
SINGAPORE – GAC and ALAC Leadership Meeting
Saturday, February 7, 2015 – 18:15 to 19:15
ICANN – Singapore, Singapore

CHAIR SCHNEIDER: I see that some ALAC representatives are coming, so we hope to be able to start soon.

Yeah, yeah, actually, since they are empty, we could try and do this.

Okay. Thank you, everybody, for staying. And thank you, ALAC, for coming.

We try to keep this short because everybody seems to be growingly hungry, which is natural since we are not virtual people but actually real people. So let's start.

I don't think we have a clear agenda, but this is just an exchange. I know some issues that will definitely be discussed, I guess. So I would just like to start and maybe give the floor to Alan to say hello and so on and so forth.

ALAN GREENBERG: I guess my first comment is thank you for inviting us to the previous meeting. And we came out and we spent five minutes saying were we happy. And I think we were happy.

Someone is giggling over there.

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We ended up, I think, basically agreeing with each other. There are nuances that were somewhat different.

I think we can present a statement to the -- not a statement, but a position to the Board that says we are talking in unison, and they cannot ignore this.

My understanding is that the New Process Committee met at an extensive meeting on Thursday, and they would be sharing with us the results of the options that they're looking at.

So I think we're moving forward on this. I think we've seen -- what is it? Almost two years of not great action on some of the details. And so I think we're moving forward. And I hope what we're going to come to is figuring out some way as a community to move forward, satisfy the -- the safeguards which you've prescribed, and put users in a better position. And I think establish a precedent that -- that user issues and consumer issues are something that we have to focus on more within ICANN than we have in the past.

So I was very happy with that. I like the idea that we're seeing more and more within ICANN people talking to each other instead of simply sending documents back and forth. And the meeting that the -- the ALAC had a meeting with -- not ALAC. A subset of the ALAC with a subset of the New gTLD Process Committee met a few weeks ago. It was an exceedingly productive meeting, and I believe very candid. And hopefully -- I think that was one of the reasons that we're seeing some progress from the Board right now, from the gTLD Process Committee. That they had put a number of options on the table, including a PDP that I didn't think -- we didn't think were particularly useful. And it's



productive discussion, actually talking to people instead of just sending messages back and forth. So I'm positive.

I have nothing else as an introduction. I guess we'll open it up and see if anyone else has any comments, questions.

CHAIR SCHNEIDER:

Thank you, Alan. I think as some of you may have heard, our discussion -- or may have been informed about discussion, I think we should start with giving the floor to other ALAC representatives to express their views, but also GAC members, feel free. And just hold up hands.

And please everybody introduce yourself, so not everybody may know who you are, so say who you are, where you come from and so on and so forth.

Okay. Thank you.

Who was first? I see the lady over there.

HOLLY RAICHE:

Holly Raiche from the Internet Society, Australia.

A comment was made during the discussion that we sat in on about, well, the regulators may start to take a role. I took that to mean national regulators such as our own country consumer commission or other agencies.

I'm just wondering if there was an explanation as to what that phrase might have meant, if other people understood it differently.



Thank you.

CHAIR SCHNEIDER: Is that a question to the GAC members here?

Does anybody -- Peter, thank you.

PETER NETTLEFOLD: I'm not sure I have the answer, but that's what I assumed. That wasn't why (indiscernible), but I believe when people are talking about the national regulators, and particularly if it's in a consumer context, I would -- you know, it's like the Australia's ACCC. That's my assumption.

And I have a question for Alan, if that's all right. And I'm Peter Nettlefold from the Australian government, one of the outgoing GAC vice chairs.

I'm encouraged to hear that the Board, the NGPC, had a meeting to consider your communication and that you mentioned you expected them to get back to you. Do you have any sense of when? Is it going to be useful in terms of are we going to be able to react to it here or not, do you think?

ALAN GREENBERG: The meeting they had on Thursday, not with us, I am expecting, I was told we could -- they would be making some sort of announcement as to what the outcome of that was. I'm hoping it will be done within the next day or so so that we can effectively discuss that here. That's my understanding I got quite unofficially from that meeting.



