

**Transcription ICANN Buenos Aires Meeting
NCUC Meeting
Tuesday 19 November 2013**

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On page: <http://gnso.icann.org/en/calendar/#nov>

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William Drake: All right. Yes. Adobe Connect is loading. Who do we have in the - Carlos Afonso, David Clausen, Jorge Amodio. Welcome to you all and my apologies that things are moving a little slow here.

People are wandering in a little bit late but we're going to get started without them. So is - the Adobe is still being loaded by the - our tech guru next to me but I think that that should open up soon with the agenda. Is that correct?

And then we will begin. Why don't we start by - so I will begin now. Is the recording started or...

Roy Balleste: Not yet.

William Drake: Okay.

Roy Balleste: One minute. Okay.

William Drake: Okay one more minute for the remote people. My apologies for the delay. Nothing is being shared it says but we do intend to share. Okay the recording has begun.

Good morning everybody. My name is Bill Drake. I'm the Chair of the Non-Commercial Users Constituency and this is the Constituency Day Meeting in Buenos Aires at ICANN 48.

We have a quite full agenda today to go through that will involve some discussions of some internal matters for NCUC as well as visits from a number of different parties who will come in to bring us perspectives from the Board of Directors, the Staff and also the ATRT II, that is to say the Accountability and Transparency Review Team.

So we will have over the next 3-1/2 hours quite a lot going on. There's a coffee break, which is a general ICANN coffee break between 10:30 and 11:00, and we hope to be able to pause at some point in that timeframe and have some coffee and then we will be back for more.

So let me begin by - before I overview the agenda let me begin by going around the table. We have I think it looks like maybe 20 people here in the room and start to have - start by having people introduce themselves.

Please say your name, your institutional affiliation or whatever you want and whether you're an NCUC member now. Okay so let us start down there please.

(Jo Yohenna): My name is (Jo Yohenna) and I'm from Denmark. I'm a totally newcomer. I heard about you at IGF so this is my first time here.

William Drake: Fantastic. Welcome.

(Jo Yohenna): Thank you.

Tatiana Tropina: My name is Tatiana Tropina. I am from German Institution Max Planck Institute for Foreign and International Criminal Law. I'm a cybercrime lawyer Sprunge zur Suche and it's my first time here. Thank you.

Robert Hoggarth: Good morning, Rob Hoggarth, ICANN Staff.

William Drake: Welcome Rob.

(Zurna Baron): Good morning. I'm (Zurna Baron) from the Center of Technology and Society. I'm a researcher on Internet policy. This is also my first time in ICANN.

William Drake: That's interesting.

(Tommy Kartovi): Okay wrong button. Sorry. Good morning. My name is (Tommy Kartovi) and I'm from the Association of Finnish Local and Regional Authorities. I'm a newcomer to this group but not to ICANN.

Magaly Pazello: Magaly Pazello. I'm - oh God, I'm thinking Portuguese. Sorry. I'm from Brazil and I work for Instituto NUPEF and the Project University in Rio de Janeiro, and I am also NCSG Representative of - oh God. I meant the NCSG Representative in the GNSO Council. Thank you.

Maria Farrell: I'm Maria Farrell. I am Irish and I'm based in London and I am an independent consultant, and I'm on the Board of the Open Rights Group which is my Internet and Civil Liberties organization in the UK and I am an NCSG Councilor on the GNSO Council.

Tapani Tarvainen: I am Tapani Tarvainen from Finland and NCUC actually both as an individual member as and representative of Electronic Frontier Finland, and presently also European Representative in the NCUC Executive Committee.

- Marilia Maciel: Hello. My name is Marilia Maciel. I'm a researcher and coordinator of the Center for Technology and Society of Getulio Vargas Foundation in Brazil. I've been following Internet governance processes for seven years now but not ICANN, the U.N.-related process. And I am a member if you let me in. I've already registered.
- David Cake: Yes, David Cake from - I'm the Chair of Electronic Frontiers Australia and I'm also one of the NCSG Councilors, and I'm of course a former material of NCUC (unintelligible).
- Rafik Dammak: Okay, Rafik Dammak from Tunisia. Yes but a representative of NCUC and the Executive Committee of the Non-Commercial Stakeholder and also a representative of NCUC and the NomCom.
- Adrian Casada: Hello everyone. My name is Adrian Casada. I'm from Costa Rica. I work at the University of Costa Rica as a Teaching Assistant for the Technology Department of our Faculty of Law, and I'm also a potential NCUC member.
- (Bruksana Ranu): Hello. I'm (Bruksana Ranu) from the Graduate Institute, Geneva. I'm an ICANN solo and a newcomer to this group.
- (Sam Sonasias): My name is (Sam Sonasias) originally to meet here and I'm ICANN solo. Currently I'm working as the researcher at the interpersonal on Internet governance issues.
- Roy Balleste: Good morning. This is Roy Balleste. I am Professor and Law Librarian, Saint Thomas University in Miami, United States and I'm an NCUC member.
- Carlos Afonso: Carlos Afonso from Instituto NUPEF and the cgi.br, NCUC member.
- Satish Babu: Buenos dias. My name is Satish Babu from India. My third meeting in NCUC and still waiting for my membership final clearance, member of the third one for Nominating Committee of ICANN.

