about the meeting we had that was not a meeting.

OLIVIER CREPIN-LEBLOND: I'm sorry to hear a five minute call, once you're out of bed, and that sort of crazy time. Unfortunately it happens sometimes. I don't see anyone else wishing to comment to this, so let's move to the review. Alan, Avri, Cheryl, who wishes to move forward on this. Has there been any vascular markings? Avri Doria.

AVRI DORIA: Wow, talk about talking a lot in a meeting where I didn't even plan to turn on my microphone. The CEP, I think they're still looking for the connection between the CEP and the IOT, the IRP oversight team in terms of is CEP part of that, is it different? And if it is, what are some of the conditions of it? But it's moving exceedingly slowly. Thanks.



OLIVIER CREPIN-LEBLOND: Thank you Avria. I was looking, reviewing the CEP Wiki page, and indeed, the last document there dates from 12/09/2016. Is this up to date? And that actually is for all of the Wiki pages. Are these Wiki pages up to date? And this is a question to Avri, again.

AVRI DORIA: I have really no idea. No idea where we are on that document. We basically went into a sort of stop while certain things were being figured out. I think we had one meeting where we're starting up again, but I have not looked at that document and I have no idea whether it's still a valid document of record.

OLIVIER CREPIN-LEBLOND: Okay, thanks very much for this Avri. Let me transfer to Leon Sanchez. Are you aware, is support staff actively updating all the Wikis' should we take it that they're all up date?

LEON SANCHEZ: Yes they are actually updating all the Wikis and I got distracted for a moment, Olivier, so I guess being on the CEP, right?

OLIVIER CREPIN-LEBLOND: Correct, yes. The CEP, Corporate Engagement Process.

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LEON SANCHEZ: Well, the CEP hasn't seen a lot of action lately, not at all. We're in the process of trying to take another approach to the working method of the subgroup. By we, I mean the co-chairs and staff and we will be hopefully, shortly having an update on that and also hopefully reactivating the subgroups work. So that is why it seems like it's stalled, and yes, it is stalled.

OLIVIER CREPIN-LEBLOND: Thank you Leon, in which case we can go to the next topic, 3-I. Staff accountability. Alan, Cheryl, and Seun are listed here. Who wishes to take the floor to provide us with an update on this topic?

CHERYL LANGDON-ORR: Shouldn't Avri take that, seeing that she is the rapporteur for that group?

OLIVIER CREPIN-LEBLOND: Oh, I'm afraid that hadn't been updated on the site, so perhaps we'll have to add Avri rapporteur for this. Staff Accountability, Avri Doria.

AVRI DORIA: Yes, that's exactly the same comment you made last time. Yeah, we haven't had a meeting since the last time you guys had a meeting. We were supposed to have one last week, but I was traveling and not available, so Jordan, who is my co-rapporteur and I decided to move the meeting, we're having the meeting this week, we're trying to finish one of our documents, the Doc A. We have more work to do on Doc B and

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more work to do on our answers to staff questions. We will have hopefully one document ready to go before Copenhagen, and we need to finish the other. We slipped in our schedule by somewhere between two weeks and have been keeping the leadership crew informed of that.

And I did finally, I guess I forgot to do it as an action item after the last meeting. I did send those three documents out to the list and invite people to just into them, you know, certainly before our Wednesday meeting with any comments, questions, suggestions. We're going to try and finish, I am going to try and some more work on document B before Wednesday, so that it's in decent shape, and we'll see where we go from there.

OLIVIER CREPIN-LEBLOND: Thank you for this update Avri. Any questions or comments on staff accountability. No hands up so we look forward to this document. Christopher Wilkinson has put his hand up. Christopher you have the floor.

CHRISTOPHER WILKINSON: Two small points on staff accountability. First of all, in general, obviously the staff as a whole from top to bottom have to be accountable. Exactly who they are accountable to is still under discussion. Particularly if the chief executive to the board, and if his staff are not accountable to him, he has a problem. Some of the proposals about staff accountability to my mind have created something of a dichotomy between the staff's accountability to the community and the

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staff's accountability to the chief executive and the board. I'm open for information and experience as this debate proceeds, as to how that dichotomy will be resolved.

And to be quite transparent, I'm speaking from the experience of 40 years in international organizations where there was quite clearly an accountability of responsibility involved with the work of the staff. The second problem which will come up is more subtle. There are recommendations around and there is practical experience indeed, where different branches of ICANN staff are accountable, deeply indicated into the internal politics of the important organization's success, of course.

