TORONTO – NARALO General Assembly
Sunday, October 14, 2012 – 09:00 to 11:00
ICANN - Toronto, Canada

GISELLA GRUBER:	Just to get the meeting started, this is the NARALO General Assembly. This is Gisella to get the recording started. We are now starting the NARALO General Assembly on Wednesday, the 17th of October, local time in Toronto 9:20. If I could also just remind everyone to please state their names when speaking for transcript purposes but also for our lovely interpreters in the booth – French and Spanish interpretation – and over to you, Darlene, thank you.
DARLENE THOMPSON:	Thank you very much. We are starting the meeting right now and we go over to Garth now.
GARTH BRUEN:	Actually, Darlene, I think the next item is the roll call so we will start with me. This is Garth Bruen, Chair of NARALO and I will go around the table, starting at the end with Annalisa please. It is a roll call.
ANNALISA ROGER:	This is Annalisa from San Francisco Bay ISOC.
MONIQUE CHARTRAND:	Hi, I'm Monique Chartrand from [Montreal].

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.

ALLAN SKUCE: My name is Allan Skuce from PCNA British Columbia Yukon.

GARETH SHEARMAN: Gareth Shearman. I'm representing Telecommunities Canada.

GISELLA GRUBER: Gisella Gruber – ICANN staff.

HEIDI ULLRICH: Heidi Ullrich – ICANN staff.

DARLENE THOMPSON: Darlene Thompson, NARALO Secretariat.

JOAN KERR: Joan Kerr, Foundation Building Sustainable Communities.

GLENN MCKNIGHT: Glen McKnight, Foundation for Building Sustainable Communities.

ALAN GREENBERG: Alan   Greenberg,   unaffiliated   member;   unaffiliated   member
                          representative; soon to be ex-member of the ALAC; soon to be member
                          of the ALAC; ALAC Liaison to the GNSO.

MURRAY MCKERCHER: Murray McKercher; soon to be unaffiliated member; Infocom Canada. Thank you.

DANA PERRY: Dana Perry, Nova Scotia Community Access Program.

RANDY GLASS: Randy Glass, AmericaAtLarge.

SETH REISS: Seth Reiss, Intellectual Property and Technology Section of the Hawaii State Bar.

GORDON CHILLCOTT: Gordon Chillcott – Greater Toronto Area Linux Users Group.

MALE: This is (Inaudible) with the ISOC [Colorado] Chapter.

EDUARDO DIAZ: And this is Eduardo Diaz from the International Society Puerto Rico.

GARTH BRUEN: Thank you very much and back to me. This is Garth Bruen for the record. I'm going to try and speak less and listen more in this meeting. I want to have a real good discussion. There are two items which are not specifically on the agenda, but I want to make sure that we get to.

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One of them is a discussion of the accreditation procedure which Darlene should help us with, and then a discussion of unaffiliated member procedure which Alan will help us out with. And before we get to those topics, I want to open the floor up to anybody who has any recommendation, question, problem, concern or anything interesting that they want to talk about. Please, Alan?

ALAN GREENBERG: My topic will be slightly larger than that in that talking about one or two other Rule of Procedure issues.

GARTH BRUEN: Okay, then if that's the case, if nobody else has any other business, we can get started right away with you, Alan. Thank you.

ALAN GREENBERG: In that case this is going to be a short meeting I suspect. In terms of unaffiliated members, the rules are about as simple as one could imagine them. There are three conditions to be an unaffiliated member. No. 1 – you must be a resident of Canada or the U.S. or anything else that's part of NARALO. I don't think there is anything else but I may have missed out some jurisdiction.

Part of the U.S. I think is a loose definition because it includes Puerto Rico and probably a number of other places such as the U.S. Virgin Islands I think and maybe even Guam. So that's rule No. 1.

Rule No. 2 is you must be a member of the NARALO mailing list. If you unsubscribe yourself, you're gone. No. 3 – you must send a message to ALAC's to At-Large staff saying so. That's it.

So it's not a complex process; it's easy to do. We have very few members. I think we need to over the next year, next month be thinking about how we get more because I can't believe there's only five of us in North America that have any interest whatsoever in this.

Oh I'm sorry – there is one other rule. The other rule is you can't be a part of an existing North American ALS. Actually you can't be a part of any ALS, regardless of where it is. Sorry, I'm doing this on the fly and I didn't know I was doing it when I came into the room, and it's still early in the morning.

Now if and when we have formal votes or calls for consensus, typically each RALO, each ALS has one vote. Similarly, the unaffiliated have a vote. You can consider all of the unaffiliated members to be a virtual ALS; it's not quite an ALS cause it doesn't go through the ALS approval and certification process.

Annually the unaffiliated members select a representative to act on their behalf. The responsibilities are to essentially cast that vote in accordance with the beliefs of the unaffiliated members, should there be such a vote of course. There's not a lot else that goes with it.

Should there ever be an assembly like this, in theory the unaffiliated representative – if they're not already at the meeting – is treated as an ALS and would get travel and such. That's never been an issue so far but it could happen I guess. And that's about all.

The other issue is some Rules of Procedure changes which have been due for a while and I've had them on my plate. Several of them are simply fixing some inconsistencies that were noticed along the way that have to be fixed and those will be distributed by email when I get around to doing it which I hope will be in the next couple of months.

One of them, however, is interesting. When the last revision to the Rules were done, there was this requirement added that the unaffiliated representative not be an employee or a contractor of a contracted party or ICANN registrar or registry. Why that was added was partly personal feelings on some people's parts; partly a bit of history that there had been a dispute quite a few years ago over a selection of a NomCom representative and this requirement was added.

Curiously, although that requirement is there for the unaffiliated member representative who does very little, it's not there for the Chair and the Secretariat. So we can be run by contracted parties but one of the voters – only one of the voters cause we say nothing but who can vote on behalf of ALSes – cannot be a contracted party.

And before I put that Rule cast it in concrete, while we're doing the reps, do we want to make that a universal Rule – that anyone serving, that is the Chair and the Secretariat, can't? We could add that any formal representative of an ALS may not be a contracted party or we can take it out for the unaffiliated.

I personally feel that if someone cares enough to want to be part of NARALO, their personal feelings should not be affected by who happens to pay their paycheck. There is a fear that if enough contracted parties are interested, they could take over.

I think if that's gonna happen we'll have enough notice to do something about it, but nevertheless, I'm not really campaigning one way or another although I clearly have some preferences. But whatever we do, we should be reasonably consistent and not have a different rule for each person and I guess I'm looking for some guidance.

GARTH BRUEN: This is Garth. Yeah, Alan and I had a brief discussion about this yesterday and I've been thinking about it quite a bit. We certainly don't want to limit ourselves. We do want to be protective of our community-based, bottom-up agenda and this is how we're going to maintain our integrity and we're going to maintain our mission and our purpose by remaining community-based absolutely.

But we also want to make sure that we're bringing in all voices and we're considering all options. Now as far as actually being a contracted party, I just want to throw out a whatever question. I mean, let's say we do have a rule about officers not being contracted parties. I'm not talking about a specific example and obviously he's not in NARALO but let's say like Dev.

Dev is so brilliant at what he does with social media and let's say that for some reason ICANN decides it would be easier if we just hired him for six months to do Project X and he was an officer somewhere. Would that be a problem?

ALAN GREENBERG: Contracted parties normally mean registrars and registries and not other people who have a contract with ICANN, so I don't believe it

would be a problem. There have been previous examples where ALS representatives were contracted by ICANN to do work and it was never brought up as an issue.