(Amed): Good morning. This is (Amed) from Pakistan. I'm a Fellow here and working for the Regulatory in Pakistan.

(Hasan): Good morning. I am (Hasan) and I come from Pakistan and this is my second meeting as Fellow and I am working for a service provider company.

William Drake: Fantastic. And we had two sleepy heads wander in a second ago. Would you like to introduce yourself?

Robin Gross: Hello. My name is Robin Gross and I'm a NCUC member and the Chair of the Non-Commercial Stakeholder Group.

Milton Mueller: Hello. I'm Milton Mueller. I'm a member of NCUC and a longtime activist for NCUC at Syracuse University in an Internet governance project.

William Drake: And also the co-founder of NCUC - it might be added. Okay well that's who's here now and during the course of the day there'll probably be other people wandering in and out as well, but let us get started.

As I say we do have a full agenda. You can see it up there on the board. It has been circulated repeatedly as well on the NCUC discuss mailing list that all of our 300 or so members are subscribed to, at least we hope so.

Are there any quick comments, additions, suggestions about changes? There's - got great deal of legal in some things but we could mix - if there's anything that's missing that needs to be accommodated we could try to add that. Anyone?

If not then I will treat the agenda as - what - yes Carlos you can open it by clicking on the link in the email I sent, or by going to the main schedule of the ICANN page and following the link there okay, and it takes you to the confluence Web site.

Okay well let's begin then. What - we have a visit - unfortunately we're - because we did start a little bit late some of this will be rather compressed, but we can finish up after we have a visit from Bruno Lanvin, incoming NomCom appointed Board member at 9:45.

So we've got about 20 minutes until then assuming Bruno's on time to go over quickly a number of internal sort of housekeeping matters, and again some of these things we can always come back to later in the agenda depending on how the time goes.

So let's begin with the list that I've got there, which is internal matters in the - to be dealt with in the period between now and the Singapore meeting in March.

The first item of course is that NCUC is currently undergoing an election, the 2013 election for the Chair and the members of the Executive Committee. Just to update for all those who are either not aware or just to refresh our memories, our current status is as follows.

We have one candidate or one nomination for the Chair and which would be me for a second term. For the European slot we have one candidate, which is Stefania Milan.

For the African slot we have two candidates, Hago Dafalla and (Grace Gosi Isiaga). For the Asia and Pacific slot we have three candidates: Peter Green a/k/a - I - terrible at Chinese names - (Jian Zhuan) - thank you Tapani - Imron Ahmed Shah and also Walid Al-Saqaf.

I - my pronunciation of all of these is probably very bad. For the North American slot we have one candidate, Roy Balleste, and for the Latin American slot we have one candidate, Carlos Afonso Pierre de Souza, Junior.

So it's a very solid - there's no junior in the name but - I know but that's our local custom because he was nominated by Carlos Afonso the senior, the elder, the spiritual guide of the NCUC.

So that's our current slate. Nominations continue through today and close at the end of today anywhere on earth as far as I'm concerned. So if there's anybody else who wishes to nominate or self-nominate to be considered for these positions, I certainly hope we will hear from them.

I will raise one concern, which is that a couple of the slots, the African and Asian slots, have several candidates. We also have alas, and actually I think this has not been the pattern in the past too much, three slots which is only one candidate.

So I hope it is the case that those three candidates are going to accept their nominations, because otherwise we will have to figure out - I don't recall in the Bylaws that if there is not a candidate I don't think there's a provision.

I think - so there's not a provision for what happens if you don't have a candidate. Now I wouldn't want to have to run a special election so I - hopefully that would be if we had to do it something that the EC could do with the backing of a membership.

But hey, let's hope that we're not going to go there. If any of the persons standing for that - those slots would elect to let us know that indeed they do intend to accept nomination that would of course be very helpful as well.

I don't know if anybody - Roy - would like to say that. Are you - do you think you will likely accept the nomination? Yes okay, so at least one of those three intends to accept the nomination and Carlos Afonso, Junior is online.

I don't know if he wishes to indicate in some manner as well but he's certainly welcome to. Yes we have six participants online signed in including Peter Green.

Oh good. Welcome Peter. Okay well that's that. Operational matters just briefly then, again the nomination period runs through the end of the day today.

Starting tomorrow November 20 until December 3 candidates respond to the nominations hopefully by saying yes they accept them, and submit nomination statements to NCUC discuss, our LISTSERV.