At some juncture one will have to resolve the dichotomy of what does the community expect the staff to do, whereas on the one hand the staff was repairing documents for one supporting organization, would find themselves in a challenging situation, vis a viz the other branches that the staff supporting a different advisory committee. I don't know how the management of ICANN staff will deal with these problems in the future, but I see a cloud no larger than a man's hand on the horizon which involves ensuring that the integrity of the ICANN organization in the face of potentially quite conflictual pressures on different branches of the staff in terms of their support for and transparency to different branches. Thank you.

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OLIVIER CREPIN-LEBLOND: Thank you for these comments, Christopher. Avri, is the type of comment that Christopher is making here, is the gist of the discussions and the staff accountability subgroup?

AVRI DORIA: Is that the gist of what we're talking about? I wouldn't go that far as to say that's the gist, but there certainly is an element there of how one deals with obvious hierarchal necessity of reports inside a company eventually funneling to the CEO, who has accountability to the board. And that is certainly recognized and discussed.

But there is a also an element of how the staff is accountable to the community otherwise especially in two respects, one in terms of operational, in terms of making sure that implementation are indeed accountable to the policy that gave rise to them, and also that the staff that is community facing that works with us is in some sense accountable to the people that it's serving, and how one deals with that sort of binary nature of staff accountability in a special beast like ICANN where there is that duality and how to try and get both of those in without sacrificing the other, is indeed one of the threads that is being looked at, talked about, can be found implicit in many of the questions that are being asked, and in some cases even explicit. Hope that helps answer your question.

OLIVIER CREPIN-LEBLOND: Thank you very much, Avri. Yes, that is very helpful. Christopher is this a new hand?

CHRISTOPHER WILKINSON: Just to add a gloss to Avri's comments. I have some personal experience in this area recently, both positive and negative. I was an active participant in the CTT groups, the competition and consumer aspects. The staff was basically supporting the group and the chair, and the results I think were quite positive, although statistically and economically from the point of view of economic survey it was quite difficult. But the staff was on board. There was another group dealing with certain aspects of policy when the staff right from the start was totally committed so their view of what the outcome should have been, to the point that the group never appointed an independent chair and the staff represented and imposed a solution which was not accountable and in fact often transparent.

I think these two experiences illustrate the dichotomy that I referred to earlier and the more the staff thinks that they're accountable to particular branches of the community, the greater will become the difficulty of senior management in ICANN to hold the structure together in the normal hierarchal coherent structure. I won't say anymore about this because I think the chair is feeling that we spent enough time on the topic, and I've spoke too much. But I thank you very much for listening to me.

OLIVIER CREPIN-LEBLOND: Thank you Christopher. There is a question from Alan in the chat, which group are you referring to with no independent chair and largely being led by staff? Is there any specific group that you are alluding to?

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ALAN GREENBERG: Before Christopher answers, if he wants to answer me privately, that would be fine, as well.

CHRISTOPHER WILKINSON: I can certainly give you greater details privately.

ALAN GREENBERG: Please do.

CHRISTOPHER WILKINSON: The question was terms and conditions for which registrars would be allowed to apply for an acquire a waiver.

OLIVIER CREPIN-LEBLOND: Thanks very much. Let's get a move on, we still have less than 10 minutes to finish this call. IRP phase 2, is there any progress on this? I don't even think that a Wiki page is ready for it. Any news on this? Christopher Wilkinson.

CHRISTOPHER WILKINSON: Yes, the only thing that I'm aware of, which I am fully in support of, is that the IRP should not apply to advisory committees.

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OLIVIER CREPIN-LEBLOND: Okay, thanks for this point. I don't know who is following this, so if anybody wishes to put their name down next to the topic, then we will be able to follow in the future and record this. Avri Doria.

AVRI DORIA: Last time I talk, because I'm walking away from my computer now. I have to go do something. I'm on that group. We did have a commentary out, we're starting to go through the responses. We're also starting to look at the issues that we have yet to resolve. And one of the main issues there has to do with how we're going to work with staff to create the body of people that are the new IRP, because that's one of the big things that needs to be done, is according to the bylaws there is a pool, etc, so how does that pool get created? So that's one of the new issues, and at the moment we're going to be going through the comments received on the previous comment request that we had out. So we're moving along.

OLIVIER CREPIN-LEBLOND: Thanks Avri. Before you run away from the computer, we can still catch you for ATRT-2 where I believe you also have a leading function.