I somewhat facetiously before said that we should have a rule saying the ALS representative cannot also happen to be a contracted party or work for one. I think that would be extending our reach a little bit farther than we really want to in dictating who can speak on behalf of a certified ALS, so that one's probably a bit of reach.

The rule, by the way, is unique to North America. If you look at Asia/Pacific and Edmon Chung who runs a registry, he's been an exceedingly valuable participant in APRALO and in At-Large. In some parts of the world and certainly in our lesser populated parts of the world people wear many hats and as much as we want to vilify a particular class of ICANN participants at times, people have different parts to their lives and I personally support no such restriction. But again, we should be consistent.

GARTH BRUEN: Okay this is Garth. I'm going to recognize Darlene and then Seth.

DARLENE THOMPSON: I'm still not agreed on this issue. I can go either way actually. When I look at that we do have contracted parties in here and should it be just for the unaffiliated members or the affiliated members – no. I think that there must be some constraints on both. I think they should be equal.

Now I look at people like – I'm going to throw this name out there – Michele Neylon, who is a part of our group and we like him there. [Laughs] He adds a lot to our group. Should he be a voting member? That gets into a different milieu. So yeah, I'd like to leave it at that because I think that contracted parties should not be part of our voting structure but that they should have a voice in the NARALO.

GARTH BRUEN: Are you responding directly to Darlene? Alright, Alan and then Seth.

ALAN GREENBERG: Darlene, you said contracted parties. Remember we are talking about people who may be employed by a contracted party; not the contracted party. And by contracted party, we mean a registrar or registry.

As I said, I'm not a lawyer and I certainly wouldn't want to say anything definitive, but I don't believe we would have a reasonable right to say that if Gareth is the representative of his ALS, if he happened to be employed by Verisign, his ALS is not allowed to choose him as a representative. That's what it's saying cause he will have a vote in such things.

And the representative of the unaffiliated members is essentially the same category – selected by his or her quasi ALS to act on behalf of the group.

DARLENE THOMPSON: I do have a response to Alan's but…

GARTH BRUEN: Okay, but I still want to get to Seth first but we don't want to lose the thread of this. Okay, we'll go to Joan and then Seth.

JOAN KERR: Doesn't a voting member mean the representation of the organization, not who your employer is? So if someone's here they may be contracted by someone but their being on the Board representing a society or whatever – that's what matters?

ALAN GREENBERG: Yes, that is what matters for an ALS. For the unaffiliated members because it's not technically an ALS, the representatives of the ALS has the same rule but they're not on the Board of non-ALS; they were simply selected by all of the non-ALS people.

JOAN KERR: So to me there are actually two issues. One – should any ALS be a contracted party because we should have the same rules for our unaffiliated… no, you're shaking your head.

ALAN GREENBERG: The ALAC rules on who can be an ALS would not allow Verisign to be an ALS. Trust me.

JOAN KERR: Okay. Alrighty then. So then we should have the same rules for our ALSes as to our non-affiliated members as well and have that the same throughout. I can't remember my other point, so there you go.

GARTH BRUEN: Joan, did you still have a question or confusion or anything? Okay, alright, then I will recognize Seth and then Eduardo.

SETH REISS: Seth for the record. I had one question in response to Alan's earlier point and is that whether there would be travel support for everyone unaffiliated member or just for the representative? I think it raises an interesting point because pre-RALOs At-Large was anybody that wanted to volunteer and so I think the unaffiliated structure offers that possibility and it offers all sorts of interesting possibilities. But I'll just… that's my comment.

My other comment is that you can't say contracted parties and just limit it to registrars and registries because the plain meaning of the word suggests a broader interpretation. So if that's what you intend, I think you should clarify it with an amendment because reading it, it would imply anybody who had a contract and it would imply the service providers, the UDRP providers – all those sorts of things.

And I guess I'll make a third point and that is that we have had a lot of debate about conflicts of interest policies and there's a huge overlap between this issue and conflict of interest policies. And each time, for example, that I volunteer for a working group, I disclose and I'm expected to disclose my role as a UDRP arbitrator.

And so I think when we're thinking about this issue, we also have to think about how it plays into a conflicts of interest policy which apparently everybody is embracing in concept.

GARTH BRUEN: I think, Alan, you had an answer to one of his questions.

ALAN GREENBERG: Yeah, well one point – in terms of contracted party within ICANN capitalized contracted party is a defined term – registrars and registries. I don't even remember whether our rules use contracted party or registrars/registries, but it's understood that that's what we're talking about. So yes, lower case it is an undefined term, but not upper case.

One other concept – the conflict of interest policy in ICANN is in general – and I think in all cases – declare conflicts and then a judgment can be made whether it's important or not in any given instance. So it's not necessarily you cannot have conflicts – almost everyone in ICANN with perhaps the exception of most of ALAC – have conflicts in the most strict sense of the term, so very much so. If you look at the Board, the onus is to declare conflicts. It may change over the next couple of years because of sensitivities.

The only other thing I forgot to say initially is let's say we keep the rules as they are; that we have no rules on whether the Chair and Secretariat can be a contracted party. They still have to win an election or a selection and if we indeed think that – despite the fact that Garth has gone to work for the largest registrar around – you're an expert on their ethics. You may very well be offered a job to make sure that they're

viewed as straight and be straight, but I'm giving it as an example so forgive me.

If we still think that Garth is the best Chair, we're really saying very negative things about future NARALOs if we feel they're not smart enough to make a valid decision on their own. The only difference is do you need to resign if you take on that role halfway through your term.

I have no doubt if you went to work for a registry or registrar, you'd give us at least an opportunity to say, "Should I resign? It's your call." And again, if we're picking people, have some faith in them. If you're picking people who you feel have absolutely no morals and ethics, the organization's doomed anyway.

GARTH BRUEN: I think that there are two situations to be aware of in that context. Right now we seem to be dealing in a sphere where there are a lot of shell companies that are controlled by one party who are applying for new gTLD strings or applying for registrar accreditations.

So in terms of manipulating the rules with phantom companies and what not, this isn't something that's unfamiliar and hopefully we would be smart enough to recognize that quickly.

And then the other issue is can an officer become co-opted during their office. And I think that if they do become co-opted, it's probably going to be really obvious to everybody and they're not going to be reelected. And if they don't give the opportunity to say, "Hey, I have this additional hat I'm wearing. Should I resign?" If they don't do that I think it's going to be obvious to everybody.

ALAN GREENBERG: I do believe we have recall mechanisms also should we find you cheating on us, as it were.

GARTH BRUEN: Okay I think it was Eduardo and then Randy.

EDUARDO DIAZ: I'm sorry. I passed my time. I forgot what I was going to say.

GARTH BRUEN: Okay, if you remember please tell us. Randy?

RANDY GLASS: Hey, this is Randy with America At Large. The subject that we're on right now – I think this is an important issue and we should explore this further. I mean we should have an official process where we clarify this a little bit further, maybe not specifically in today's forum but through the email list or whatever we're going to go forward with at some point and think things through a little bit.

                    This discussion I think is really important to the At-Large community and some of the points that we're talking about – with morals and ethics. And make it clear I am not an attorney but I am a devil's advocate at times. So to be the devil's advocate from what I see though, generally speaking, morals and ethics go out the door as soon as you get a paycheck just for most people generally speaking – not for everybody, that's true.

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So when do you judge that? Well usually you judge that after damage has already been done. So you kind of want to preempt that with actually the discussion that we're having and the conflicts of interest I think should be more than just disclosed. It should also I think be some conditions on where you can go.