I will send out to the LISTSERV the set of questions that we always use in the template for people to respond to in declaring their - explaining their candidacy and saying why they'd like to be elected.

Then December 4 to 17 we have the election period and December 18 the election will be announced. Any questions on that or comments? It's the process we've followed every year.

The - it has been suggested by some people that perhaps there could be mechanical improvements in the future to the way the election is run, the - that the timing of the periods could be altered to allow more time I guess but - well (Tommy) it was you who was suggesting I think that the between the period where people's names are nominated and when they make statements, that there could be more time or something. I'm not sure.

(Tommy Kartovi): I'm not sure if it was my idea originally but basically I guess between the time that - develop it to establish a nomination period closes and before elections started and we have discussion period but...

William Drake: Okay so that's a possibility that we could consider for the next election cycle. The way we're doing it this time is how we've done it in all the previous years.

So okay, if no further discussion then of that I hope everybody who wants to be considered will have their name in the pool, and I hope that we will have a robust turnout for the vote itself.

Turning then to the next issue I just wanted to tick off a few things very quickly so - just because this is when we manage to get together three times a year.

So have a new incoming Executive Committee that will be established after the 18th of December. We'll have a number of immediate issues to take up including appointments to a number of open positions.

We will have to appoint a NomCom representative, persons for the NCSG Executive Committee and Policy Council, a representative to the PIR and probably some other things that don't occur to me immediately at the moment.

But I will send a note at that time to the list asking members if anybody wishes to be considered for these slots, and then hopefully the EC will act on them quickly within the week before Christmas to get people in place so that when we start the new year we're ready to boot up with everything.

I should also point out in case you're interested that ICANN has submitted a budget request in the last cycle, and ICANN is providing the resources for us to hold a - for the first time a one day you could call it a retreat although that sounds a little bit highfalutin before the Singapore meeting of the new Executive Committee.

And so the idea there would be that we would sit down and work out together what working methods we want to follow for the year, how we want to schedule our meetings and handle decision making procedures and all kinds of things.

There are many items on which the Bylaws do not provide detail so it is up to the Executive Committee to organize itself, and experience demonstrates that it's probably good to have everybody agreed/on the same page from the outset as to how to proceed.

So we'll be doing that and holding a formal Executive Committee meeting and so on on that date. One question that's outstanding is how we're going to handle financing people.

We get three travel slots from ICANN and there will be six people, so we'll have to figure out that but it may be that NCUC could draw on its own resources to try to help people get there.

That would be - it would be ideal if we could have the full EC there in Singapore. The next - any comments on that? Any questions? Initial things that the EC has to pick up?

No. Then turning to the next point, membership issues, I just thought it would - might be real good to just briefly update where we are. Tapani you have the numbers.

You - Tapani's the king of our database and knows. He's also been doing incredible work checking with people to ensure that they're - that we have correct details on them so that we can send them bells for the auction and so on.

So he knows exactly all the members and where we are today, so maybe just briefly you could update people.

Tapani Tarvainen: Yes okay. Plus one of the things where the EC is supposed to do before the election is to make sure that members are in good standing. And we interpret

that basically now that we know who is the real representative and have - we have a working contact email address because when they ask in my email.

And we decided to make this as lightweight on the members as possible, and in particular we decided that those who have been verified as members in good standing in NCSG would be taken as such in NCUC as well if they are NCUC members.

No point in asking them twice in a month. And we have done - in the spring we did a verification sending the email to our members, "Please check that your data is correct," and so on.

And again before the election still we have still about 100 members we knew nothing about. No replies to NCSG query or anything else so I sent a separate email to all those.

"Basically this is the detail. Please click here if it's correct," making it as easy as possible, get ten more replies to that. And finally probably caused the discuss list that, "If you have still been missed or if you know somebody who is not here and has been missed, please notify them," and I got three more replies to that.

So at the point we've established that we have 211 members who has - have been verified, having conducted a strict - three were removed from the list. One was an organization which no longer exists.

One person specifically requested to be removed and one turned out to be an error in the first place. And there's still some 90 we don't have - we have in an uncertain state we'll try to reach again next year.

And I might add that quite a number of the replies were simple corrections there where representative have been changed. This person no longer works here but this one does.

We've had a couple of those so - and in one case we had misspelled the name of the organization, which was kind of embarrassing but fixed that too. So having more than 2/3 confirmed is actually fairly good.

I might want to add one point that not all of our members are on the discuss list any more. We substrate them all but 20 or so have unobstructions which are due to too much traffic on the list.

So we might want to consider having a non-fleeced list guaranteed only, one which is here or something like that to keep them all in but that's about it. I'm ready to have a ballot at least for the full list ready for sending to ICANN Staff for - to set up the election and ballot as soon as today closes.

