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MARIO ALEMAN:

Good afternoon, good evening everyone. Welcome to the LACRALO Governance Working Group call at 18h00 UTC, the starting time for this call. Right now on the Spanish channel we have Maritza Aguero, Aida Noblia, Sergio Salinas, Harold Arcos. And on the English channel we have Dev Anand Teelucksingh. Our interpreters are Marina and Sabrina. And from staff we have Silvia Vivanco and myself, Mario Aleman, in charge of call management.

We have no apologies for this call and I would like to remind all participants to please say their names before taking the floor, not only for transcript purposes but also to allow for accurate interpretation. With that, I give the floor to Sergio so that we can get the call started. Thank you.

SERGIO SALINAS PORTO:

Sergio Salinas Porto speaking for the record. I am chairing this working group. I would like to welcome all the LACRALO colleagues that are joining us on this call. We have a very brief agenda for the call by way of introduction and the idea is to get organized and start working and focusing on the different Rules of Procedure and other documents that apply to our region. So, we are all familiar with the history of our region but let me give you a brief review. In 2016 following the meeting in São Paulo, Brazil we drafted a document, a series of documents that would lead to the creation of our regional organization.

Initially these documents were conceived in order to address several issues on a regional scale and address several working issues also. On

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the one hand, none of us knew at the time that LACRALO would grow to become such a big organization and with so much participation potential and that internal conflict would arise and that they couldn't be adequately resolved by the applicable rules.

In my understanding this led to a participation crisis on a regional level as well as an institutional crisis which led us to think about the drafting of new rules and also think about a new beginning for the region. In the wake of the meeting we held in Los Angeles, we were able to get together, engage in a dialogue and look at one another in the eye in order to build or rebuild this region, a region that many of us helped create in 2006 in São Paulo. It would be a good idea to refer to a report drafted by the mediator. I think that Mario has that document available, I forgot to check. Do we have that report, Mario?

MARIO ALEMAN:

Mario speaking. Mario for the record. Yes, we do have the report drafted by the mediators. Would you rather we projected it in any language in particular?

SERGIO SALINAS PORTO:

Sergio speaking. I would go for Spanish personally, but I know that Dev is on the English channel and he doesn't speak Spanish. So why don't we display the Spanish document but why don't we give Dev the possibility to click on the link to access the English version so that he can smoothly read the document as well. Oh, and he says he has the English version, so why don't we project the Spanish version then?

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HUMBERTO CARRASCO: Humberto speaking. Hello, Sergio. Greetings from Humberto.

SERGIO SALINAS PORTO: Sergio speaking. Hello Humberto, welcome to the first Working Group meeting this year, the Governance Working Group meeting this year.

Sergio speaking again. How many pages does the document have, Mario?

MARIO ALEMAN: Mario speaking, for the record. This is a six page document, approximately.

SERGIO SALINAS PORTO: Sergio speaking. So, perhaps we can read out the document in order to become acquainted with the work of the mediators. This is the deliverable drafted by the mediators, so we can focus on these new beginnings for the group. And you can express your views by using the check marks.

Sergio speaking. I'm waiting for the go ahead to start reading. Okay, hearing no reactions I'm going to start reading.

LACRALO'S Way Forward.

LACRALO members met in Los Angeles from January 30<sup>th</sup> to February 1<sup>st</sup> to address their differences and strengthen their work together. This

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document consolidates areas of alignment that emerged from dialogue. Specifically, the group achieved greater clarity regarding:

1) The LACRALO mission and its guiding principles; 2) Ways to participate in and contribute to ICANN policy development; and 3) How to strengthen LACRALO's governance to ensure transparency, predictability, as well as dispute resolution procedures.

Outstanding issues meriting further attention and clarification are highlighted. A list of pending actions items can be found at the end of this document. All errors or omissions are the responsibility of the mediation team.

It's time to get to work. Warmest regards, Merrick and David.

I am not controlling the page scroll function. I need to go to the next page please. Are we on the second page?

MARIO ALEMAN:

This is Mario for the record. Yes, you have presenter privileges now so go ahead please.

SERGIO SALINAS PORTO:

Sergio speaking. Thank you. We believe that LACRALO's mission, as stated in the agreement with ICANN, is appropriate and should be maintained.