A couple examples would be let's say a registrar that wants to introduce a bunch of new gTLDs. They tell all their employees to go out and be At-Large members non-affiliated. We might not necessarily know; they might not actually disclose; they may lie to us just to kind of get their foot in the door so that they can influence the group. And I'm not saying that that… Okay? But it's still an influence.

Also on that note though, you might not find out and there may be things underhanded and when we're talking about money and morals and ethics, when somebody's got serious, serious money in the game, they tend to do things that will be hidden a little bit deeper where you won't find out for a long time coming.

That's kind of my point on that one, I mean just generally speaking. But I think we should clarify that through the forum and have something in writing and more formal. But I have another point that I wanted to bring up to more ask or clarify with Alan.

The voting and the procedures of going about that – I'm wondering if that has been clarified or what is the process of un-affiliated members. And you're talking one vote – well what type of process basically governs that? Let's say I've got 150 unaffiliated members with one vote. How do we approach that is my question.

RANDY GLASS: The rules explicitly say that the unaffiliated member does not cast their vote as they personally feel, but are obliged to in some transparent method poll the other unaffiliated members. The rule currently talks about things like Big Pulse and I think it's a bit too explicit, especially in our current case where we only have four of them so I'm going to recommend taking that out as my proposed changes, taking out the mechanism. But it must be done in some reasonably transparent and verifiable way, similar to any of the other formal votes that are taken within At-Large.

And again, as we're talking, if someone fills up the unaffiliated members with all sorts of registries or something like that, it still only maps to one of the votes equivalent to that run by Gareth - and I know he's paid by Verisign remember – and of course if careful we don't want to have to kick out Annalisa as soon as she gets her registry. Or do we? Maybe we do.

[background conversation]

RANDY GLASS: Well yes, but you're not a registry yet; you're a registry wannabe but as soon as you become a registry, do we want to kick you out? As an ALS? Maybe, I guess we gotta go look at the rules for ALSes – that's out of NARALO's hands. Certainly as a vocal and active participant in NARALO, in my mind, certainly not.

GARTH BRUEN: Yeah, I think in this expanding space, before it was very hard to become a registry.   It's becoming a lot simpler to become… I mean not completely simple but in the future anybody could be a registry technically. And then if we're going to exclude any registry, we're going to start cutting our membership out from under us.   Okay, Annalisa please.

ANNALISA ROGER: Thanks, Garth and Alan, for bringing that up. That's actually a really good point is that registries could – I just want to introduce the idea that they could become good members. And I'm not here to talk about mine but the structure of what we're doing with ours happens to be focused on the little guy, the internet user, the grassroots thing.

So actually .green - should we become the actual registry - we would be very interested in becoming an ALS because that's actually our structure. We're here to support the little guy so it would really fit in with ALAC. We're more about the people as opposed to a registry that we're used to seeing today – the models today. So I think we should keep our minds open to what comes out of that New gTLD Program.

GARTH BRUEN: Yeah, and we've got some .Quebec folks at the table too. And I think I want to recognize Eduardo first and then Alan.

EDUARDO DIAZ: Thank you. This is Eduardo, Mr. Chair. In the case of Annalisa, I think Annalisa, you are representing ISOC San Francisco here, right? But if you become like the thing about the .green becoming a registry, when that happens don't you have another constituency to participate or stockholder, no?

GARTH BRUEN: Please, Annalisa, respond.

EDUARDO DIAZ: No, no, no I'm talking about the being here in NARALO she is representing ISOC San Francisco not .green.

ANNALISA ROGER: That is correct. This is Annalisa. That is correct. I'm wearing my ISOC hat. ISOC is another great internet user grassroots. I'm basically a grassroots person if you think about it so ISOC, ALAC, .green is the same kind of model so that's a very good question. Would .green fit in – or any other TLD; we don't have to talk about .green – but would we fit into the registry or would we fit into sort of an At-Large user type of group?

And I'm actually interested in .green being more of a user type of group which could possibly fit into the ALAC. So that's something in my plan in the future because we're going to be a group about the people, the little guy. So that's something to go forward in the future and this isn't the place or time, but that's definitely a thought.

GARTH BRUEN: Okay, Alan, then Gareth.

ALAN GREENBERG: Yeah, when I mentioned Annalisa it wasn't on behalf of ISOC San Francisco, it was can ISOC San Francisco select Annalisa as their representative once she is employed by a formal ICANN registry? That was the question because we were talking about saying we don't want any voting members who are – forgive me – tainted.

ANNALISA ROGER: Yes, because giving money to non-profits is really a tainted situation, but I hear you. The New gTLD Process – it's hard to imagine that there's gonna be some really new things and they're not just gonna be lumped as registries. So I don't know what the vocabulary to use is on that, but I hear you and we need to be aware and open about it.

ALAN GREENBERG: No, I'm getting to that now. We're starting to wander perilously close to bylaw issues at this point. For instance, within the GNSO with the new concept that a registrar can be the same corporate entity of a registry or less than arms' length linked, an entity like that may be part of the registry stakeholder group and the registrar stakeholder group, but we only vote in one.

So there are certain conditions – I'm not sure if that's linked to a bylaw requirement or that's something they did voluntarily – we need to research that. So there may be voting issues but other than the voting issues, there should not be in my mind, conflicts.

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ANNALISA ROGER: Yes and Alan brings up a good point and I think that's a larger ICANN issue but Alan's right. It might come down to you can be a part of different groups but the voting would have to be specified in the bylaws at some point I would think.

GARTH BRUEN: Gareth?

GARETH SHEARMAN: I think we've opened a really interesting can of worms here. I think that we have to tread carefully, however, I certainly agree that we should not exclude something like .green if they want to become an ALS. And I think perhaps we need to take a look at if there are registries that come forward to be ALSes, we need to take a look at each case as it comes up.

Of course to take the .green example, if .green becomes and ALS, obviously the representative who has the vote is not Annalisa if she's still with ISOC San Francisco. But other than that, I don't see a reason why we should exclude these people, but again, we have to tread carefully because there are some new realities coming forward that we're going to have to take a look at.

GARTH BRUEN: Yeah, cause I can imagine off the top of my head truly community-based registries – what if we have a .Iroquois that represents the Iroquois Nation – are we going to exclude them – no, absolutely not. I think Murray was faster than Louis.

MURRAY MCKERCHER: I'll try to be brief. It's Murray McKercher, unaffiliated, speaking for the record. Once a long time ago I was invited to a community. The community was Scouts Canada and joining the community made me responsible for dealing with children. And there was a process that I went through that was very grassroots where the elder states people of the organization interviewed me to decide whether I was an appropriate person to be put in charge of a responsible position dealing with children.

So I don't know whether there's a lesson to be learned there but perhaps there's some appropriate way we can add that to the mix.

GARTH BRUEN: I mean definitely one thing that comes to mind is not explicitly excluding the contractors from being officers, but making the vetting process so rigorous that the conflicts of interest are all really, really laid bare so everybody is aware of it and there's just no way to get around it. And I'm going to go to Louis.

ALAN GREENBERG: A point of order – I've sent Gisella a link to minimum criteria for an ALS outside of NARALO's rules but you should know what they are. And they're pretty flexible but maybe Gisella can get them on the screen.

LOUIS HOULE: We brought up the conflict of interest issue. Of course there's a set of rules regarding conflict of interest, depends for who you're working

with. I think that for instance, Annalisa's case is not the only one. I'm here on behalf of ISOC Quebec now and we openly support .Quebec and .Quebec is a not-for-profit organization and if there is not any people from my staff in ISOC Quebec who helps point .Quebec to grow, to start, maybe it's going to be a failure.

