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CLAUDIA RUIZ: Good morning, good afternoon, and good evening. This is a LACRALO Governance Working call, on Tuesday 15<sup>th</sup> of November 2017, at 23:00 UTC. We currently do not have anybody on the English channel. On the Spanish channel, we have Aida Noblia, Diego Acosta Bastidas, Sergio Salinas Porto, Vanda Scartazini, Gisella Gruber, and myself, Claudia Ruiz - I'll be doing the call management. Our interpreter is Sabrina. I would also like to remind everyone when speaking to state your name and to please speak slowly, not only for transcription purposes, but also for the interpreters.

Thank you all very much, and I'll turn you over to Sergio.

SERGIO SALINAS PORTO: Sergio speaking - thank you, Claudia, and special greetings to our interpreter and to our staff members providing support on the call. For the record, this is Sergio Salinas Porto, and I chair this working group.

First of all, we have seventeen members on this working group, but we have only four members on this call. This means that those of you that have kindly joined this call, well, those of us, actually, we will have to speak with our colleagues on this working group so that they can join future calls, because we are addressing very important topics that, at the end of the day, will make up the first consensus document drafted by this group. Therefore, we need full participation of all the members in this working group, and also we can deliver - we will be able to deliver - a very carefully crafted product in order to have a document that can

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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be our guidelines for the future. It is very important that we can engage in a full discussion.

Several topics were addressed in our prior meeting, and they have to do with the following. First of all, we had agreed on the definitions of assemblies and meetings, so we are better positioned in order to engage in a discussion, and we started a discussion on several topics of interest, and we were able to get close to an agreement in terms of individual participation within the region. The idea was to go deeper into that, and to try to work on this on this call. I believe that in the absence of members from the Caribbean, we will not be able to move forwards on these topics. We can go further with our discussions, but nothing further than that. It is very important that our members from the Caribbean join the call, so that we can have a global view of all the topics that may arise when we address these issues.

First of all, I would like to give you a brief overview of what we have been discussing. You might recall that at the beginning of these debates on this topic, well, I was the one that defended the position that we should have internet user organisations within LACRALO - I defended that most passionately - instead of having individual members, and this has to do with three aspects. First, the fact that if a person on a daily basis is not able to work in a collective organisation, it is very difficult for that person to work in a collective organisation and represent anything. So, is it possible for an individual representative, that takes care of their own interests, and has never worked in a collective organisation - is it possible for that person to represent us?

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Secondly, is it possible for that individual to work in our region? Thirdly, well, okay - we have a person that is participating, an individual that is participating - several elements, and we have records from other regions, well, they show that individual users are indeed participating, and that individual user participates with a voting right, in a collective organisation of people that get together, and when they reach that threshold of individual participation, they have a voting right. Assuming that they should have a right to express their ideas per say, anyone can participate in the region, therefore this is something that is going on right now, and I am following up on our prior call.

Okay, we represent countries, and our views in terms of taking positions, in terms of metrics, well, they have to do with countries. So, what is going to happen now if we have a collective organisation made up of individual users from different countries? I don't know if I am making myself clear - we have a member, an individual member, that represents the aggregate of different intentions from different countries, well, we have a new problem, or a different problem ahead, and that is we have to think about that vote. If that person, or that user group, expects to take positions, well, how can we determine that if the organisation is an organisation that comprises all the countries?

I see that Vanda is asking for the floor, so, I'll give the floor to Vanda. Vanda, go ahead please.

VANDA SCARTEZINI:

This is Vanda, for the record. I partly agree with Sergio, because I think that a person can participate, but when it comes to voting, well, I think it

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is a little bit unfair, because if a group has three or four members that regularly participate, well, why is it that they would have one vote and the individual user would also have one vote? Therefore, we can think a little bit about how to change to voting rights with different weights for different groups, for each group, depending on how many members of that group participate or not.

I have the same problem with representation. A single individual, maybe someone that works well, but not necessarily does that person represent a community, or the thoughts and ideas of the region where that person is located, at least. The fact that they are involved with users doesn't imply that.

This is the main point, in my opinion. If that person is in that country, well, they can be in a community, or several communities, but the communities do not want to participate, but, they have to demonstrate they want to prove that they do something, because the idea of a RALO is exactly to represent, or bring on board, the different visions of users in the region as part of this debate.