If it's tomorrow we have the list of who they can vote for and then everything should be set.

William Drake: Fantastic. Thank you so much for that. Any questions on that? Yes sure.

Roy Balleste: Thank you very much. My question is this. There is a list of people waiting to be admitted into NCUC as of now.

William Drake: Yes there is and the NCSG - again maybe I should've made this clear because we have several people here that have indeed already applied and have been waiting for an answer, one of them for the last couple of months.

And that will I understand be taken care of at this meeting. The process for applying to become an NCUC membership is that you go through the Stakeholder Group.

So if you go to the NCUC.org Web site and you click to become a member, it takes you to a link that says you have to be in the NC - you have to join the

NC - apply to join the NCSG Stakeholder Group of which the constituency is a part.

And then you would indicate if you wish to be a member of that constituency. And so then the point is those applications have to be approved not by us but first by the NCSG Executive Committee, which meets periodically and has people from both constituencies.

And sometimes the process of getting through all those applications can take more time than one might like. It's just an unfortunate reality of having two different constituencies both working together and a busy agenda of things to go through.

But I know that they have a meeting - the Executive Committee has a meeting on Wednesday and I believe they're planning on - I'm looking at the - one of our representatives.

I believe that there's an expectation there will be people being approved, right Milton?

Milton Mueller: Yes. Just to open up the meeting a bit and have somebody besides you talk also, I would say that the - if anybody's here this is a good time to also initiate a joining process if you want to.

And we can probably take care of it right there on the spot on Wednesday morning. So yes it's somewhat confusing. You join the Stakeholder Group. We have to basically determine whether you are actually eligible under our rules to be qualified as a - either a Non-Commercial organization or an individual who is, you know, suitable for the constituency in the sense that some individuals are clearly associated with commercial organizations and/or they are part of another GNSO Stakeholder Group.

So that's the only thing to watch out for is if you are for example running a Registrar and you try to join us as an individual, we will have to try to find that out and we will reject you because we don't want this constituency to be infiltrated by people with agendas that actually serve those of another constituency.

So sometimes it takes long particularly with individual applications. If we don't know who you are and we've only gotten the thing by email, it takes us a while to investigate what's going on. Bill?

William Drake: Thank you and your voice is lovely Milton. Yes.

Tapani Tarvainen: Just a point that as Milton pointed there are difficult process in the membership application outside the Stakeholder Group level, because eligibility for NCUC then is basically the same.

We trust that the NCSG has been in the process which is very easy. We just - and they apply for NCUC as well, then it doesn't take any more time. But the due diligence process has to be done. The NCSG does that and we just follow them.

William Drake: I think the only point that I would've flagged about membership issues is one of the things that I hope the new EC will take on is a rebooted effort to do some more work in the way of in reach to engage our existing members in activities and Working Groups and things like that, and some outreach efforts as well and that's on our agenda for the new group.

Okay, turning to the next item then let's hear from Roy Balleste about the initiative that he's spearheading about the NCUC archive. And I believe we have something to put up on the screen as well. Okay so while David's doing that Roy you can background.

Roy Balleste: Thank you. The archive project is designed to organize all the documents for the NCUC. Right now -- you'll see it in a moment -- it's designed to have two components.

One component is going to be historical and the other component is going to be policy documents. And so there is four things in mind as this archive was prepared: to make it easy for the membership, to make it searchable just like any other database would do, to bridge communication between the archive and the NCUC Web site and to also make it worldwide searchable utilizing what is called the OCLC world catalog.

So let me wait until the - okay. So that's - yes so this is going to be - by the way this is not completed yet. I want to make that clear. So they're two purposes here.

I want you to look at how it's moving and please feel free to email me ideas/suggestions. I'm open to all of those. Right now you see the two main legs: NCUC policy, NCUC history.

So if you have all documents, presentations or anything that you utilize over the years send them to me. We'll put them in the historical archive. The policy one is for really, you know, official communications between NCUC and overall ICANN.

William Drake: Can I make a suggestion? I'm sorry.

Roy Balleste: Yes sure.

William Drake: While David's loading that Bruno has already arrived. And as he has a Board meeting why don't we chat with him for a few minutes first and then we can come back and David will have loaded the site up and - by then and we could - okay, is that okay Roy?

Thanks. So Bruno Lanvin is an old friend of mine going back 25 years or more. I don't remember. Why don't you sit here? And since he's just been appointed to the Board of Directors and has a lot of interests around issues of development in particular, he's worked at much of his career on development issues for the United Nations and the World Bank before becoming an academic, and is also a friendly person to civil society.

And a number of my friends and colleagues said, "Well who is this guy?" I thought, "Well why don't I just have Bruno stop by and say hello and they can meet him and ask any quick questions?"

So Bruno is here. He's just arrived from some other Board meeting and has to run off and I just thought perhaps a quick welcome. So good to have you hear and just maybe...