In terms of the meeting we had, the teleconference we had, there was no formal reply or announcement. It was an exchange of ideas. I think it was productive. And I'm not expecting anything formal to come out of that particular one.

CHAIR SCHNEIDER: Just for clarification, when you say "they" had a meeting, is that the NGPC? Okay. So that we're -- Okay.

There were other. Yes, Qusai.

QUSAI AL-SHATTI: Thank you. Thank you, Chair. Some were a bit disappointed to see how many members of the GAC are interested in meeting the ALAC. I guess the number of audience has differed, but the interaction with the ALAC is an important part, even for our own GAC members. And obviously making it optional, interested GAC members, it affected the volume of our participation with ALAC, although ALAC is an important community of the ICANN.

I wish for the next meeting that this will be on the agenda. I know it's a burden, but because we do have long agendas during the ICANN meetings, but I hope for the next time it will give the impression it is part of our agenda rather than the interested.

Our support to ALAC is important. Our ALAC support to GAC is also important, and that would lead me to the next point.

As there is a tendency to minimize the role of governments or the role of GAC within ICANN policy-making, at least some GAC members feels



that, and somehow, us being only a consultive -- advisory council, it is important for us to have the support of ALAC as much as many of GAC members are in their meeting they are supporting many of the ALAC's point of view, that they support our role as an equal stakeholder in the policy process.

That's a point that I would like to see more support of ALAC for the GAC.

I have been following the GAC meeting. Some of them I did not attend in person, but there is an increased tendency from the GAC member to support the role of ALAC and many views of the ALAC whenever it is good or it is found reasonable or it makes sense or it's clear to us.

So I hope one day that the ALAC would support some of the views of the GAC and support -- somehow, and support its role as an equal, equal footing with the others in the ICANN community. And I'll make full stop here.

ALAN GREENBERG:

Thank you very much. I must admit the ALAC is in an interesting position because we have worked together with a significant number of the parts of ICANN over the years, and in many of the cases, we agree with them strongly on some issues and disagree with them strongly on other issues. And I think that is -- I think that can be said for the GAC as well. There are things that you have advised the Board that we disagree with, and there are other things that we very strongly support. And I think we attempted to indicate that. If it hasn't been obvious to the GAC that we have been very supportive and working together, then we need to fix that because although I will not guarantee we agree with



everything you say, nor you are likely to agree with us, when we do agree, we need to make sure that's clear because our voices together are stronger.

I'll take off my ALAC hat for the moment and I'll put on the hat of the ALAC liaison to the GNSO that I wore for, sadly, eight years. And I can tell you from that part of the world, there is no interest at all in cutting the GAC off from the discussion. The GNSO, I believe now and certainly has very much wanted to engage with the GAC, not in a formal, you know, session, but to make sure the GAC is a participant.

And we know GAC members cannot speak on behalf of the GAC, but GAC members have insight into the interest of governments which can be shared. And I -- I've sat on the ATRT, and GAC members have no problem talking, and no one thinks they're talking on behalf of the GAC but they're talking as insightful people. And hopefully we can continue that kind of dialogue at all levels within ICANN, whether it's the GNSO, the ALAC, or whatever.

CHAIR SCHNEIDER:

Thank you. If I may just add a remark with regard to your comment on this meeting and the way it's been set up. We have, in the GAC, and others may have the same challenge, the increasing challenge that we should at the same time spend more time working on issues while spending more time talking to other people, because that's fundamental for getting the work on the issues right, which is to some extent a tradeoff because, you know, we have the time that we have. And this led us to try to do things differently. When a person changes, that allows you also to introduce changes. So we tried to do a few



things differently in terms of our working methods, and the set up for this meeting was actually mutual agreement among the ALAC leadership and the GAC leadership to have it the way we have it.

We might rethink this again and do it differently again next time. So we take note of that view, and we're also happy to get other views on how to conduct this session because nothing is carved in stone here. We try to be efficient and communicative and everything at the same time, which is not that -- there's no black or white or right or wrong. But we will -- maybe better or worse, but thank you for that remark.

Other views? I have Olga Cavalli. Hello, Olga Cavalli.