I don't think that someone that speaks in their own interest will add something important or of interest to the users point of view. I don't mean to say that they cannot contribute to working groups, etc., but how are they going to add value to discussions that are of interest to the users? For example, in a GNSO group, well, they can contribute ideas, suggestions, they can work on a personal basis, but my concern is how are they going to represent the ideas, or how are they going to contribute information, from their region?

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I think we need to make this very clear. I understand we have almost an obligation to have these individual members, to receive them, but that doesn't mean that they need to have the same voting rights, and the same position. I think we need to go deeper into that. Thank you.

SERGIO SALINAS PORTO: Sergio speaking. Thank you, Vanda. I really agree with your point, and I have some concerns in terms of engaging these individuals that are not members of an organisation, that lack an organisation and affiliation, and on the other hand, how can we move forward in terms of democratic practises within the region. It is my impression that in principle we might say that every user can participate within the region, that may be part of our rule that is stating that all users are entitled to participate and to express their views within the region.

Also, I think it's important to provide a participation threshold. For instance, every individual user would be able to participate and have voting rights on specific topics, provided that the number of users is a certain number, and providing that that number of users become a ALS. So, we will have these persons participating, and they will not represent countries.

I am in LACRALO, and I represent the users of Argentina, and that's why people vote for us in open elections - I mean the users in Argentina. Therefore, if we have users that have not been elected, that do not represent an organisation, that do not have an agenda, and they are on an equal footing - well, on the one hand it is upsetting, but on the other hand I think that an organisation that is made up of a lot of countries

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doesn't really represent any country. Users from the different countries would have their rights diluted, so, I think that the core issue is in the question of representation, and this is not a minor issue.

Aida Noblia, you have the floor.

AIDA NOBLIA:

Aida speaking. I cannot see the screen, my apologies, but I was asking for the floor, thank you.

The last time we spoke about these topics there were different views. On other RALOs there are individual users participating, and in two RALOs the individual users participate and have voting rights. However, in one case, all the individual users are aggregated into one ALS, a formal ALS, and when it comes to voting, from what I have been able to find out by asking other RALOs, well, when it comes to voting they come together, all these individual users, and they are assigned one vote as an ALS, that is, they make up one ALS.

The other case, users get together only when there is a vote, and they work as if they were an ALS, so they would be something like a virtual ALS. There were cases mentioned, cases of people that are very hard working, and Mr Greenberg was mentioned. He's an individual user, he's very hard-working, and these are the two models in which individual users are entitled to a vote. I understand that these users do not represent a collective organisation, as is our case - we represent a structure that is a collective organisation of users. However, that would be partially representative, I mean, they would represent all these people that do not participate and, I mean - not all the individual users

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participate in ICANN, so these users that form an ALS, or that get together when it comes to voting, well, these users would represent all these individual users that somehow are not participating, in a way.

In terms of representation, in terms of holding a position, it would be different, and well, these people are holding important positions because of their individual capabilities, and to deprive them of any representation, well, I'm not fully convinced about that, because they somewhat participate, and they somewhat represent these individual users that do not fall within any other organisation and do not participate.

I don't mean to undermine an organisation of what other people do, what I mean is that this would be different representation, because it's not a group representation, but well - I belong to an ALS, that is a group of users, but in my country there are many other user groups, and we are trying to see if we can create more ALSes. Even so, if we had three, four, or five ALSes, they are not going to represent all the end-users of Uruguay, so, it is not an easy topic to deal with, but we need to work it out somehow, and if we have two out of five RALOs that are recognising that activity, and have the possibility of benefiting from the knowledge of these individuals that are not members of an ALS, well, I see an advantage in the community in that we can count on their knowledge, the knowledge of these individual users. Somehow, in addition to contributing their work, well, we might think that they are representing that number of users that are not participating in ICANN to date. I know that in our last meeting, (Carol) spoke in favour of taking all this into account and my comment is along those lines. Unfortunately, she's not on the call today.

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That's my comment. Thank you.

SERGIO SALINAS PORTO: Sergio speaking. Thank you very much, Aida. Before giving the floor to Vanda, I would like to make something clear. User organisations, I mean - we engage in our daily work in our region not as workers or employees - okay, it is good to recognise hard working people, yes, okay, but we have an agenda. Every country, every organisation has an agenda, and we have a need to take that agenda to ICANN.