Principles and Ideas to Guide LACRALO's Governance: LACRALO's rules and procedures need to be revised so that they are less divisive, more

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inclusive and more predictable. Agreeing on shared principles will help guide this revision and the implementation of the governance mechanism.

On leadership and representation: LACRALO leadership and ALS's must have the ability to represent the interests of individual end users, without conflicts of interest during discussions, activities and voting.

At the same time, LACRALO seeks the inclusion of diverse voices acting in good faith. Individuals seeking a leadership or representative position must: Declare any potential conflicts of interests; Certain conflicts of interests are "no-go's", in particular direct conflicts such as leading an internet-driven business. This needs to be redefined, focused on ISP's and registrars, or being in a decision-making government position, or be a politician; We need a mechanism to resolve these conflicts, such as an ethics committee, which can require things such as a recusal from decisions, as well as can sanction actions made in bad faith, including losing the leadership position.

When LACRALO selects its leadership and representation, it must seek to balance the following principles:

1. ORGANIC LEADERS: Leadership and representatives are expected to guide the work of LACRALO, namely contribute to ICANN policy development through a bottom-up process in the region. Leaders and representatives must be committed to transparency and incorporating the region's diverse viewpoints. We expect these leaders and representatives will emerge organically through the work of LACRALO.

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Candidates for leadership and representatives positions should compete on the basis of these qualities.

2. DIVERSITY: LACRALO has a commitment to diversity in its representation and leadership, including diversity by geography, gender, and activity, and other areas. LACRALO wants its leadership and representatives to reflect the diversity of its members.

One suggestion for balancing these principles was a rotation system in which the nationalities of the different representatives must be distinct and/or from different ALS's.

And in brackets, we have this comment:

(To be refined). If there are no candidates from the eligible countries, then candidates from any country can be nominated.

3. CONSENSUS-BASED DECISIONS, WITH VOTING BACK-UP: LACRALO should seek to make decisions through consensus, and have back-up voting procedures. This is not intended as an override of the other principles.

Also, LACRALO can keep, for now, the current practice of country weights, but it would be beneficial to review if LACRALO can reach a different arrangement, such as the one mentioned above, that balances the principles. If we don't change it, we need to immediately put on metrics for participations.

On ALS's participation and responsibilities:

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LACRALO expects the active participation of ALS's as per their MOU with ICANN.

There will be consequences for non-participation. To be defined, for example, lose right to vote. Some want to focus on incentivizing participation, not frame of sanction.

There must be a clear definition of "participation" and clarity around what is a member versus a representative. (To discuss later.) Different expectations for individuals vs ALS's. We have suggested metrics already. We need to advance on this. Keep an open mind. In 15 days there is a meeting of the Governance Committee. We will be careful about making one-size-fits-all approaches. ALS criteria better documented for better understanding in LACRALO. To be discussed: individual user membership and implications for voting. Decision-making and dispute resolution: LACRALO's processes must be clear, transparent and predictable. LACRALO should seek to make decisions through consensus, and have back-up voting procedures.

LACRALO must create a dispute resolution process. One option for this dispute resolution process is to have an independent arbiter who will hear complaints about interpretation of rules and procedures. Decisions by the arbiter are binding and must be heard and rendered in a timely manner. The arbiter should have expertise to be able to understand LACRALO's rules and processes. [Issues to consider include costs. How to include current ombudsman and other mechanisms.]

Principles and Ideas to Guide LACRALO's Contribution to ICANN Policy Development: LACRALO's mission is to contribute to the development

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of ICANN policies. Its area of action is ICANN's At-Large community. At the same time, LACRALO must focus its efforts on the interests and concerns of the region's individual end users. Priorities and regional needs can be established through a survey.

LACRALO must strive to make technically sound contributions that are clear, implementable and viable. This requires relevant capacity and knowledge in the region.

LACRALO has a commitment to a bottom-up process in developing contributions to policy. At the same time, leadership and representatives should keep LACRALO members informed of the activities and events in other ICANN constituencies.

LACRALO will strive to build alignment on the views it expresses regarding ICANN policy issues, yet recognizes that the region will not always have a single or unified position, and it is appropriate to synthesize and report different views in a consolidated contribution.