OLGA CAVALLI:

Hello. Hello, everyone. Apologies for being late. It's a long way for Argentina to Singapore.

Thank you, Thomas, and hello, ALAC. And I would like to thank the ALAC for the constructive comments that made to the draft document about protection of geographic names, very much for them. It's an exercise. We are seeking constructive ideas, not to repeat the same things that happened in the first round.

So you're kindly invited to join us in the open session we will have on Wednesday. So thank you very much for that. And I have been in contact with (saying name) Phillippe and I think Rafid will come. I just wanted to mention that, that we appreciate that very much. Thank you much.



CHAIR SCHNEIDER: Thank you. I think Olivier has had his hand up.

OLIVIER CREPIN-LEBLOND: Thank you very much, Mr. Chairman. Olivier Crepin-Leblond, ALAC vice chair.

First, just a point of clarification on the meeting. Are we referring to members of your team as individuals or countries?

CHAIR SCHNEIDER: I personally don't care because this is an exchange. Do whatever you want. That's my answer to --

OLIVIER CREPIN-LEBLOND: Okay. Olivier speaking. And thanking Qusai Al-Shatti, Kuwait. I've matched both

I think there is certainly a great deal of collaboration that's possible, further collaboration that is possible between the ALAC and the GAC. One concern that I have had over the years, I was chair for a few years, was that we do meet at ICANN meetings every now and then, three times a year, at least. And yet in between meetings, there isn't really that much follow-up or interaction between the different parts of ICANN, which really have a major part in the public interest that we push forward. We're not there to make money or -- we're just all volunteers. And we're there basically to try and defend the interest of Internet end users.



I'm not sure whether this has been mentioned before, but certainly would there be any sense in the GAC leadership that perhaps exploring further avenues for more expanded or enhanced collaboration or enhanced cooperation? I don't know how one calls it these days.

Would be it would be the right time to start looking at these avenues for further consideration?

CHAIR SCHNEIDER:

Thank you. If you use the word "determine enhanced cooperation," we would need to set up a working group to see whether this is in conformity with the discussion in the U.N. and elsewhere. So I would rather prefer to avoid that term, unless you really allude to that process. But, jokes aside, I think it is clear that we are willing -- or the GAC is willing to engage more. And it's also necessary to engage more with everybody. Again, there is just a simple question of organizing the very scarce resource of time in a way that we get most exchange in the least of time and so on and so forth. But I think it's clear that we should remain in contact with the ALAC but also with others, not just during the ICANN meetings but also in between in whatever form that is possible. We might need some good ideas there to get something that is meaningful and efficient. But, of course, the answer is yes. I haven't consulted this with the GAC, but I think that's fine.

OLIVIER CREPIN-LEBLOND:

As a follow-up -- Olivier Crepin-Leblond speaking. As a follow-up, you might be aware that many GAC members, GAC member representatives are actually in touch with some of the ELS representatives in their own



country in other fora. So there has been cooperation certainly on this level and cross pollination between the two parts. Thank you.

CHAIR SCHNEIDER: Thank you, Olivier.

Gema?

SPAIN: Thank you, Thomas.

I'm Gema Campillos, GAC representative for Spain and currently one of the five vice chairs in the GAC.

I must confess I have very little knowledge of ALAC. So I welcome this opportunity to get to know you better. And, as I see, there are some areas in which we have strong interest both of us, both ALAC and the GAC.

And then I like to understand your position on these areas. We have already touched upon new gTLD issues. All that I know about the ALAC position is that you are claiming for a freeze on the delegation of the more new gTLDs. But apart from that, I would like to know the rationale for that position.

And I also heard that you have a particular view on IANA transition. Please correct me if I say something that is not right. That you want to have a contracting company that contracts the IANA functions to ICANN, for instance, just to seek confirmation on your position about that and on the reasons for that position.



And the NomCom issue. I've learned that you have adopted as ALAC a set of criteria that your representatives have to follow when they act as NonCom members in selecting candidates to fill board positions. I'd be interested in knowing about the criteria, the profiles that you prefer or you like most and to understand from that point of view what could be the convergence or interactions with what the GAC would like to be pursued in the NomCom. And just -- it's a pity that we're being transcribed because this is going to be a very personal comment.