If we need hard working people, well, that's an alternative, that is, to have people that work within our region. Now, if that work is not fundamentally political, and that does not have to do with partisan politics, well, that is likely that we will have a lot of people, a lot of individuals, working without an objective. LACRALO needs to have a mission and a vision on a regional scale, and in order to generate things for the region. That doesn't go hand-in-hand with a hard-working person - in addition to Alan Greenberg, I've seen other people that are really hard-working, but they do not have a collective agenda. They do not represent a country or a region - they have their own interests, and that's a conflict we need to resolve. That resolution has to do with having organisations that can represent users.

Vanda, go ahead you have the floor.

VANDA SCARTEZINI: This is Vanda, for the record. Thank you, Sergio. I want to recall something that we addressed before. We represent the users, but, we



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bring forth users ideas - ideas on their local agenda, that have to do with their local politics, and we bring that to LACRALO so then that is brought to ICANN. We have this escalation of representation, if you will. I think it's interesting to take Aida's proposal into account - I believe that this is the way the Asia/Pacific RALO operates - they have these virtual ALSes. They are not physical ALSes, but I still think we should pay special attention to voting rights. We should be careful there. This does not represent the basic mission of the RALOs, that is, to think about what is good for the user, not for one user, but for most of the users - most of the users you can aggregate within a region. That should be the purpose of what we do in LACRALO, that is, gather everyone's opinion as much as possible.

If somebody works alone because they are based in a region where people do not organise as, I don't know, maybe a country that lacks a structure, well, okay - that person has to show that they reach out to other people in their region to seek their opinions, and bring their opinions to the table when we engage in discussions. Those should be conditions in terms of rules - they should engage in interviews in their region, seek input, so, they need to do something that emulates effective participation in their region. A person working alone, by themselves, does not really add important value to ICANN. They do not contribute to the good use of the internet for the end-users.

It is very clear to me, and maybe they should engage in interviews, in writing reports - something that shows that they work for the user. They need to seek information in the region. If not, what for? If not, why don't they continue engaging in the different working groups that are open in ICANN instead of joining a region in particular?

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This is my perception - how they contribute to the mission of the RALOs. My concern is the mission of the RALOs. I think about Europe, for instance - yes, they work there, but I don't know anyone in Europe that engages in working in a group. I remember (Wolfgang), and he left, well, this is my perception. I have a certain mistrust in terms of usefulness. We need a little bit more discussion. Thank you for your attention.

SERGIO SALINAS PORTOS: Sergio speaking. Thank you, Vanda, for your comments. I need to make an announcement before giving the floor to Aida. (Dev) is no longer our reporter, he used to take down notes, he used to then feed those notes to a Google doc. We need someone to take over, to be the pen holder, so as to feed the Google doc, and have our final document. Does anyone volunteer as the pen holder? Please, only one, don't get crazy about it!

VANDA SCARTEZINI: Vanda speaking. I can do it in Portuguese.

SERGIO SALINAS PORTOS: Okay. If you volunteer, Vanda, that would be great.

VANDA SCARTEZINI: Vanda speaking. I can do it in Portuguese.

SERGIO SALINAS PORTOS: Okay, Vanda. If you could speak with (Dev), get in touch with him - Silvia has posted the link to the Google doc, so. You could get in touch with

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(Dev) to see how far he got. Maybe he still has some draft notes that he hasn't fed into the Google doc, so - you touch base with him and see how far he got.

SABRINA MOSQUERA: This is the interpretor speaking. I believe Sergio has dropped.

SERGIO SALINAS PORTOS: This is Sergio testing audio - can you hear me? I am back. I am back.

Sergio speaking. Okay, so, as I was saying - Vanda can get in touch with (Dev) to see how far he got in terms of drafting this document. Maybe he still has some draft notes, something that he still needs to post on the Google doc. So, you will be our pen holder from now on.

Before giving the floor to Aida, we have several topics to discuss. I hope next week we can bring this to a close and I'm going to make a proposal - and more proposals are welcome, of course - and the election of collective representatives is not going to be a part of that proposal, because I insist if a person does not get organised in their country, and cannot work with other people in their country, and they work alone in the region, undoubtedly, they cannot represent anyone. They may be wonderful, and they may be hard-working, but there's quite a gap between that and representing other people. So they could be members in the region, and they could vote on certain topics, and that needs to be debated in order to move forward.