So there will be automatically and I hope conflict of interest from as much members as we can and I hope that they will participate in raising that not-for-profit organization and I hope that they might be able to come here if they are of any help.

GARTH BRUEN: That was Louis for the record. I'm in agreement. Did somebody else have their hand up? Did I see somebody else with their hand up? Oh Glen, yes please.

GLENN MCKNIGHT: We're doing the outreach at our table and I'll have to use Alan as my prop. I asked Louis – can I use your arm for a second? So I said to Louis, "Louis, what's our measurement?" He says, "Do this." They're in, right? So people did come up to the booth and, "What does it mean to be involved?" And I think we need to be absolutely clear so that we don't disappoint anyone.

GARTH BRUEN: But I don't think that we should be self-correcting in thoughts of our membership. I mean if somebody at this table has an idea of who to talk to, they shouldn't immediately think to themselves, "Oh, that

person could never get in." We should really think about it and let other people address the issue. I think Louis and then Alan.

LOUIS HOULE: I'd say that I've been working for the government for almost 30 years. We have conflict of interest rules. I can bring up everything you wish within the government, but I think that we have a guideline here - not-for-profit versus profit.

And I think that not-for-profit organizations might be participating in ALS most easily and I don't think that they would be in conflict of interest. On the contrary, I think that if we were to apply the same rules for a profit organization, then we will certainly need some guidelines that will have to be defined and written down.

GARTH BRUEN: Louis, this is Garth. Staff is reminding me to state your name before you speak.

LOUIS HOULE: Yes, my name is Louis Houle. I'm the only one with that accent in the ICANN world. [laughs]

GARTH BRUEN: I lost my point. I'll go to Alan while I'm thinking.

ALAN GREENBERG: Okay, the Galaxy is very nice if we do get the rules up. Alan Greenberg speaking. Thank you; I was being humorous; I wasn't chastising. If you read the rules you'll see there is no rule there saying you can't be non-profit/you must be non-profit. There is no rule saying you must not be government. Trust me – these discussions were held.

Some of you are old enough and have been around that you participated in them. The world is a very interesting place. There are places in the world where you cannot do this kind of thing unless you have a connection to government. There are places in the world which are small enough that you might be a profitable organization and still care about people. There are such organizations. We wouldn't want to point you out, Annalisa.

So if you read the rules, we came up with words mapped to what is important to us without trying to categorize people against norms in one corner of the world that don't apply somewhere else.

So we don't have control over who can be an ALS; that's set and although we are certainly able to, like everyone else, suggest that they be changed, I don't want to go through those discussions again if I can avoid it personally. They are related to bylaws; they are related to… they do need Board approval and we're not likely to change it.

Now that being said, we can have rule which are… I think we can probably have rules which are different; I'm not sure. We can certainly have rules about the unaffiliated which are not specified at that level within ALAC or At-Large yet anyway. But let's not focus on the things that we have no control over at this point.

GARTH BRUEN:
This is Garth again. We talked about this yesterday and this was the point that I had just slipped and forgotten about a minute ago is that what is not-for-profit is a different definition depending on where you're standing. In my particular case, NewJohn.org applied for what is in the United States called a 501(c)(3) which is a very narrow definition of a non-profit and we were denied but we were awarded a 501(c)(4) which is a slightly different definition of what is a public interest club, association.

So we didn't get the completely tax-free 501(c)(3) but we basically have the same legal designation; we just can't give any sponsors a tax-free pass. That's the difference. But in some people's minds, that may be problematic. And I believe – I don't want to be mistaken – it was Annalisa and then Joan. Did anybody else have their hand up? No? Okay, Annalisa.

ANNALISA ROGER:
Actually I think by now you've covered it. It's true – it's a geographic region that affects the non-profit status or not. The 501(c)(3) is not allowed to apply as registry in the United States, so I found that out after the .GreenFoundation had been established so we had to go with another organization, so it's just an interested discussion.

I guess what I want I want to jump at is if NARALO has an option for their own internal membership things that do not affect bylaws like Alan was suggesting on a greater scale than ICANN which we have no control over, perhaps if NARALO wanted to consider mission as opposed to tax

status in just all kinds of countries that are going to be different. But mission could really speak to what it is we're looking at, what we're dealing with. Yeah.

GARTH BRUEN: Thank you. Joan.

JOAN KERR: It's not really a question; it's more of an observation.

GARTH BRUEN: Please state your name.

JOAN KERR: I had that ready to go. It's Joan speaking. Any organizations – you're always going to have conflicts so if you have rules around participation but different than Rules of Decision, the decision is around voting. So all this language here sounds to me like there's a… if someone reads all the rules, they're going to be discouraged in participating and the whole idea about community is that community participates. The level on which you participate and make decision is what makes a difference of influence.

So I think that if you have a conflict of interest – people disclose it and I know there are levels of disclosing as well, but I think that we should be encouraging people to participate as long as we know where they stand so that we don't have all these barriers all the time about you can participate if… And we would love you to come only if… But that

everybody participates but then when it comes down to the voting, that's where the decision is made so that we don't lose sight of the participation.

GARTH BRUEN: I'm going to go to Dana and then I have a few comments of my own please.

DANA PERRY: This is Dana for the record. Just a comment basically. You're a not-for-profit, Annalisa?

ANNALISA ROGER: We have two. We have a non-profit public charity not owned by any company or individual and that is the 501 (c)(3) and that belongs to the public.   That is in the United States and people at ICANN don't understand unfortunately when they were doing the application, but in the United States a non-profit 501 (c)(3) may not apply as a registry to ICANN. It's an unknown here; nobody realizes that, but I've lived it – 3½ years and a lot of lawyer fees and five law firms. So I'm pretty confident that I'm right about that.

So we have a separate organization – the .greencommunityinc. – and inc. designates it's not a non-profit. Our business model incorporates the two so I still get to do what I wanted to do in the first place but we had to get creative.

And I did find out six months ago there's a new structure in California only of the 50 states that is exactly what I'm doing. It was just invented

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six months ago so that's an option maybe in the future I could change but… So it's very interesting and I imagine geographically around the world, we really shouldn't be judging tax statuses on who's good and who's different, I'll just say. Does that answer?

DANA PERRY: It sort of does and I guess - It's Dana again – what I see in the organization here in the broader picture it is still based on some form of an application process which I assume you would discern the good from the bad. And I think there's an expression about keeping your friends close and your enemies closer which is not to say that – you seem very nice and I'm sure that we'll be friends, not enemies – but it would seem that you can learn from everybody and it would seem that the final process that comes out of this is based on a vote by your members, correct? More or less?

GARTH BRUEN: Here's the thing. This is where in my new role I'm not completely clear on and maybe Alan or somebody or Randy's gonna help me.   For example Seth was telling me just before the meeting that the very first time he applied for an ALS he was rejected and then he had to reapply.

                        I believe that ALAC votes for any ALS in any region? Alan?

ALAN GREENBERG: The process is an application is submitted; we have staff do what is known as due diligence, essentially make sure you're not lying; try to fill in blanks if there are. The region then makes a recommendation on

whether they believe they are an appropriate ALS or not; the ALAC then votes and the ALAC may vote with the region or against the region. It rarely happens, but I believe it happens once or twice.

In the case that we were talking about a moment ago, if an ALS is rejected, it's probably because it doesn't meet the criteria. And the criteria aren't on the screen but they're a little bit above it. Among other things, you must be controlled by users. If you're controlled by a company or something like that, then you can't be an ALS.