I -- from my ignorance about ALAC, I would like to know who do you represent? You said you represent individuals. Why do you think you need that space in ICANN? Why governments do not cover that space? I mean, governments speak on behalf of public interest and on behalf of our people in our home countries. What is ALAC's role in defending individuals? And why the GAC cannot fulfill that role?

I'm sorry to be so blunt. It's just that I want to understand it. Thank you.

CHAIR SCHNEIDER:

Yeah, just two things. I don't know how much time we have. It's -- I guess we have at least 15 more minutes, maybe a little bit more.

I was also going to ask you about the alternative proposal or whatever it's called that you issued on the transition and get some rationale. Because we're going to discuss this tomorrow morning.

And I think the last point is something that maybe for some GAC representatives that -- or vice chairs that are new, that would actually

be good points to say a few words on so that each other's mutual understanding is improved. This is all I had to say. Thank you.

ALAN GREENBERG:

Thank you very much. I'm generally known to be -- to only speak for short amounts of time. So I'll try to be quick.

Why did we request the freeze? We have been talking to the board for a long time now, ever since they introduced the concept of PICs without any consultation. And simply said this is what we're doing. When you came out with your GAC communique in Beijing, they then added the mandatory PICs, again, without a lot of consultation. We have proposed a number of alternatives to try to address the problem of potential consumer harm on the sensitive TLDs, and we got no reaction. So, to be quite blunt, we did something which we believed would get their attention.

And whether a freeze was implemented as we requested or whether they simply started focusing on the issue in some other way, we weren't really -- we weren't really concerned. But we -- what we figured that the board had to be woken up on this issue. And we were very glad that you followed our process with the letter which again woke them up even more. And, to be honest, the ALAC could be completely ignored. The GAC can't be. So we were very glad that you took your action. You know, but to be honest, it was a freeze because it was a way of catching attention and saying this had to be addressed. Period.

On the IANA transition, we didn't go into this with any political view. We looked at the contract co-model that was being proposed. And we



strongly felt that it was far too complex from a position of how do systems fail. There were too many new things there that were untested, communication paths that were undefined. And we believed that it was a very dangerous way to go when stability of the DNS is the first priority. And part of it was press -- was controlled by the belief that ICANN would never be accountable, that the accountability working group could never succeed. We're taking a different position. We believe we have to believe in it and make it work.

And, therefore, the two positions aligned that we were looking for something which was less complex and we need to make ICANN work properly. Otherwise, ICANN is going to fail. Period.

On the NomCom issue, to be honest, I don't believe we have set any criteria for our NomCom representatives. So I'd be quite intrigued in knowing where you got that. I have never been aware of anything like that.

So I'm intrigued where it came from.

And who do we represent? We do not represent users. We try to represent the needs of users around the world.

And I didn't invent ICANN, so I won't claim that what we are doing couldn't be done by the GAC if the GAC took a different view of things. Governments often have needs that may not coincide to our view of individual users. So I think it's a slightly different perspective, perhaps not the only way we could do it. And Cheryl, I know has something she'd like to say on that one.



CHERYL LANGDON-ORR: Probably on the last two.

Cheryl Langdon-Orr, many, many, many years ago a chair of the ALAC. So I kind of had a bit of history here. And not too far along back, last year, the chair of the NomCom, so I'd like to pick up on your last two questions.

First of all, on the NomCom one, I suspect what you may have been referring to was, in fact, the criteria for those that are to be appointed as opposed to performance criteria for those who seem to serve on the Nominating Committee. And I think that's the distinguishing point there.

All of the what I'll call sending organizations to the NomCom, in other words, those who populate the seats at the table that make up the Nominating Committee are asked to and indeed now I can say they all do give input into what the criteria are that any year's Nominating Committee should be looking for to fit the particular roles that they need to have appointed. Now, obviously, the board -- we go to the board, to the wider community and, of course, take into consideration what the various ACs and SOs want to say to us about what a NomCom would be looking for beyond the core criteria. So this year we may need, you know, someone who is excellent at drafting or risk assessment or whatever, whatever that needs analysis shows. And so that happens year in and year out.