Bruno Lanvin: Thank you Bill. So hi everybody. My name is Bruno Lanvin. I'm not a member of the Board yet. I think that's supposed to happen sometime tomorrow.

There's probably a ritual. I have to dress funny or something like that. I have to discover how it takes place, but I'm very excited to be here. I've been involved on and off with the world of Internet for over 20 years in different capacities and mostly from the development side.

So that remains my pet subject to look at the global dimension of the Internet and how we can use it as the equalizer it deserves to be. The - most of my career has been in the intergovernmental and multilateral context as has been mentioned.

And one thing I've discovered in that kind of surroundings is the challenge that involving civil society represents. And the reason why it is a challenge - it's because it's by far the most diverse community but also the richest and one where ideas come from, the Internet being obvious - the obvious

example, and where we can expect most in terms of addressing what needs to be addressed.

So as a Board member I will be eager to pursue this dialog; any opportunity I will try to catch. I will have to choose soon the various groups in which I want to be involved, and I do hope that indeed one of the positives I will have will be to work very closely with this group and with others in the Internet society.

So the - you may have Googled me already. I'm French. Nobody's perfect. I'm an economist and nobody's half perfect. The - and you know the definition of the French at least.

Is there any French fellow countrymen in this room? Okay so I can go ahead and say what I've heard. There are two ways I've heard of defining the French.

The first is to say, "Why make it simple if you can make it complicated?" The other one is, "Okay it works in practice but does it work in theory?" And there's some merit to that, okay.

I do accept the idea that it's not because something is working well in practice that you should accept that it will always work well in practice. Without some degree of formalization, theorization some would say it's difficult to ensure sustainability.

But I also believe in experiment. I believe in having crazy ideas, trying things out, see what works, what doesn't work and that can come out from any part of the world, any strata in society, any actor or player external/internal.

So I do believe in this ability of ICANN to stimulate this kind of what I call the engineered serendipity we generate. Because we create the conditions we don't know what's going to happen, but clearly the more bridges there are

between the communities the more likely it is that sparks will come out that will generate the fire we all expect to see in so many circles.

So having done my job as the French guy around to raise complexity at the level of total confusion, again there was no other goal or directive and just to introduce myself first to you to express my availability to pursue this discussion.

I can - I'm still in the position for a few hours to play dumb and naïve and ignorant. I don't think that I will be less naïve or ignorant in 24 hours, but at least I will not be allowed to play that game anymore.

So allow me to invite you to enrich me, to tell me things I should know, I should hear and I'm sure that with my fellow members on the Board we'll keep a very fertile dialog ahead of us.

As Bill mentioned I have to rush back but if there's any, you know, urgent issue anyone wants - anybody wants to raise...

William Drake: Is there any one thing we would like a new member of the Board of Directors to know from a civil society standpoint about where we are now, or any question to Bruno personally that people might have?

Milton Mueller: Somebody's going to say something here so...

William Drake: Please introduce yourself to us.

Milton Mueller: Sure. This is Milton Mueller at Syracuse University. Generally we don't like to be cast in this role but frequently we find ourselves in the role of sort of a marginalized - or we feel at least like a marginalized group.

And it's generally because, you know, the technical community is generally very well respected, even dominant in certain ICANN circles. And then

business of course is very adept at lobbying and that - and is perceived as important.

And frequently we feel like we are not taken as seriously. So based on your preliminary comments I think you understand why that attitude would be unacceptable, that you understand that civil society does need to be represented.

And we have a very good formal representation - balanced representation within the GNSO, but it seems it's very frequent that when the business interest wants something the process can get bent so that they get it.

And when we don't want that to happen or if we want something, the rules seem to be a little bit different so I would just want you to be aware of that. And maybe you can just amuse me if this is just a prejudice that I have or if it's wrong or if you see evidence of that in your dealings with the Board, then I would hope that you'd be able to challenge it.

Bruno Lanvin: Thank you. Allow me not to answer it - anything because I think this is one of the key and fundamental questions. I'm sure that the - there's an optional wording of the Board saying, "Of course our mission as a Board is to keep things balanced and make sure we hear all voices and we don't have this bending in any way," if that can make you any more comfortable.

I've heard something very similar from at least two other groups that I shall not name saying, "We feel we're a little bit marginalized. You know, we're seen as the ones who are expressing some kind of dissenting view but not mainstream."

So I think this is part of the game. I do believe that the Internet community is facing unprecedented challenges and opportunities, the least of them not - well I will not mention any but let's say the governance issues are quite muddled right now and need clarification and ICANN can help.

And in that context anybody who can come with any proposition, any, you know, offer which cannot be immediately labeled as, "Oh yes, we know where that comes from.