There are other outstanding items, such as whether we should have a LACRALO board, or not. I think it's very important to have a board. It

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doesn't mean that they're going to travel, this is not about travelling, it's about responsibilities within the region. It's something different. This is to avoid any nuances in terms of travelling or not.

In terms of the internal organisation within the region, and giving the ALSes operating in our region right now, well, because of that we need different people holding different positions with different responsibilities to work in a better way. Surely this will be the first topic to address on our next call, or the one afterwards.

AIDA NOBLIA:

This is Aida speaking. Thank you. EURALO has one formal ALS that gathers all these individual members that do not belong to any other ALS, so, they have a formal ALS. The other RALO - the North American RALO - well, they get together to vote on certain topics. The issue of voting does not have to do with voting for the chair, the secretary, but it has to do with specific topics. In our prior meeting, we mentioned that perhaps they might vote on certain topics, and they might be a virtual ALS. One of our colleagues - (Jacqueline Morris), from the Caribbean, she mentioned this, and (Dev) agreed to some extent. So, they would be virtual ALS that would gather these people that do not represent a formal ALS, but they represent the end-users that are not participating, but that do exist, and do use the internet.

This model does not exactly fit into the ALS model, but in our region, we have a problem, and this is the problem, and we need to resolve it. The prevailing vote will be the vote of the remaining members, because in the region we have a very significant number of ALSes, so

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representation in the region is not going to be affected by the fact that we have one ALS that guides others all these members that do not have any other ALS, or do not belong to any other ALS - unless that vote defines everything and breaks a tie, for example, but because they would be voting on certain topics, and they wouldn't be voting for authorities, I think we have a window of opportunity there in order to break down the different topics on which this ALS would not be able to vote.

I believe that they shouldn't be allowed to be the chair, or the secretariat, because it would be harder for me to accept that they are representing the region, but when it comes to other topics, well, we might give them somewhat an idea of representation. They are representing the majority, indeed, because they are representing the other users, all the users that are not within ICANN. I mean, we do represent users, but most users are out of our ALSes. So, some food for thought.

SERGIO SALINAS PORTOS:

Sergio speaking. Thank you, Aida. I think I understand your point of view and we can move toward that goal, and I will give the floor to Silvia shortly.

On the one hand, we could see how to form that virtual ALS that you have mentioned - what topics they would be able to vote on, and what topics they wouldn't be able to vote on. We should state the fact that they do not have the possibility to have any kind of representation, that

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is, in terms of the LACRALO officials in our region, and also, representation in terms of ALAC or other spaces.

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

SILVIA VIVANCO:

Silvia Vivanco speaking. Thank you, Sergio. In order to have a legal framework, I reviewed the memorandum of understanding with ICANN, and it states that LACRALO includes, or gives the possibility to including, individuals, and I'm going to read that part. They are considered or contemplated as participants and LACRALO members. "LACRALO Composition. LACRALO is made of large structures and individuals with non-commercial interests in the region of Latin America and the Caribbean. All citizens and residents in the region are welcome to join an ALS, or to form a new organisation that may be accredited as an ALS." 3.2 states that "in order to ensure the participation of interested individuals in the region of Latin America and the Caribbean, LACRALO will promote the accreditation and participation of new and large structures", so.

I wanted to make this clear so that - can you hear me? Silvia speaking. So, I wanted to make this clear because the memorandum of understanding gives the possibility to these individuals to participate in LACRALO, and in fact, the MoU does not make any distinction, and does not take away any representation from them, rather it states that they can make up any new organisation, and this would be in line to what Aida was mentioning in terms of the virtual organisation.

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SERGIO SALINAS PORTO: Sergio speaking. Thank you, Silvia. I believe that I mentioned that in our prior meeting, well, this is to no doubt to promote new ALSes in the region, in fact, [UNKNOWN] and ISOC took place in terms of this model. We were somehow led to create these organisations within the region, however, that doesn't mean that individual user will have the same rights as an organisation, and Alberto was mentioning that they can express their views, but they do not have a voting right.

So, on the basis of the MoU - it's a very wise document, because it encourages every country to have an ALS, and we still are lacking ALSes from many countries in LACRALO - we should continue promoting the creation of ALSes.

Also, and this is something I'm thinking of right now, we might promote someone that doesn't have an ALS in their country in order to create that virtual ALS, after reaching a threshold of individual members from other countries.