The other thing that happens is for receiving organizations -- and the Nominating Committee, of course, does very importantly put eight people on the ICANN board of directors. But it also has an extremely vital role in that very lynchpin area of policy development. Because it



populates into the ccNSO and the GNSO. And I'll come back to this. But it also has one-third of the ALAC that it constitutes. So it makes up one-third of the at-large of the 15 person at-large advisory committee. Now, for those receiving organizations, we also reach out as a Nominating Committee, at least in the last few years and again this year, and ask specifically what they may need in any given year. And that will be different each year. For example, historically, one year the ccNSO, several years back, specifically wanted legal drafting expertise. So that was weighted more heavily in the outreach and in the assessment. But what criteria any given NomCom uses is flexible between one year and the next. What fails to make the cut one year could very well be exactly what's looked for in the following year. But it's the nature of the confidentiality of who we get in the puddle that I think the value of having someone at that assessment table, if not having some input into the criteria we're looking for -- and the GAC could certainly give us clear and unambiguous criteria on what you think we need for members of the board, for members of the ccNSO, for members of the GNSO, and then for members of the ALAC.

Coming briefly into the at-large committee and following on to Allan's excellent response, one of the things that the advisory committee and the at-large community have, looking after the Internet end users or, as Alan said, acting in the best interests of the Internet end user and indeed those who are just not connected yet, so future users as well, is that we have the ability to be agile and have direct input into all policy development proceedings both in the ccNSO and the GNSO.

So, in fact, we can have influence from the very, very basics. And that's something I think our history has shown. And I'm sure Alan can give you



some briefings later, some very successful outcomes with that ability of getting in early enough and soon enough. That includes when, for example, GNSO has reviewed its PDP processes, ALAC community members and at-large community members have been instrumental in those working parties and in those PDP processes. That is something that the GAC by its very nature isn't currently engaged or able to be engaged in. Thank you.

CHAIR SCHNEIDER:

Thank you for your information. This is one of the ATRT2 recommendations that we're also looking into how to get engaged earlier because it has proven to be not that efficient, if you come in at the last stage. I will not go into more details, but this is -- and we might also learn from how you do it so on and so forth what the challenges are, by the way, if we have time for informal exchanges.

Any further -- yes. Olivier?

OLIVIER CREPIN-LEBLOND:

Thank you, Thomas, Olivier Crepin-Leblond speaking. I don't know how much time we have. But I could ramble on for a few, 20 minutes, if you want. No, let's forget that.

Just touching on the points that you've raised on these sensitive strings issue. One personal comment being at the meeting that we had a bit earlier this afternoon, I was concerned about the -- and still am concerned by the sense from some circles that this is not an urgent issue. Not only urgent as the topic itself, that, if we do have this allocation of these domains, and they start selling into the second level,



one of the things I've heard from ICANN was oh, but we already have some process which would actually be able to suspend a malevolent domain within six days. In six days you can have tens of thousands of fraud cases from one of these domains.

And, if the registries are not directly involved in this, that's -- you know, you cannot suspend a domain within six hours. You need to have some process that needs to be pushed for this. So the PICs seem to be one thing that would actually involve the registry directly and the registrars equally because it is the registrar that ultimately is the interface with the end client.

So that's one point I wanted to make. And I'm a bit concerned that it doesn't seem to be clear here. We're dealing with a very serious issue, with the issue of trust, trust in the DNS, trust in ICANN, trust in the ALAC, trust in the different component parts of this organization, but also trust in the domain name industry. The new gTLD program might have not done as well as was originally intended by the volume of domains sold. If it starts making itself known to have concerns of fraud and so on with a few domains that have been allocated, that really is something which will put another nail in the coffin. And that's not good for anyone. Not good for the industry, not good for us. That was one point I wanted to touch on.