The criteria are not very rigorous but there are criteria and we are bound to make sure that those indeed are met. And organizations do apply to be an ALS which simply aren't by our definition and that's a bylaw sanctioned, Board approved definition and we're bound to try to interpret it. Sometimes it's a gray area.

GARTH BRUEN: Glen?

GLENN MCKNIGHT: This is back to you, Annalisa. Glen McKnight. If you didn't fit this category based on your new definition of who you would become, I'm just curious on if you would be I guess accepted into the not-for-profit operational concerns constituency. I mean you might be part of that already.

Would that be something, because according to their definition, their purpose is to represent the operational concerns related to service deliveries for not-for-profits and non-government organizations who

have domain registrants for DNS. I'm just wondering if that would be a place you would hold your hat.

GARTH BRUEN: Annalisa in direct response and then Olivier and then Alan.

ANNALISA ROGER: This is Annalisa. That's interesting, Glen, but our registry in the United States, even though we all know PIR is a non-profit, that was the old days. We were not allowed to apply as a non-profit. So our registry is not a non-profit so the answer to Glen's question – we can't go there.

We do have… Well, we don't have a non-profit, but the .Green Foundation is a public charity. But what's interesting in the United States is all non-profits have mission statements that you must abide by, especially the 501 (c)(3) which is the most prestigious status that, like I said, it took me 3½ years and a lot of lawyers to get.

And the mission of the .Green Foundation, as you could imagine, is about green and people; it's not about internet policy. So we can't promote a TLD; we can't show up at ICANN meetings and be talking registry or TLD or these types of discussions because our non-profit has a different mission. It's to grant funds for programs and projects for humanitarian and environmental things around the world.

ICANN – we could stretch it to humanitarian but we couldn't really stretch it to environmental. So you won't see non-profits from the United States whose mission isn't to be in NARALO, so that's kind of

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major and we should think about that cause I see up there that criteria which makes sense but then we have to…

And this is only one country – United States. I don't know what's going on in all the other countries with their non-profit rules.

GARTH BRUEN: Alright, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Garth. It's Olivier for the transcript. If Alan's answer was in direct reference to the question, I defer to Alan.

ALAN GREENBERG: We have to be careful about talking about the different organizations. The NPOC which is the one that Glen was referring to is a constituency within the non-commercial stakeholder group of the GNSO. So .green the foundation, I'm sure could join NPOC. You're not joining it as a registry; you're joining it as a non-profit organization.

ANNALISA ROGER: But we would lose our tax status in the United States for discussing internet policy as an environmental organization.   That's not our mission. So it's not an ICANN problem; it's a home country government problem.

ALAN GREENBERG: I'm not going to try to delve into that but if the Red Cross can join, you may be able to too.   I'm not sure of those details but it may be something you want to look into. Regardless, the NPOC which is part of NCSG or the registry/registrar stakeholder group which one of your many organizations may fit into, is part of the GNSO whose mandate is to look at gTLD issues which is of course of interest if you happen to have some relationships to a gTLD.

At-Large has a larger scope than that. It certainly covers that. We don't make the policy but we can comment and advise on the policy of gTLDs as well as anything else. So the fact that you're part of one does not preclude you can be part of another at the same time and we have many examples of people who cross various groups.

In the case of within GNSO, you cannot typically have a vote in more than one of them, but you can be part of one of them and you can certainly play a role in other organizations.   There are people from CISCO on the SSAC – another advisory group. CISCO can also be part of the Business Constituency of GNSO – that's not a conflict.

So you can have your feet in many camps for valid reasons and most of that is not precluded, although in some cases where you're in the position of setting policy, there may be restrictions on voting and things like that.

GARTH BRUEN: Back to Olivier.

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OLIVIER CRÉPIN-LEBLOND: Thank you very much, Mr. Chair. Just one point that Alan made earlier with regards to the needs of an ALS, in other words, they shouldn't be commercial, etc. There's also one that an At-Large structure cannot be a government organization.

However – and this is not directly related to NARALO because I think that there's a good framework here in NARALO in the North American Region to work on this – but there are parts of the world where you cannot set a not-profit organization because there's no legal framework for this in the country.

At the same time you might not be able to set up any type of legal structure without direct involvement from the government. And so in order not to cut those parts of the world off totally and in order to be able to serve internet users in those parts of the world, there have been some occasions where some degree of flexibility has had to be introduced, specifically for those countries that are a little more regulatory in nature and that require some kind of government hand in an organization.

GARTH BRUEN: Directly to that point – this is Garth for the transcript – Dana and Darlene both work for government programs. I mean obviously what they do probably wouldn't exist otherwise. So how are we reconciling that?

OLIVIER CRÉPIN-LEBLOND: Thank you, Garth. It's Olivier for the transcript again. I think that it's a little bit like being a member of a sports club and a bridge club in some

cases. Yes, some organizations get funded through government programs maybe just as a starting point or maybe as an ongoing thing.

Really the thing to focus on is whether the organization focuses on internet users and serves internet users out there; has a membership; has a bottom-up process to get the views from that membership. The rest of it, yes, is a little tricky and I don't have an answer on that. Maybe Alan does.

GARTH BRUEN: Alan, please.

ALAN GREENBERG: Again, although Olivier wasn't around at the time, we did have many discussions of can you be part of the government and things like that. There are no rules unless I'm missing them that talk about the government. The predominant rule is – and I use the word predominant intentionally – is – and I'll read it verbatim if I can find it. "Be constituted so that participation by individual internet users who are citizens or residents of the country within the geographic region which the ALS is based will predominate in the ALS's operation."

So in other words, you can't be a government because few governments are going to turn control over their entire government to individual internet users. So we're pretty safe on that.

But may you be linked to the government somehow? May you receive funding from the government? There are no such restrictions. If we did, some of our regions might disappear.

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GARTH BRUEN: Yeah, this is Garth. I mean I would imagine that in some parts of the world smaller communities, indigenous or aboriginal communities, there is no distinction between what is the community and what is the government, you know?

In terms of my own example that I want to throw out there for discussion, raise your hand if you know what the magazine *2600* is, if you're familiar with it. It's a hacker magazine; people write articles about how to break things. So somebody may take a master lock and tell you how to get into a master lock; they may tell you about the cash register at Target or Wal-Mart and tell you how to open it.

It's people within the tech community doing what manufacturers should be doing in testing their products, so it's an outside view of security that is really priceless. So I read this magazine quarterly – it comes out four times a year.

And in one of the recent issues there was an article about how to protect your domain name and it was one of the best step-by-step guides I have ever seen about protecting your domain name and I said I have to find this author; I have to talk to this guy.

It turned out he was a technician for a registrar; he works for Dotster and I had a great interaction with this guy and I said, "You are the kind of person from a registrar we need at these meetings. No more flaks and politics. We need somebody like you at these meetings."

And of course he said, "Well my employer's not gonna send me because I'm not the kind of person from the registrar that they send to an ICANN

meeting." And I'm thinking to myself, "Well how do we get you involved because what you are saying, what you are doing is so important and so core."

And my question is would we have a prohibition against him a) being an unaffiliated member or creating a group of registrar technicians who advise on these kinds of things being an ALS. And I'm putting this out there for discussion.

ALAN GREENBERG: You should have mentioned that earlier; this discussion might have been shorter. I mean do we have to worry that some people work for some employers who, if they say the wrong thing in public get fired? Yes and they have to worry about that kind of thing.