Vanda, you have the floor, and then Aida.

VANDA SCARTEZINI: Vanda speaking. I'm going to be fast. First of all, it is very clear to me in the English version that individuals are accepted if they are in the ALS. I don't see how the individuals are accepted regardless of whether they are in an ALS or not, but that is for legal analysis.

Secondly, in an ALS, I have a person from Bolivia that doesn't have an ALS, and someone from Haiti that doesn't have an ALS either. They are members of working groups, they work there, and they are not directly

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linked to the LACRALO working groups, but they are members of many groups in ICANN. My group is a group of women, so, we want them to participate in the ALS because they are working along the lines of our working methods and our objectives, but if I read the English version, it is clear that individuals are not accepted. We need to change that, but I think we need a legal opinion here.

SERGIO SALINAS PORTO: Sergio speaking. Thank you, Vanda, now I give the floor to Aida. I would like to remind you that we have only 8 minutes left, so, please ask for the floor now.

AIDA NOBLIA: Aida speaking. I agree with you in that these people that are members of that other ALS, they shouldn't be elected chair or secretariat - that's very clear to me. We should study other opportunities to see whether they can engage in remaining issues, internal issues, in terms of policy issues. Well, we have people who are highly knowledgeable, and they may be very helpful for the region, so those people who have knowledge on certain topics may have a voting right, however, depending on the topic, we should establish when they can vote or not. I think they shouldn't be able to run for the position of chair or secretariat. What we are accepting is the following - reality goes beyond our models, and it does not necessarily fit into our format. In order to resolve these issues, we create these virtual ALSes, and taking into consideration most of the region, well, what we are doing is resolving



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the problem, because if not, well, we have many other ALSes, so the ALS criteria will prevail always. Thank you.

SERGIO SALINAS PORTO: Sergio speaking. Thank you, Aida. In principle, I would like to reply to Alberto. Alberto, we know that Alan Greenberg is an individual member, and I think it is terrible to have a person doing what he's doing. I mean, he's a wonderful person, very hard-working, but he doesn't have a political view, or a sense of where the North American RALO is going, and I told him so.

Anybody else would like to take the floor? We have five minutes before the top of the hour, so, if nobody else wants to take the floor... Okay, Antonio has a question - One virtual ALS for Latin America and for the Caribbean, or one virtual ALS in each country. Antonio, I think we're speaking about one ALS for the entire region. This is what we're contemplating. The problem here is that it doesn't have a national representation, it doesn't have political accuracy in organisational terms. That's why we are discussing and discussing to see if we can find a place for people to participate - people who do not have political representation, because they have not been voted by the users in their country, they do not represent a collective organisation. The only thing they are, they are hard-working people, but, well, we have hard-working people within ICANN. We want people that work hard, but that can get organised, and that can represent a collective organisation. These people only represent their personal interests.

Aida, you have the floor.

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AIDA NOBLIA: Aida speaking. I don't agree with you regarding the very last part of your comment, somewhat. I think these people are representing the end-users that are in ICANN and that are not represented elsewhere. They are admitted as individual members, I consider them as representatives of all these other users that do not participate. This is my view. Because if not, you have a higher number of end-users that are not represented, and we are representing a minority of internet users. Thank you.

SERGIO SALINAS PORTO: Sergio speaking. Thank you, Aida. Vanda, you have the floor. Go ahead.

VANDA SCARTEZINI: Vanda speaking. Aida, I agree, but that's why my proposal is that these people contribute information - statistics, reports from their region - so that they show that they are not just representing their own ideas.

SABRINA MOSQUERA: This is the interpreter speaking. There is an echo on Vanda's line - interpretation is not possible at this time.

SILVIA VIVANCO: This is Silvia speaking. There's a very bad echo, sorry, my apologies, I think the audio is better now. Sergio has asked me to- [TECHNICAL INTERUPTION]

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This is Silvia speaking, thank you. Since we are reaching the top of the hour, Sergio has apologised and has asked me to bring the meeting to a close. I think that we still need to engage in a discussion with Sergio - we're going to co-ordinate and send a summary of this meeting via email so that you can further engage in your discussions. We will schedule our next call maybe next week, or the week after.

Thank you all very much for joining this call, and good evening.

**[END OF TRANSCRIPTION]**