LACRALO outreach should be focused on finding new members to work in the area of policy. LACRALO should develop a clear process to actively participate in Policy Development Processes and other Relevant discussions at ICANN.

Inputs – Available PDP's and other relevant processes. Could evolve into a more proactive approach. We need to have an Agenda. Processes could be different depending on the nature of the issue at stake. Output - Statement/Interaction/Advice (depending on type of issue at stake). Clarity of expectation regarding engagement in Policy-Making (Working Groups-At Large not LACRALO's). LACRALO's



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leadership and representatives should coordinate proactively. Three ALAC People, Chair, Secretariat and maybe NomCom delegate. (Coordination Group).

Capacity Building should be focused on: Strengthening? Developing? LAC GSE Regional Strategy. Providing mentoring sessions on policy development (every 2 months) via a Council of Elders. [Fix language for Council of Elders. Better: Mentoring Group?]. Proactively organizing and making available (on the wiki or another platform) clear information on member competencies and technical expertise.

Staff + LACRALO leadership will create onboarding Guidelines for new members, as well as for ALAC and RALO leaders. [An option to consider is to create two policy-focused groups: one in English, one in Spanish. Advance in parallel, and someone to bridge between the two. And reporting back on the groups' work will help to raise awareness about the issues. Ask staff to help with transcribing calls, documents etc. Establish confidence that the groups are seeking to be inclusive and do a good job.]

Next steps: Make a summary of what happened here and share. We need to be ambassadors for the work that happened here in our respective groups. In parallel start to work on policy and updates to procedure. On policy, start documents, setting priorities. Create a GANTT chart that prioritizes next steps. (I believe Humberto took care of this). Metrics for participation. Voting system (before May?). In brackets. Dispute resolution system. Council of Elders. Active participation approach. Coordination between leadership and representatives. Push back elections to May. Can we get a new system

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in place before May? Also, for your information, the only position that absolutely needs to be filled in May is the NOMCOM position. Thank you.

Very well. This was the document that was produced by the group of mediators who worked actively in the region and which was finally produced in the Los Angeles meeting at the beginning of the year. As you can see here, the suggestions are several, and somehow it leads us to a different meeting point for us. Probably you remember that a few years ago several documents were produced with metrics and operating principles but actually they were never discussed within the region. Some of the participants in this call were involved in that process, in that previous working group.

And this is something that I have already said in Los Angeles but I would very much like to see us start from scratch. We can certainly take the documents already produced as a draft to be revised or perhaps to draw on ideas but it would be much better if we developed a new construct, a new set of rules for LACRALO based on the Los Angeles meeting. I think this is a hinge point, before and after. So it would be very significant if we could work on a white piece of paper. Certainly we will draw on our past experience and logically we will have access to the documents developed in 2015, extremely valuable some of them. Many of the things we said in Los Angeles are in these documents but it would also be good if from scratch we could make use to our creative innovative capacity to build a new structure of documents that would take us to a successful destination.

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Does anyone want to make a comment with respect to this first item of the agenda, which is the welcome and introduction part? Very well, Humberto. Humberto, please take the floor.

HUMBERTO CARRASCO: Humberto Carrasco speaking, for the record. Can you hear me okay?

SERGIO SALINAS PORTO: Sergio Salinas Porto speaking. Yes, we can hear you very well.

HUMBERTO CARRASCO: Humberto speaking. I just wanted to say that I know about the previous responsibility this group holds with several topics to work on, but if I may, let me explain what we are trying to implement. We are working on funds to hold a second probable meeting in Panama so perhaps it would be helpful to have some drafted documents to make as much progress as possible to get to this meeting with well-developed documents so that we can get these funds for the second mediation process.

There are other documents that were produced in the mediation, actions that referred to a different plan of work, which we should start implementing. For instance, how to implement this Council of the Elders, how to set it up within a few weeks so that we can start completing the actions we committed to. I also agree with your proposal to start from scratch. We should not work on something too complex, something that can be attainable. That's all. Thank you.

SERGIO SALINAS PORTO: Sergio Salinas Porto speaking. Thank you, Humberto, for your words. Dev Anand has requested the floor. So, Dev, please take the floor.