We need to worry about people who pretend they're honest and are really subverting us and I suppose it can happen. But I'm not all that worried. I think there's more value and less… compared to the risk, I think there's more value in it compared to the risk and that's the kind of example that I think proves the case.

And a lot of this whole thing was driven by the fact that there was a registrar rep who worked for Two Cows, Canadian registry, who happens to bear a lot of the criteria that we value but there were some people who felt that he shouldn't have a NARALO label on him because of his employer. Whether that was correct or not doesn't matter; it's history and that's how we got here. But I think we now need to make decisions on our own for the future.

GARTH BRUEN: I mean in this context I would recommend removing the restriction for the unaffiliated members. I mean that would be my thought. I think it was Annalisa and then Randy, yes.

ANNALISA ROGER: Yeah, I think this was a good discussion because we learned that there's criteria that seems really important but then kind of doesn't apply or actually creates problems and I think Garth's example really tells me maybe we should be focusing the internet user. Start with what's best for the internet user.

                       If it's good that there's somebody looking out for the interests of the internet user, maybe we shouldn't look at the cloak that he's wearing and really start from there – what's best for the internet user.

                       And then at our talk look at the NARALO mission – what are we here for; who are we servicing – and anybody that can fit in between there in a really beneficial way, we want to have enough flexibility to include that. And I guess today we've learned that governmental tax status might not be the criteria we're looking for but I think we know what it is we're looking for.

                       So it's a matter of defining and the definition and I'm sure the conversation could go on in the future.

GARTH BRUEN: Randy.

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RANDY GLASS: Yeah this is Randy, America At Large. I just wanted to hem in on that that I'm still chewing it in my head kind of thing and it's a very interesting point you bring up because that's actually at the heart of what we're talking about.

My first thought is would his employer allow him to do such things and then if he's writing it for a magazine, is he doing it under… did he publicly come out and say, "Hey, I'm with Dotster and I'm telling you about the vulnerabilities of my employer kind of a thing and how to keep yourself safe because of our vulnerabilities," and whether or not their employer would really appreciate that in the long term.

But that's up to an individual choice and individual thing, but it's a very interesting concept that we ought to hit on. But I do move that we do pursue this further and we do eventually put it down to a vote and we do formally look into it.

GARTH BRUEN: To answer your question, Randy, he did fully disclose who he was and his motivation was that he was tired of helping… or not tired of helping but tired of going through the same process of resolving these issues for registrants who knew nothing about protecting their domain name.

We make people take a class and take a test in order to drive a car because driving a car is such a responsibility and it's so dangerous. Yet I say you can do just as much damage with a domain name, okay? And per Alan's suggestion, I say that we keep all of this in mind and we move forward with other agenda and we figure out a way to do the wording properly and make sure that this is voted on later.

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Okay, so we are going to jump down into… Yes? I'm sorry. Please, Eduardo.

EDUARDO DIAZ: So this is Eduardo for the record. So are we going to have an action item for that so we can follow up?

GARTH BRUEN: Yes, absolutely. Alan please.

ALAN GREENBERG: I will re-take on the action item I have for a long time but I think I have a sense of this group that we would like to not have the restriction. At least I haven't heard a lot of arguments for keeping the restriction and I have heard fewer arguments for making it wider. Therefore, I will draft some projected changes for the rules and put them before the group.

GARTH BRUEN: Alan, I believe you said at the beginning of this that it was going to be a very short discussion. [laughs]

ALAN GREENBERG: I have proven wrong in such things before.

GARTH BRUEN: Okay, this is Garth Bruen. Agenda item No. 5 – Hot Topics. What are our hot topics? Anybody? Yeah okay. I think we actually… okay, Glen please.

GLENN MCKNIGHT: I think the antics of the article that came out this week from Rob Hall is a hot topic. It impacts all of us because we're going around being called junior and corrupt which was quite a slur on us. And last time if you recall, when I met with the committee, the cloud going over our heads going into NomCom was the confidentiality issue. And if you recall, there was lots of articles going around.

So this year we got another cloud over our head. So we met with the Board Governance Committee on this issue to try to clear the air, but we have a very serious issue. We have three members of the NomCom which are all ALAC which are not here cause the Canadian Government didn't give them Visas.

And I heard that, "Oh, it was taken care of. They have somebody with Travel that did it." And then that was passed on to the host – I guess it was CIRA – right? Somebody dropped the ball. So we have three ALAC members from…

GARTH BRUEN: Heidi? Okay.

RANDY GLASS: I'm just saying that we have three ALAC members that are… you know we're going to be needing; they're going to miss the opportunity of – and this is very important for us to have a voice at the table.

GARTH BRUEN: Heidi has a clarification about the Visa issue.

HEIDI ULLRICH: Thanks, Garth. This is Heidi. Just one quick update. Constituency Travel did contact all of them. They were in fact able to get one or two people who had requested help. But the third person did decline assistance for the Visa and had agreed to remote participation.

GARTH BRUEN: Okay, I mean I just want to make sure that we focus on one issue at a time and in terms of the noncom controversy, Glen mentioned one issue which is the confidentiality of the group. I think that there are two issues and there are standards of discourse here that we all have to stick to and I think that the article in question falls so far out of acceptable discourse. But I would really like to hear what our ALAC members say, especially Olivier, and I'm sorry to put you on the spot.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Garth. I think that in a situation such as that one – my personal feeling; I can't speak on behalf of the ALAC because we haven't discussed this in the committee – but my personal feeling is that the high road has to be taken and just leave this as a case of someone who's obviously very upset and trying to distract the process that the NomCom is now going through which is the next stage of looking for candidates. And I don't think that any time should be wasted on this.

GARTH BRUEN: Alright, Glen and then I look to you to answer the question of do you think that the situation is hindering the current work of NomCom and do you think that this situation is going to continue to exist within the current NomCom?

GLENN MCKNIGHT: As Eduardo at the end of the table can tell you, we're bound by certain rules of secrecy, confidentiality – a whole bunch of things – that make it very difficult for me to say very much. All I can say is that as the NomCom representative for NARALO, I take the job very seriously and I think we need to understand that, as I said earlier, 2½ will not be there.

But we had… one of the issues in that letter – it stated very clearly that individuals were attending these ICANN meetings *via* NomCom because they get free travel. And I don't know if you guys remember me in Prague, but I was there seven days stuck in a room. And normally you see me running around with video equipment and you didn't see me running around interviewing any of you to get your concepts and ideas.

I think it will eventually disappear but I'm getting a little tired of every time I go to an ICANN meeting, these little accusations. I can assure you I'm not junior; maybe that's nice – maybe that's a little bit of flattery – I don't know. But corrupt – that's a little offensive. I just want you to appreciate that the people that were working on the NomCom last year worked very hard and it's something that, to be honest, I really seriously didn't think I wanted to go through the process again.

GARTH BRUEN: Okay thank you. Alan and then Dana.

ALAN GREENBERG: I'll disagree a little bit with Olivier and to some extent with Glen. Although this letter may have been aimed at this NomCom and individuals tend to take things personally, in anything like this there often is some core of truth in what he's saying.

I would certainly not be one to accuse Glen of accepting a NomCom position for the glorious travel.

GLENN MCKNIGHT: I live 45 minutes away.

ALAN GREENBERG: Shh. I said I wasn't accusing you. I'm not all that old in ICANN but I've been around now for six or seven years. There have been a fair number of people who have represented ALAC on NomCom, not to speak of the other groups within ICANN who pretty well have done it for the travel and they were selected by their friends to give them another year or two in ICANN. Trust me – you may not know them personally, but it's happened.