The other was to do with the issues of the IANA transition. I think Alan described it very well. It's not a case of trying to have one's own way and saying ah, well, we want this. We don't want that. Because we thought about this and you thought about that. It really is a case of trying to find some system that will not be capturable, some system



that will ensure the stability and resiliency of the domain name system in the long term. And I would really urge everyone to think of this clearly and not saying, well, let's go for this solution because we haven't got time to think about the solutions. Or this process taken on too much time. And I'm personally concerned that many are actually pushing for this to be done so quick. Let's go for the easy solution. Contract co, replace the U.S. government and follow. It's not that easy because what you're doing is introducing a whole lot of problems on top of it. So that thing was one of the main concerns why the ALAC was really pushing for another.

Finally, the ALAC role in defending individual Internet users. As Cheryl Langdon-Orr very eloquently said, we're very nimble. So we're able to get in very early. We've got our people, many people out there on the ground, 150 at-large structures around the world that work with governments, that work with civil society, that work with universities. They're a very varied set of people. Some at-large structures even have a commercial component to them. They have their ear really close on the ground.

And so we're able to react very quickly. And in fact we're all Internet users and we just defend the interests of the end users.

That's it. Thank you.

CHAIR SCHNEIDER:

Thank you. I think it's very interesting what you say, in particular also about the transition.



One thing that is from the discussion on accountability that I got when I was participating at the Frankfurt meeting together with some others of you was the question of internal oversight, whether there is accountability mechanism, whether there is external accountability mechanism, so on and so forth. And the way I understand it, the alternative to the contract co would be more something that would be a more internal solution on an operational level within ICANN.

So what is your reasoning behind this? Because this is something that we haven't discussed yet in the GAC but that will come up again. So it would be interesting, maybe, to know a little bit more if you agree on your reasoning on going for an internal solution.

And then I see that Kavouss wants to take the floor but let us hear from some of you. It's up to you on who you would like. Okay.

ALAN GREENBERG:

I think this is again one of the cases where we try to be as pragmatic as we can. There doesn't seem to be a lot of point from, certainly, my personal point of view, of an inventing a new oversight body which is how going to be better than what we already have today.

If the ACs and S.O. -- if you look -- for instance, there was a proposal of an oversight board sitting on top of ICANN, and we would populate that oversight board by members from the ACs and SOs of ICANN, largely. Well, I don't see a benefit of building this new body when we -- if we can change the bylaws of ICANN to effect the same change without having an oversight body.



So it's really a case of can we do it simply without having to add more complex bodies, which then have -- always have the potential of capture, they have the potential of the communication paths between the two breaking down.

I guess from my personal point of view, it comes from many, many decades of building complex systems. And you quickly learn to look at a system and say this is so complex, it is going to break. And fix making sure it doesn't break ends up being a very expensive, complex things. When we send satellites or space ships up, we duplicate and triplicate systems to make sure they don't fail. They're inherently more complex because you don't want them to fail. And we're in a situation here where can we make it work simply instead of more complex. It's not that one will work and the other one won't. It's just let's minimize the effort.

CHAIR SCHNEIDER: Thank you for this.

Kavouss, you wanted to say something?

KAVOUSS ARASTEH: Yes, Thomas. Thank you very much.

We are fortunate that Alan participates in both groups, CCWG and CWG. Very, very active in CCWG that I'm following all the way through, and so on and so forth, and we congratulate him and we appreciate very much for the very constructive proposal he made CCWG.



But I think we should distinguish the issue of CWG and CCWG. They are two different things. Not entirely two different things, but one dealing with the overall accountability after the transition, and one accountability or oversight before the transition happen.

So the issue that Alan referred to, the not practical, not pragmatic, perhaps if I'm not mistaken he referred to the CWG issues that they proposed two options, external and internal. Each option has to alternatives. So I would seek clarification, which one of the proposal he is referring to, (indiscernible), and then the document before the community, at the end of these two alternatives, two options, has nine or ten questions which I am very surprised at why all those questions have been raised after so much discussions and having two alternatives going back to see whether or not we need to do anything at all.

Is it a good time to raise that question after so many months of work?

So I would seek clarification whether what Alan mentioned would refer to the CWG or CCWG. In CCWG, we have not come to any conclusion. We just started today was the first thing of the working party one and working party two, and we're building up the arrangement. We have not yet come to any conclusions.

Thank you.