DEV ANAND TEELUCKSINGH: Thank you. This is Dev Anand Teelucksingh speaking. I just want to caution again the use of the term “Council of Elders” and the reason why is because in the At-Large draft report, the Council of Elders has a very specific meaning. And it’s intended to suggest that persons on the Council of Elders are not ones to get involved in policy development, for example. And I don’t think that’s the right connotation we want to (inaudible) when suggesting this Council of Elders. I said it at the earlier meeting, we need to call it something else. So, call it something else, but not Council of Elders. We don’t have control over the definition of that term. Thank you.

SERGIO SALINAS PORTO: Sergio speaking. Thank you, Dev, I agree with your understanding and, yes, we will have to find a way to work it out with this term. Certainly we will find something that follows with our idea. Perhaps, I don’t know, “Mentoring Group” could be, we’ll see. But certainly this will come out of a brainstorming process that we will at some point in time have. I think Humberto has brought something to the discussion which is the dates. This is actually item C but we can start working on that. There are dates already for the operation of this group before June the 30<sup>th</sup> we should have proposals ready to be submitted.

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So this requires us to work hard so that we can produce a good output. We should identify the most important items, perhaps our work will not be light. Perhaps because of its peculiarities this work will be more intense because there is a demand for precision if we introduce, or the current Rules of Procedures, some areas of vagueness that might have created conflict, so perhaps our next process should require more specificity and not expect that time will solve things.

Carlton Samuels has requested the floor. I will give it to him very soon but let me finish first very quickly. If I may, I will deal with the creation of subgroups and then other items. So, after Carlton's words we can move on to the next items of the agenda. Carlton, please go ahead.

CARLTON SAMUELS: Thank you very much, Sergio. This is Carlton Samuels for the record. Are you hearing me?

DEV ANAND TEELUCKSINGH: Yes, Carlton, I'm hearing you, this is Dev.

CARLTON SAMUELS: Okay, let me thank you all for giving us an opportunity to speak on this. The question that we have before us is what we do with the report and the report is suggesting. And if you look at the report from the mediation it recognizes certain principles that it feels should be embraced for any forward movement. The two documents that are the central organizing documents for LACRALO then come into view as points of departure for us to address the issues.

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We have two choices in my view. We can either decide to go with a new document, a new Operating Procedures document on Principles, where we look to deliver a document that closely follows the principles that were flagged in the mediation report. Or we can look to the existing documents and make those documents more conforming to the principles in the mediation report. To me those are two very distinct approaches. I would suggest that the approach that we take should be the one that we think will deliver the best outcomes in the shortest possible time. I would therefore suggest that the first order of business is for us to decide on an approach. Thank you very much.

SERGIO SALINAS PORTO:

This is Sergio, thank you, Carlton for your participation. It is true that we have to make a choice between these two parts. There may be more but we can summarize them into two. In my understanding, and after my experience over these many years, I think it's already 11 years since the São Paulo meeting, we could start with something new and based on that start developing the Operating Principles. We cannot move forward on the Rules of Procedure if we do not have before the Operating Principles are started and implemented. Because the Rules of Procedure will be obtained based on the Operating Principles already adopted. We can certainly move forward on secondary lines of work that go in parallel.

For instance, if we are going to work on metrics to have a greater impact on the region in order to increase the actions of the LACRALO ALS's. So we will certainly be working on two major scenarios. One, the development of the Operating Principles certainly are going to be based

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on what we already know because we are not going to reinvent the wheel. There are some things that are already in operation that may be useful. So it is not necessary to do away with everything. We certainly should start from scratch but there are things that are working as we've seen in our meetings and based on my experience, and perhaps you or Dev can have the same perception. There are many aspects on which we agreed could be implemented as innovations for the region and this could allow us to move forward in the construction of this new set of Operating Principles in the preparation of the documents. A question.

And now I'm going to move to Item B of the agenda. There are documents produced in the past, there were three documents that deserve at least a reading just to learn what happened. One was a contribution by Fatima Cambroneiro. I can't remember the name, give me a second. It's a draft document for the Issuance and Publication of Documents. This was produced to define the policy work in our region. That procedure which is systematized, a standardized procedure might be used as a road map for those who want to work in the region and want to submit a document, in the presentation of a document. That could be used.