Are there people who are selling their votes? I don't think so. Are there people who are pushing people for personal reasons where a person may not be the best person for the job – and remember, that's a very personal subjective issue. Yeah, probably.

The bottom line is as we select our future – we being ALAC and NARALO – as we select our future representatives – and this can't apply to you cause there are term limits – we need to be careful that we pick people

who truly are able to fulfill the needs of the job and that is recognize good people, not only for ALAC, but for the Board, for the NSO, for the ccNSO, for the other advisory committees.

And if you look at the overall track record of the NomCom, especially in some of the groups for ALAC for instance and GNSO, they haven't been particularly successful in identifying good people and that's a retroactive evaluation after the fact.

So don't discard the whole message because the NomCom right now is not working all that well. The two new Chairs that are coming in right now may well do a much better job but we have had problems and we shouldn't pretend we don't and ALAC has been guilty of some of those problems – not necessarily NARALO, but ALAC.

GARTH BRUEN: Dana please.

DANA PERRY: It's Dana. I'm sorry for walking over you there a second ago. In reference to the youthful junior comments on Glen, maybe they're looking at your youthful good looks or something. Does your group retain the services of any PR specialists or legal counsel? Everybody here is very well spoken and has a lot of great ideas, but it's one thing to go from here to formally address it, so I'm not sure if that's something you should consider.

EN

And also in deference to yesterday's conversation about spreading the word and getting yourself out there so people are aware of you it may be. It's just a general suggestion of just possibly consulting a PR firm.

GARTH BRUEN: I think it was Olivier and then Murray. Murray?

MURRAY MCKERCHER: It's Murray McKercher, unaffiliated. I'm not sure it's my position to make this statement, but I'm going to say it anyway. As I sense as an outsider – this is very new to me – that ICANN is like the founding fathers of the internet and I'm a Canadian but I'm reminded of some statements from the founding fathers of the United States who created a Constitution like ICANN has a Constitution of some discussion.

And it's stated that the Constitution is what it is, but it's how it's implemented and if it's implemented by men of good faith then it will be a good Constitution. Once that changes, no document stands along; it's the people that implement the document. Thank you.

GARTH BRUEN: Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Garth. It's Olivier for the transcript. I think I might disagree with some of the points that my friend and colleague, Alan Greenberg, has made earlier. Having been on the NomCom for a year, with regards to people using the NomCom for free travel, I gather that, okay, in this

case there might be a few isolated cases of such a thing happening. I don't think one can say that this is the norm at all.

The NomCom works extremely hard. I spent one year on the NomCom and to me, before being on the NomCom I also had equal suspicions about the work of the NomCom thinking, "How come they take so many days to make a decision?" Choosing from a bunch of CVs – do that in a couple of hours and that's it – done.

The thing though is you have 100 CVs; you have several positions to fill; you have many people applying that are insiders; very few people applying from outside unfortunately as well – very much unfortunately. And at the same time, when you reach the final 10, you do find that you have absolutely exceptional people, looking at their CVs, looking at their track records. And it's very, very difficult at that point to choose.

So if anyone is using this vehicle as a way to travel, I think that with the amount of time that they spend in a room working, it probably would be a better idea for them to stay at work and use the money that they earn at work to go on a real holiday somewhere. So that's the first thing but that again is maybe a minority of people.

With regards to the selection of people in At-Large to go on the NomCom, we have five people – one from each region – to go there. It's hard when you look at the number of candidates that want to be on the NomCom. There are times when you don't have such a wide range of choices and this is the same problem I believe with the other constituencies and the other parts of ICANN.

When you're on the NomCom you somehow take a step back from the actual ICANN meetings because you will be taken into other meetings outside of this cup of tea which ICANN is, this revolving cup of tea. You have to step out of that to look at ICANN as a whole.

So for some people it is disruptive if they are already very much involved in the community – they're in working groups; they're on the committees and so on – they're unable to pursue the same thing. And on top of that, there are also restrictions as to what positions they could go for in the year after the NomCom as well. There's a black-out period of a year for some people.

With regards to the operation of the NomCom itself and bringing in friends and basically selecting friends and so on, I think that is absolutely impossible. I think… is it 19 or 20 people that vote? There's two non-voting but altogether there's about 20 people or so.

Being able to convince one, two, three people about a friend of yours is one thing. Being able to convince a majority of the people there – and bearing in mind that, okay, each NomCom operates in a different way but in general, if someone has any serious questions about a candidate, that candidate will be taken out of the final pool of candidates.

It really is a case of if the NomCom is divided and it's 50/50, then that candidate is probably not going to make it because there are too many question marks over that person. So you would really have to convince absolutely everyone on that committee or at least a super majority. I don't know how you define it, Alan.

The GNSO has terms where they define these things but it would be very difficult and in fact someone would probably do their work and turn round to you and pull you aside and say, "I think you're trying to put one of your friends on there and I don't feel particularly good about this." That's actually happened in the discussions that we were having when I was on the NomCom. And so it really is a case of I believe in the NomCom fully and I think that it's very unfair to characterize it as Rob Hall has characterized it.

GARTH BRUEN: Olivier, I'm going to ding you for using an acronym – CV and it's curriculum vitae. So just for our discussion you used earlier about using acronyms for our new members. It's a joke. Alan, please.

ALAN GREENBERG: Olivier started off saying he was going to disagree with me. He then went on to a statement which I agree with 100%. I was not characterizing the potential problems or the past problems as being the majority of people; I'm saying there have been occurrences; we need to watch out for them.

I disagree with the last part that no one has ever worked their way through the list and gotten appointed because they were a friend of one or two people; I can identify specific examples.

But that's not the issue. The issue is that all I was trying to say is yes, we shouldn't be discussing Rob's statement which we have now spent a half an hour doing, but there are some substances of importance in it

and we need to make sure that those aren't replicated again. Thank you.

GARTH BRUEN: Olivier, Glen and Louis.

OLIVIER CRÉPIN-LEBLOND: Thank you, Garth. It's Olivier for the transcript. One last thing with regards to the NomCom failing in its duty and appointing people that were totally terrible. It happened; it has happened; I'm sure it will happen again. I think it is a failure of the NomCom but it's not a failure of the selection process of the NomCom; it's a failure of the outreach process of the NomCom.

When you start with a pool of candidates of four people and you have to appoint three out of the four because you have three positions – and I'm saying this for some positions – you do end up with a case of saying, "Well, we don't have any choice."

And the interesting thing out of 100 applications, you will probably get 10, 15 that are top-notch, but not all of them might be suitable to the position that you are trying to put them on. And with regards to ALAC, some people just do not want to be on the ALAC. They want to be on the Board and that's it.

And you say, "Well, you're an excellent candidate; you've gone for the Board. Would you be okay with being on the ALAC?" "No." So at that point, it's a failure of finding enough people that would want to be on the ALAC and that's a failure that the NomCom has to address.

GARTH BRUEN: Just before I go to Alan, one of my concerns is not about whether the criticisms of the process are real. I'm concerned about the perception that this controversy leaves out there in terms of the integrity of the organization, how the Board is selected.

To me it's disconcerting and obviously some people just want it to go away and I think that would be best for everybody if it went away. But I think a lot of people are going to be left with a very bad taste in their mouth about ICANN and its selection process from this. Glen.

GLENN MCKNIGHT: Okay since Alan brought up the issue of things that are broken, yes, I can go through a long list of things that are broken. But I would turn to Lyman's paper that he was paid for to do an analysis a few years ago and recommendations of things to be fixed and implemented – which a number of things were not. But I think they're motivated now to do the fix.