You know, that's government. That's business. That's X. That's Y," has a very, very strong advantage. I do believe this is the time for imagination and for leaving labels aside.

And you're probably one of the least labeled group in that sense. I would see that as an advantage.

William Drake: There are a lot of people who have labels for us but you just haven't heard them yet. Did you want to - (Abner)? Maria?

Maria Farrell: Morning group. Bruno my name is Maria Farrell. Actually I used to work for infoDev after your time there. And I just wanted to say that if there was one thing following from what Milton has said that I would love you to bring to the Board, it is to know - I'm sure you know somewhat from Bill already, but on governance issues there is an absolute wealth of experience, you know, long and deep around this table.

And I'm not talking about me because I don't have it but, you know, I can look around and tell you half a dozen people here who have at least as much experience as anyone on Staff or on the Board in governance and, you know, have great reputations for independence for, you know, for independent thinking and a lot of integrity.

And I think you may have opportunities to, you know, to remind the Board and remind the executives that we need to, you know, tap into them and use us collectively, you know, not myself.

I feel I can say that because I'm not one of those people. You know, I'm not. I'm just stating for myself. So, you know, they're - and I think oftentimes that's forgotten.

And - but, you know, we're all believers in the model here and I think we can do an awful lot to help prosecute that case externally.

Bruno Lanvin: I hear that message. Just one point which I don't think any of you know is because you were in this room, but I just left the meeting we had with the At-Large community.

And Milton's name was mentioned as an example of what can be done to involve this type of group into a NGSO type of discussions saying, "Okay we're not looking for people who have been involved in registration, in the technical aspects.

They bring something else. They bring - something critically involved in." So you have been noticed and Milton's ears have been - must have been buzzing for the last 20 minutes I guess.

William Drake: One of the things you'll find out Bruno about ICANN is that everybody agrees ICANN's captured. Just nobody agrees who it's captured by. And similarly everybody feels marginalized no matter how powerful they are, so this is inherent in the proposition.

Anything else quickly or shall we let Bruno go and move on? Oh one last - yes David.

David Clausen: Yes and I just want to - and kind of following up from what Milton said as well that we - I think our - we're - one of our big concerns at the moment about - sort of at the Board level is about accountability mechanisms.

And we have recently, I mean, we're challenging a particular bit of policy that actually is not that big a deal. Like it, I mean, we - we're - we think it's bad policy but it's not something we would go to the wall over, but just because in this case we think the process really deserves a close look.

And what we're discovering is that the accountability mechanisms are quite lacking and very much - they seem to be, "You've got this far, right. We'll throw the legal department at you."

And the legal department acts like any general counsel of a large organization, which is to say they use every tricks - trick in the book to dispose of the threat - to the perceived threat to the organization.

ICANN I don't think can be behaving that way. And I think this is one of the things, you know, we, you know, in a - the time when ICANN's sort of global - how it is globally made accountable is going to be looked at.

I think that's one thing I think we would say. It is - one of our big concerns at the Board level is look at the accountability mechanisms. I mean, I'm perfectly willing to say maybe we - it isn't that they discriminate against us.

Maybe it is but the, you know, the legal department discriminates anyone who isn't the organization and that maybe in some ways consider their job, but that maybe they should think about their job in a different way. It might be - it's pretty much what we got I guess to say so...

Bruno Lanvin: Yes, very quickly in other words I cannot answer that yet.

David Clausen: Yes.

Bruno Lanvin: But no, point taken. I - we had a meeting with the ATRT group yesterday and that was at the core of where they were increasing, that is how do you assess the accountability of the Board?

Who should the Board be accountable to? Do we cater to separate communities or do we cater globally to some kind of wider conceived Internet community?

And how do you foster on improving not only the medial performance of Board members, which is very much aligned there following, but how you can improve the performance of the Board as a group?

And that's a much more delicate issue but I understand that this is something that the Board itself is - has been taking very seriously. And again this is another area in which I guess all ideas will be welcome.

William Drake: Okay Bruno, so thank you very much for coming by. And it's not quite an Academy Award but I will present you with this nice, shiny NCUC brochure so that you can go around and be aware of who you just met with.

And should you find yourself in a circumstance where there are Board members who say, "What is NCUC about?" you're in a position now to answer, okay?

Bruno Lanvin: Makes sense. So going to thank my agent and my mother and...

William Drake: We do that on occasion.

Bruno Lanvin: I will. Okay. Okay well thank you very much and I hope for the reporting too.

William Drake: Okay thanks.

Bruno Lanvin: Okay bye.

William Drake: Be well. Okay, so then returning to where we are we have another visit in about 15 minutes. Unfortunately the way scheduling sometimes works with these things it's a little complicated.

So before (Theresa) comes and I believe actually she may bring another Board member with, let's return to our agenda and we'll just move through these items quickly as we go through.