But then there are two other things that, in my opinion, should be worked in the subgroups. One, Metrics and the other, Operating Principles. I think these are two subgroups that could work in parallel and set the goal for the way forward. We should also take into account some modifications of the ALAC involving the review working group. So my first proposal is to create two subgroups, not three, because in my view the Rules of Procedures could happen after we have made progress on the Metrics and the Operating Principles. So, I believe we

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should start with two subgroups that would be working in parallel so that we can afterwards produce a master document. Do you agree with this? I would appreciate if you would indicate if you agree or not beside your name. Dev, you have the floor.

DEV ANAND TEELUCKSINGH: Thank you, Sergio. This is Dev Anand speaking. I'm not sure whether we need to focus so much more on the Metrics, especially given the ALAC discussions on what it means to be an At-Large structure, since that definition is being redefined. And also, you might see, depending on how the At-Large draft report is implemented, which is going to happen, you know, the final report will be issued I think before the Johannesburg meeting.

So I would perhaps suggest not to focus so much on the Metrics at this point but rather focus on the Operating Principles, based on the principles that has been established or has been mentioned in the LACRALO's Way Forward document, from the LA document. And I think that's more achievable to do than to try to come up with the complicated Metrics, because then you will need to have agreement on what it means to be an At-Large structure.

These are complex topics and we have been discussing it for quite some time now. And it's going to be redefined again at the ALAC level and perhaps by the ICANN Board level. So, given our timeframe to get something in by the end of July, I suggest we just focus on updating our Operating Principles, based on what was said in the LACRALO's Way Forward mediation document. Thank you.



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SERGIO SALINAS PORTO: This is Sergio Salinas Porto. I don't know if Carlton wants to take the floor as well? Carlton, do you want to speak?

CARLTON SAMUELS: Yes, Sergio, just briefly. This is Carlton Samuels for the record again. I was going to make the exact same suggestion that Dev just gave you. I think for the same reason, there are lots of things happening in the space right now that might even define the definition of what is an At-Large structure. I would request that we not focus on Metrics at the minute but let us look at the Operating Principles and let us go work on those and get those solid for a comprehensive agreement before we do anything with Metrics. Thank you very much.

SERGIO SALINAS PORTO: Sergio speaking. Thank you, Carlton. This is a point of view that I had not considered and I agree. Okay. Let's work first on the Operating Principles and later on we'll see. I think we should set as a major goal, or the fundamental goal, the work on the Operating Principles in the development of our new rules. So now what we should do is to work on the date. We have June the 30<sup>th</sup> as the deadline. So, we have approximately two months to work, sorry, three months, to work on this so we'll have to meet at least twice a month, every 15 days, so that we can make progress. Do you think it is okay? Do you think we should have weekly meetings? I am asking you a question. Carlton, please go ahead.

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CARLTON SAMUELS:

Thank you, Sergio. This is Carlton Samuels again for the record. Might I suggest that what we do, Sergio, I agree that we will have to have meetings, and maybe the frequency is twice a month. That sounds like a doable frequency. But to jumpstart the process, might I suggest that we develop a document that would have the major heads for agreement in the Operating Principles. So it's a framework document, that all it does is say, Operating Principles, and then it simply lists the major heads of agreement, whether it is on representation, voting, etcetera, whatever people think would be useful. And maybe I would suggest that a small group, with the assistance of staff, develop that skeleton document and then report that document to the community, the whole community, for agreement. That would be my suggestion. Thank you.

SERGIO SALINAS PORTO:

Sergio speaking. Thank you, Carlton. I think we can do as follows if you agree. Let's organize first of all I think we should read what has been done in 2006, 2006, and based on that reading, extract ideas so that we can have a proper framework to start working.

I think Jacqueline is asking for her chat to be read. Perhaps someone can read it. Mario, can you please say what Jacqueline has said on the chat? Mario?

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MARIO ALEMAN: This is Mario speaking. Initially Jacqueline said that it might be very difficult to start from scratch because it takes a lot of time and energy, so her suggestion is to start working on an already existing document. That was her first point. Then she mentioned the possibility of working inter-sessionally.

SERGIO SALINAS PORTO: This is Sergio speaking. Jacqueline, this is Sergio for the record. What do you mean when you say inter-sessionally? And I'm waiting until Jacqueline finishes typing in the chat room. We're going to give her that time to finish her message. We have very few minutes left before the top of the hour, the scheduled conclusion time of this call. We need to agree on our next meeting.