As I said, we sat down and we had a survey that was sent out by the Board Governance Committee on things that we liked and disliked and what not and we're going to be meeting with Bruce Tonkin individually through this week. We're going to be pushing through things that we observed that need to be fixed plus many things.

I can assure you all – we're going to have a better NomCom; I think people are on alert. We have a great person – Adam Peake, who's had great experiences on… There's three people that are supervising us or watching us or whatever you want to call it.

We have Cheryl who, you know, you can't get a better friend in ALAC. And we have Yrjö who's an incredible diplomat. So we have three individuals that are completely different than what we had. Vanda – I love Vanda but my gosh, it's hard to get her to be focused.

And to say a good thing about Rob Hall – there was a bit of a vacuum there he had to fill in and he was doing a pretty good job except he just went a little too far and that sometimes happens. But yes, to answer Alan about changes, yeah, changes are going to happen.

Now I just want to keep you all up to date on what's happening. I think the process has been broken and we just have to work through it.

GARTH BRUEN: Okay, was there some… Louis, did you have your hand up earlier? You did not. Okay. I'm going to keep calling on you until you say something. [laughs] Before I close this topic, is there any final last comments on it? Does anybody else have a hot topic before I close this. Just to be aware, we do have a hard stop at 11:00 cause another group is coming in the room so speak now or forever hold your peace. No, okay, alright.

We will move on to the discussion of the summit. And for… No? Okay, alright. And actually the Mexico City At-Large Summit was my first ICANN meeting and I got to meet so many great people because of the summit and I got to be involved in so many critical subjects because of the summit and it really encouraged my involvement.

So I think this next summit is very, very important. According to this it is 2014 and maybe I'm asking the group or maybe even staff – do we know where it is or what's going… Is there anything on the horizon?

HEIDI ULLRICH: This is staff. I've heard that… This is Heidi. I've heard that it is likely to be 2014 and that means that the At-Large community will need to put in a request for a summit this next fiscal year.

GARTH BRUEN: So we don't know which region or what time of the year it is? We don't have a specific meeting designated for it?

HEIDI ULLRICH: This is Heidi. Again, the choices would be Europe or I believe Asia for that.

GARTH BRUEN: Okay. Perhaps there's somebody here who can just educate the group and the newcomers about what the summit is. I'm looking for a volunteer. Louis? No? You keep putting your hand up. Who are you pointing to? Huh?

LOUIS HOULE: I thought a member of the staff would be the adequate person.

GARTH BRUEN: If nobody else is willing, perhaps I can call on staff to just brief what the summit is.

HEIDI ULLRICH: This is Heidi. If you'll please put up the website to the summit. It's on the main page to the left. So again in 2009 it was the first summit; it was very exciting. It was the first time that all of the ALS reps were together. All of the RALOs held General Assemblies.

So what happened was we had approximately 90 to 95 At-Large structures meeting in Mexico City. It was the first time all of them held General Assemblies together. There were working groups – I believe five or six working groups discussing various topics that had been selected by the At-Large community.

There was an ICANN 101 Program that was very useful, very highly thought of. We had members of staff from every division speaking – what their aims were; what their duties were. In the end there was a Summit Declaration that was created and approved and we can maybe add that as well.

And this really set the stage for the work of the community and I know a lot of people have said that the summit was the start of a really new At-Large community. So Olivier, perhaps you can add to that.

OLIVIER CRÉPIN-LEBLOND: Thank you, Heidi. I'm laughing at the moment because of course, we're on the ALAC website which I absolutely love so much and we cannot find the summit of the ALAC website. It's great! Isn't it beautiful? Anyway, that website, by the way, will be nuked very soon and replaced and there is a process to do that. And in fact, you're all invited to take part. I think some of you might have already taken part in some of the interviews.

But back to the summit. How many of you were at the At-Large Summit? In Mexico City, yeah. Okay and have any of you actually had your ALS just joined at the time because I've heard stories of many ALSes having joined prior to the summit and not being really involved much with what was going on in At-Large and the summit really opened their eyes and though, "Wow, that's something I want to really get involved with," and that was the kick start for their more broader involvement in At-Large.

I know that I attended the summit independently and certainly the idea of having all of these topical subjects which everyone was prepared for, several papers were drafted in advance of the summit and then discussed face-to-face at the summit – yielded a number of strategic lines which the ALAC then pursued afterwards and which gave rise to some of the processes in the At-Large improvements and then post-improvements and we therefore ended up with some real good strategies which we're now – only now – seeing implemented slowly.

So there you go – that's the page for the summit. Back to you, Garth.

GARTH BRUEN: And Olivier has captured it excellently. For me personally, I mean it was a baptism by fire. I was thrown right into a working group in a roomful of people whose first language was not English. I was the only person on this committee who spoke English as their first language and I thought it was fantastic; it was eye-opening; it was great to meet with all these people from different cultures and different backgrounds. It was a great experience and it actually left me with a very positive

outlook of the future after having for several years a very negative outlook of ICANN. Somebody else had their hand up? Eduardo, please.

EDUARDO DIAZ: I also would like to say for me, even though I work on the NARALO Foundation and things like that, that summit really something. It opened up what ICANN is and what other people were doing so it was a really good motivator for me to get really involved with ICANN.

GARTH BRUEN: Louis?

LOUIS HOULE: Just shortly – Louis for the record. I just felt that when I attended the Mexico ICANN event that we were seeing for the first time some results of all the work that had been done; reflection 2007, 8 and all the work that has been done in our chapter for instance. And now we could see the results. It was a nice big show.

GARTH BRUEN: Please, Heidi.

HEIDI ULLRICH: This is Heidi. Thank you, Garth. I still am tired when I look at all the meetings. If you think that you're having a lot of meetings here with the NARALO capacity building – Gisella, if you could just scroll slowly – look at all the meetings. Again, there were General Assemblies; the working groups; I think there were five working groups on various issues; there

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were summit working groups as well; I think issue groups or something like that.

This was over a five-day; this was an all-day intense number of meetings. So again, if the next summit is approved, this would be something similar to what you would be having in 2014. Thank you.

GARTH BRUEN: Okay, so just keep that in mind and we're going to build the agenda and according to Heidi we have to submit a budget request. Okay, I wish Darlene was here but…

Alright, closing this item, moving quickly into item 7 and then adjourning the meeting. How do we see this region fitting in with the new post New gTLD ICANN? And very simply for me, if ICANN sees itself as expanding its presence on the internet in terms of new gTLDs, we should see ourselves as expanding our representation. And that should be our agenda.

If there are any comments on that. If not, we will get coffee and move on. Oh yes, please, Peter.

Peter Knight: Well I've attended several other meetings this morning. Excuse me for breaking away but it's very relevant. Several members of this group made a really impressive presentation of the 3R type issues and much more in the meeting on multi-stakeholder whatever.

And the other one I attended was about this ICANN Academy which is one of the most important ideas that came out of that for me was the

idea that this Academy could produce modules that could be used in university courses and for anyone interested, short modules. They could be incorporated in computer science courses or international relations courses or whatever. And that I thought was an excellent idea in terms of outreach or as somebody said, "Let's not talk anymore about outreach; let's talk about inclusion."

GARTH BRUEN: Absolutely and just for the record that was Peter Knight. And if nobody has any other points, I'm going to close this General Assembly. Thank you everybody for being engaged and for your participation. Fantastic.

[End of Transcript]