AVRI DORIA: Last time I talk, was a lie. This is Avri again. So, yeah, ATRT-2 I think is pretty much that information has been transferred into the WS-2 groups, still followed for are there any other questions. The issue has turned to ATRT-3 and what's going to happen there. But there's not all that much talk at the moment that I can see on ATRT-2 that is more now



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going to become the province of ATRT-3 and as far as I know, the call for participation for that is already open, but I haven't paid close attention to that at the moment.

OLIVIER CREPIN-LEBLOND: Thank you Avri. Alan Greenberg you're next.

ALAN GREENBERG: Thank you. You started this call saying the agenda had not changed from last time. Let's make sure for next time we change it when I've identified things that are effectively in error. Avri was, as she noted, was on the ATRT, was on the CCWG, as the fount of all wisdom for ATRT-2, she did that job well, it is no longer an issue, it was never an issue to be reported on as a separate subject. She was just there as a resource. The CCWG is making a recommendation on the ATRT-3, that is not directly related to Avri's function, so let's remove this item so we don't waste time. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you Alan. We'll take that away, that's 3-K. Seeing no further hands up and with only 3 minutes left on the call, we have to go circling to any other business, and address the question that Alan Greenberg has asked at the beginning of this call, which is bearing in mind all of the work that has taken place, how much time will the ALAC and/or this working group require in a face to face meeting in Copenhagen. The floor is open.

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ALAN GREENBERG:

We could certainly have another one of these meetings where we go around the table and spend an hour-and-a-half talking about what the current status is. Some of it may have changed based on the accountability meeting that will be held on Friday. Some of it would just be a rehash of where we are today. I would think we want to reserve some time, because there are some things that will have gone to second reading, and we may want to when everyone is around the table, do a little bit of consciousness raising, because we will be called upon to respond to a public comment eventually. I do not think we should do it for items that are not at that stage.

Given that we have lots of other stuff to talk about and we want to make effective use of people's time, I would suggest that we allocate some time just to talk about things that outcome of the Friday meeting is things will be going to public comment, which means we will have documents ready we can distribute, and we can make sure everyone is aware of them before we formally have to respond. I welcome anyone else's thought on this.

OLIVIER CREPIN-LEBLOND:

Thanks for this, Alan. You rightly said, you probably will see a lot more by the time those meetings take place. What about asking for those people who are going to be attending the workstream meetings to identify as soon as the workstream meeting is finished, identify whether their top will require face to face discussions on the ALAC and if we put aside, I don't know how much time is in your hands, how many minutes, seconds, hours, days you want to put into this. You could take it as a

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slot and get the different points addressed as we get notified by the different participants.

ALAN GREENBERG:

Olivier, to be clear, what I'm asking for is, is there agreement of not that we restrict discussion there to things which will have received second reading and will be going to public comment. I'm not worried about what the list is, the list will be determined as we go forward.

OLIVIER CREPIN-LEBLOND:

Okay, thanks Alan. So is there any objection to only covering the points which will require action. I see green tick on Tatiana. "Yes, I'm happy with only focusing on the points which need updates." Agreement. Okay. So be it Alan. You can build your agenda and timeline and time according to just focusing on points which will need to be done, which will need action, and no need to go into a general review of all the things that are taking place. For this we can always refer people back to our calls and our call reporting.

Any other business? I don't see anyone putting their hands up. There comes just one more question, do we need another meeting before the Copenhagen meeting? My sense is that it's too short a time now, and as we know there going to be a lot going on just before the ICANN meeting, so it might be better to save us from another call with a repeat of all of these points. If there is any last minute update, I would suggest that you send it over to the mailing list, and then we'll be aware of the developments as we travel.

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So thanks to everyone for being on this call. I'd like to think in particular the people that have spoken too many times, or accuse themselves of speaking too many times. The very fact that you have explained and taken part, is actually what brings all the worth to this call, and now I know a lot a heck of a lot more than I did when I started taking part in the call just about an hour-and-a-half ago.

So with only 3 minutes past the official end time, I'm glad to say for once we're nearly on time. I'd like to thank our interpreters for doing that wonderful interpretation, as they always do, and would like to invite you to discussion on the mailing list and we'll see the discussion in face to face in Copenhagen. Past that, I guess in Copenhagen we'll decide on when the next ICANN Evolution call will take place. And with this, I'd like to adjourn the call. Thank you very much everyone. Have a good morning, good afternoon, good evening, and good night.

EVIN ERDOGDU:

Thank you, the meeting has been adjourned, thank you very much for joining. Please remember to disconnect all remaining lines, and have a wonderful rest of the day.

**[END OF TRANSCRIPTION]**