MARIO ALEMAN: This is Mario for the record. Jacqueline refers, when she says working inter-sessionally, what she means is working on the document between the meetings that you will be holding. So, we are not going to work on the meetings, while the meetings take place, but in between meetings, this is what she means.

SERGIO SALINAS PORTO: Sergio speaking. Yes, Jacqueline, I agree with that proposal and in fact the Working Group's structure, the prior Working Group used to work that way. So, yes, your suggestion is more than welcome. This is something that we were implementing before and it worked out well. The objective of the meetings is to agree on topics or issues that we

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cannot resolve inter-sessionally or by exchanging messages on our email lists, for example. So, if you agree, we have to schedule our next meeting. Mario, we need to check the calendar to see whether we can hold our next meeting in two weeks' time.

MARIO ALEMAN: This is Mario speaking for the record, Sergio. We may send the teleconference request and I don't see any issues with its confirmation.

SERGIO SALINAS PORTO: This is Sergio speaking. Are we holding the LACRALO monthly meeting on April 17<sup>th</sup>, that's a Monday? Mario, are you there?

MARIO ALEMAN: This is Mario speaking. Yes, just bear with me for a second, please. Mario speaking. We have the LACRALO monthly meeting on April 17<sup>th</sup>.

SERGIO SALINAS PORTO: Sergio speaking. We can hold our meeting on the 24<sup>th</sup> then and in the meantime we can start working on a draft. We have a mailing list, I think it's the Governance Working Group mailing list. We can start working on that mailing list and produce something by Monday April 24<sup>th</sup>. If you agree, of course. I have two requests for the floor. First Dev and then Humberto and I'm going to ask you to please be brief. We are three minutes away from the top of the hour. Dev, go ahead please, you have the floor.

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DEV ANAND TEELUCKSINGH: Thanks, Sergio, but it was to note that the LACRALO monthly call would be on that day, on the 17<sup>th</sup>. So, I also note that on the 17<sup>th</sup> for that matter will be right after Easter Sunday, so that might be a holiday for some territories. So, just to note that. But the 24<sup>th</sup> sounds good. That's it, thanks.

SERGIO SALINAS PORTO: Sergio speaking. Thank you, Dev. You're right, I hadn't thought about Easter. At least in the Latin American countries, that's a very important holiday, thank you. Humberto, you have the floor, go ahead please.

HUMBERTO CARRASCO: Humberto Carrasco speaking for the record. Thank you, Sergio. I would like to say that we could build upon Carlton's idea, that is, work on those things we agree on between now and our next meeting. And if we agree, we can draft a document on those things we have agreement on and then we can devote our energies to other issues on which perhaps we don't have that much of an agreement. So let us start working on what we agree on.

SERGIO SALINAS PORTO: Sergio speaking. Oh, I'm sorry, Humberto, sorry for interrupting. Have you finished?

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HUMBERTO CARRASCO: Humberto speaking. Yes, you told me to be brief.

SERGIO SALINAS PORTO: Sergio speaking. Thank you very much, Humberto. So, I take your suggestions on board and I am going to ask Mario to add the new participants in this Working Group to our Working Group mailing list, so that we start exchanging our work, our ideas, on that mailing list regarding certain topics of interest, and let us seek those points on which we agree. Let us make a list of items that we consider have to be included and let us start focusing on those areas where we have agreement, because that may be the starting point to build something.

It is exactly the top of the hour, and if there are no further comments, I would like to be respectful of the time of our dear interpreters, Sabrina and Marina, and the staff members. And so with that, I would like to bring the meeting to a close. Thank you.

Okay, dear colleagues, warm greetings to all of you and looking forward to meeting you again soon. Thank you. Good bye.

MARIO ALEMAN: Mario speaking. Thank you everyone. The meeting has come to a close. Please remember to disconnect all remaining lines. Wishing you a very good evening and thank you very much to our interpreters. Good bye.

DEV ANAND TEELUCKSINGH: Thanks again to the interpreters. Take care, everyone. Bye bye.

MARIO ALEMAN:                    You're welcome, Dev. Bye bye.

[END OF TRANSCRIPTION]