CHAIR SCHNEIDER:

Just before we give the floor to Alan or somebody else from ALAC, I was raising the question and linking these two things because of course the processes are separate, but some of the reasoning behind why you have a preference from internal or external mechanisms, whether they're



operational or they're oversight mechanisms, the reasoning may be similar, at least related to this, is why I did not make, at this time for this discussion, such a clear distinction. But I'll leave it at that and let you answer Kavouss's question about the questions.

ALAN GREENBERG:

Thank you. I interpreted the question as being the question of internal oversight or external oversight for accountability. So I was talking about the CCWG, not the CWG. But some of the logic ends up being the same.

If we can accomplish something with a simpler process, then I support that. And moreover, I believe the accountability issues in ICANN exceed those for IANA. I believe ICANN needs some much stronger accountability to the community, even if we never talked about the IANA. The IANA transition is the excuse we're doing it now. But just like we've had several years of ATRT reviews, accountability is a major focus, and I don't believe the ATRT reviews have done the major change in accountability that ICANN needs. And this is an opportunity I hope that will if not fix that problem, will make it better.

UNKNOWN SPEAKER:

My answer is far more simple. It's simply if you are going to improve accountability why in the world would you create two bodies, so you've got to have two bodies, the expense of two bodies, accountability for two bodies when in fact it would be a lot simpler if you just made one body more accountable.



CHAIR SCHNEIDER: Thank you. That's a very useful discussion. Gema.

GEMA CAMPILLOS: I don't know, we have time?

CHAIR SCHNEIDER: Sorry?

GEMA CAMPILLOS: We have time?

CHAIR SCHNEIDER: It's up to us. Do we want to have time for one more remark or question?

I see people nodding. So, yes, we have time.

GEMA CAMPILLOS: Okay. I understand your position, but then I ask another question. But do you agree with the principle of separability? That is that if IANA performs awfully badly, the IANA functions can be transferred to another organization? This is one question.

And as regards one of the options that is being put forward for enhancing ICANN accountability, that is turning ICANN into a membership organization, what's your views. On the -- the usefulness of this perspective to enhance accountability?



And another nonrelated question, that is how do you deal with the confidentiality rules in the NomCom?

Thank you.

CHAIR SCHNEIDER:

Thank you. These are actually three questions. Peter, do you want to ask another question or do you want to provide an answer to one of the three questions.

PETER NETTLEFOLD:

Yes, I would love to go and have some dinner. Perhaps I will leave it to others. But I put my hand up at the comment about separability, which as far as I can see is one of these loaded code words that people use to mean all sorts of different things and which, from my perspective, I think could be clearer when people use it. You all have seen some early comments of mine on the GAC list, but they're a couple months ago now because I've been on holidays. But from what I've seen from the CWG paper, all the models that are out there involve separability of one form or another. External ones, as I read it, they just make the separation up front, and the internal ones make that a potential. So it's an explicit potential. If ICANN does a bad job, off it goes. There's some mechanism to achieve -- to end up where the external models start, effectively.

So that's one thing. Is it up front separation or is it the potential for separability.



The other thing, depending on whether we're talking about CWG, or CCWG, ICANN more broadly or just the IANA function, is what is it we're separating? People need to be a bit clearer about it as well, I think.

So I think what we're often talking about is the policy-making and the policy implementing function, but that's not always necessarily made clear.

So that's where I was commenting.

And in terms of the ALAC positions, I'm quietly cheering on on the sidelines. I just haven't had a chance to get too involved.

I think getting some of these internal to ICANN options on the table, getting them analyzed properly in the same breath as the other options is critical.

And in terms -- you know, and what it's highlighted for me is there is a lot of similarity between both options. It's not been external and then some other internal option. In fact, a lot of them have exactly the same components, and they just -- some of them get potentially realized in the same way or realized in slightly different ways but they're the same sorts of concerns.

So, yes, thank you, ALAC.

CHAIR SCHNEIDER:

Thank you, Peter, for this, comments on the three questions.

Other comments on the three questions that Gema posed?

Olivier or Alan, do you want?



ALAN GREENBERG: Let me give a very quick one and then anyone else who wants to turn in. On separability, my personal position is it should be sufficient to give the board an opportunity to negotiate, and if the Board is unable to make IANA work, get rid of the Board and replace it. That's what any company would do. If you cannot make it work, then change the leaders.