So Roy please go back and - oh but may I add also for the people who are online remote, if you have questions - I haven't seen any in the chat, but something you want interjected into the conversation or if you want to speak if you're on the phone bridge, please let us know. Thank you.

Roy Balleste: Thank you. Could you advance it a couple of slides? It's - yes the next one. So that arrow that you see at the very top - that is called the Internet governance leader portal.

That is - and it's a prize I have for Milton later but that - when we get to that tonight you'll see it. Next one please. This is just quickly to show you that the - you have the option of an advanced search.

So you can search by the title of the document or the name of the document. You can search words - keywords within documents. So if you have related documents they will all pop up.

They will - yes they will pop up. Correct. Correct. It searches words and searches PDF so it's very useful, yes. Next slide please. So here you see two screens will open.

The one to the right is the one I showed you first, so it's a recent addition so if the NCUC's working in anything within, you know, within the last few days it will be there so you don't even have to do a search.

To the right it gives you your search returns and as you can - you cannot see it right here from the slide but all you have to do is move the cursor over the documents and they will blow up so you could see them better as you browse through them, and then the title of the document or the name of the document will show up.

And as we load these documents we add all these how should I say descriptors, all the descriptive information so that you can read it better and find it better.

Next one please. So this is an - oh go back one. So this is an example. I just clicked in that one that you saw in the middle and it opens up in nice PDF format and you can download it.

You can print it, save it, anything you want. And toward the bottom you'll see the descriptions that show how many pages, when it was loaded and the name of the document, et cetera.

Next slide. Go back one more here too. Right here you'll see that we added the NCUC home page link. We're going to do that to every page within the archive but I wanted you to know that it's going to be there.

This is a link that I will email to the list later today so that you have access to it. I will also make available this PowerPoint to anybody that wants it. And the final slide is this one over here.

Milton as you can see there's one page where you can access both the NCUC and the Internet archive. Since we have member to both you have that option as well.

You can access both individually but from this page you can have the option to have both. And that's all I have for now. There will be more. In general let's just say for the next six months we're going to have a - be in a better mode as

we update and place some of your documents so that I can load them in. Any questions?

William Drake: This looks great Roy. Thank you so much and it's great to have a librarian on board who knows how to do these things. Of course I don't know how technically you guys managed the integration with the Web site or what all that will entail. But I'm sure Tapani maybe you've got some...

Tapani Tarvainen: Well so far not at all but it should now at least be linkable across so they can find information right away.

Roy Balleste: Yes. Yes. Sure.

Milton Mueller: Yes I just want to thank Roy for doing this. This is really, really fantastic and I don't think we all quite understand the significance of this. But as we go forward and produce policy documents, you know, this gets very complicated.

There's at any given time there's' like five or six different working groups and now with the Brazil stuff again we're trying to develop documents, statements, position papers and having, you know, at one point in putting together the Web site, Bill was saying, you know, Milton, what happened to all of those position papers that we did for the last 10 years.

And I said some of them are like sitting on the third generation computer I used to have and I can probably dig up some of them for you. And I'm not sure, you know, where they all were but we did manage to dig up some of them. But if we can systematically keep track of these things going forward it can be a very important capacity.

I think the other capacity we need to work on is on our ability to produce documents. And Roy is actually ahead of us. Our ability to archive is ahead of our ability to produce at this point. But, anyway, thanks for doing that.

Roy Balleste: My pleasure. It is indeed like many societal organizations the documentation of the past is all scattered around on people's hard drives and hopefully now once we have this facility together we can go back to the members again and urge them to provide stuff and we can aggregate that.

And it really I think it helps to - but anybody like Bruno who just walked in and says, you know, what (NCUC) really all about. If they could easily scan the range of our outputs and so on I'd be really helpful.

So, Carlos, were you just waving at me?

Carlos Afonso: We have main lists with a lot of history of the (NCUC) work both lists should be considered private, say executive committee et cetera, and lists which are public. This system would allow you to have letters of security so that we could also index the historical lists we have only on the list servers.

We could get through the text and put in text format. It would have to be (lists) as you see in general, open. And there executive committee list may be interest is to keep them certain level of security. I don't know. It is possible to have levels of security.

(Man): I mean, the general purpose is to make it open. Whether we can restrict an area that I will have to check.

Carlos Afonso: That's a possibility.

Roy Balleste: Carlos, I think we're stripping access information of that in the library and DNA. And actually the executive committee list is open. It's a publicly accessible list as it should be.

Carlos Afonso: Yeah, because (food text) index. That's great and we can really catch a lot of past history and so on.

Man: Okay. Roy, thank you so much for this. I want to acknowledge that George Sadowski for the Board of Directors has come in behind us. He was going to join (Theresa Swineheart) when she gets here in another eight minutes or so to talk about the whole Brazil summit thing. But George is content to sit and watch us until then. So I'll just continue on through some of these little items in the list. And, again, we can return to the outstanding ones after.