However, there are people --

CHAIR SCHNEIDER: Sounds like a football club, actually.

ALAN GREENBERG: Well, yes.

[Laughter]

Or a major corporation. If it's failing, change the leaders.

On the other hand, there are people who seem to believe that there must be a way of separating from IANA. And, therefore, in our proposal that we made and the other ones, there are ways of separating.

So I personally -- if I was king, we'd probably not need it. I would just be brutal with the leadership. But I'm not king, so we are supporting separability.

On the membership organization, there appear to be a number of ways of putting the stakeholders in control. Membership is perhaps the



simplest one but it's a significant change. So we don't either support it or reject it. It's one of the ways we could get accountability.

And confidentiality of the NomCom, I'm not quite sure what the question is. We believe the deliberations, you must be confidential about people's personal issues, and we strongly support the fact that the NomCom these days is very open on the processes they use and the mechanisms and giving us status reports.

So I'm personally satisfied with the combination right now. I know Cheryl has something to say on that one.

CHERYL LANGDON ORR:

Thank you. Cheryl Langdon-Orr for the record again.

These days, and it is only recently so let's be clear, these are very new changes in the scheme of things. All process that goes on in NomCom is public and clear and transparent and accountable and reported to the communities. It's directly reported, of course, from those who are in the NomCom back to the organizational sectors that have sent them. So that's another reason for looking at perhaps making sure that GAC is somehow plugged into getting those report cards which come out monthly. So a huge amount of granularity and detail of what NomCom now does is in no way, shape or form confidential.

All that is confidential is the personnel information. Beyond that, nothing else is confidential.

So confidentiality would be, in inverted commas, an issue to be considered. Only at the point of culling a set of potentials to a short

listing, reviewing those short listings, including having the external expert advice that advises the NomCom each year and brings in third-party expertise and some psychological support and all sorts of interviews and other things that happen, we report on that being, but we don't obviously go into the details. And the scorecards that are given out of that would be deemed confidential to the members of any year's NomCom. And of course the final deliberations and selection.

But beyond those actual few decision-makings where it is talking about people and the particulars of individuals, there should be nothing that the NomCom has that is confidential.

Thanks.

CHAIR SCHNEIDER:

Thank you. I would like to end with giving the floor to Kavouss because he raised his hand, and then I think it's time to have dinner.

So Kavouss, please make your point.

KAVOUSS ARASTEH:

Thank you, Thomas. I think the situation is not as clear as it should be. We have two groups. One is cross-community working group, mostly dealing with accountabilities, which has two working stream. Working stream one, accountability, required to be in place or to be completed before transition take place and accountability in overall sense after the transition.

We have another group. Still it is Cross-Community Working Group, but it is -- have different acronym, CWG, dealing with the transition in



relation with the naming aspects. This has been a little bit confused. They have common elements. These common elements is not properly now settled. Still, they have common element, and one should inject element from one to the others.

That is (indiscernible).

Now, with respect to the membership, the CCWG has recently, from Frankfurt meeting, created two working group. One working group dealing with review and redress issues, and the other working group dealing with the enabling community to have something to say, change of the board member and so on, and so forth. These are the beginning of the process. We have not come to any sort of even agreement. The first document has been prepared few days ago and on the site, Web site, people to discuss. But there are some element between the two, and these are the issue of external, internal, it is also in the CWG, the document before the community that they have these four options. Two options, and each option have two alternatives with ten question after that.

So situation is not as clear as it should be.

I still need time and need to be followed, and that is the difficulty that we have today. Thank you.

CHAIR SCHNEIDER:

Thank you, Kavouss. I think everybody agrees with you, but it's also clear on paper you cannot draw the line. You need to adjust the line while working in these two groups.



I think that's it for the time being. Thank you very much for having participated in this exchange. I think that has been very useful, at least for me. And, yeah, let's continue dialogue, whatever is possible in whatever form. And be innovative if you have new ideas on how we can better communicate, please tell us.

Thank you.

[END OF TRANSCRIPTION]