Milton made the point about statements and so on and I just wanted to flag this. This is the fifth item onto our agenda here. We did receive from ICANN - I wrote a budget request in the last cycle and we have received that allocation of resources to do print materials.

We have now these brochures. This is I suppose a first example of that. But for those of you who have been around those the business constituency for example has a shiny newsletter, et cetera.

We don't necessarily need to have a newsletter but if we do, for example, generate position papers on things like the Brazil summit or any GNSO issues, et cetera, it is very I think useful to have something printed up that can be disseminated because not everybody will dig stuff up through the Web site, et cetera and just passing on URLs doesn't always work.

So it's something we should consider. We have ICANN's providing us the platform. We have to provide the content. It's there. If we want to do issue briefs before the, you know, the quarterly meetings for example, at least one or two issues.

I mean, this is not through the executive committee. This would have to be done through policy committee, rebirth policy committee or some of the mechanism but we should take full advantage of that. I really encourage us to think about the platform's there.

The other point I wanted to make quickly is we did have (Tajani) and Wilson who is not here led an effort to move our Web site. We moved off an old name site to a new shiny Web site that Wilson took the lead on assembling. And there's a lot of - alas - empty pages where we just don't have texts like on the history events of NCUC and a lot of other things.

If you look at it, our Web page is still sort of - our site is missing some content and I would encourage people who want to perhaps help with that. I don't think it's appropriate the EC take responsibility to fill all of this in.

Hopefully we can get some people together like Milton to provide some of this material going forward. But since Milton is not listening to me I guess I'll try another time. Anyway...

Milton Mueller: Are you talking to me?

William Drake: Yes, I was. But we do need to at least go in the more obvious blank spots on the Web site, you know, it wasn't the job of (Tajani) and Wilson to do that to build the platform. Again, we have to provide the content.

Next briefly until (Theresa) is here. Let me just continue. And any comments on that or questions on that? Carlos, your light's on. Did you want to say something, Carlos?

Carlos Afonso: Pardon?

William Drake: Your light is on. Did you want to speak?

Carlos Afonso: No.

William Drake: Then turn your light off.

Carlos Afonso: Sorry.

William Drake: You know, the next item I wanted to mention real briefly, the staff Rob Hoggarth is here with us, has asked us and we've often complained about how spread thin we are as volunteers trying to take care of stuff including the kind of admin aspects of what we just went through with (Tajani) having to manage the database of the members and figure out who's got a valid email address and all that.

This is an enormous amount of work for volunteers to have to do and the staff has said to us, okay, if we were to pry administrative support, what would you be looking for? And I want to encourage us to start - and the new EC will take this up again because previous efforts to start discussion on the list with the general members didn't really work.

But we should think about what aspects of our operations could be facilitated by a little bit of steps. Rob, do you want to say anything real briefly about what the staff has in mind here?

Rob Hoggarth: Thank you, Bill. Well, some of you who pay attention to the budgeting process through ICANN are aware that on various occasions the community has come forward - various parts of the community have come forward to make additional requests for outreach funds, for publications funds, for administrative support and the rest.

And it's been a challenge but over time we and staff have been able through the budget process begin to get some flexibility, get some opportunities to expand the in-kind services that we offer to the community.

For the most part up until now that focus has been on supporting the supporting organizations and advisory committee. So the GNSO, the at-large advisory committee and others have dedicated staff support to that work and effort.

Where we've been able to have the flexibility we've been able to extend that support through what we've called the GNSO tool kit services which has included things like the audio visual capabilities you have today, the Adobe Connect room, the remote participation, telephone bridges and the like.

The next phase of that support you're seeing through the election support and things like that where Glen DeSaintgergy and others and as I can other groups play an observer role, making sure that we can form the balloting process and things like that.

The next step beyond that as Bill mentioned is to identify additional areas. Some of the areas that people have mentioned in the past extend to things like administrative secretarial support, helping you put together agendas, helping to make arrangements for meetings and things like that.

And so our interest in working with all of you is to identify those areas where you say, gee, this is something that really appreciate help on. This is an area where we could spend more of our time working on policy issues as opposed to just Bill trying to track down people building an email list.

And these are conversations that Rob and (Tajani) and others have contributed greatly to in terms of staff's understanding. It's taking us longer than we would have liked it to but we're continuing to build toward that. And specific input particularly now from the constituency level would be very helpful for us to help build for some of that.

William Drake: Thank you, Rob. So this is certainly something that in the next quarter to have here I hope we will come back to staff sooner than later preferably with some very concrete suggestions with things where we could use that support and where it would free up a lot of our bandwidth to be able to do other stuff. Comments from anybody such as the cheery gentleman there?

No. I'm looking at you, Milton. Alright. Rob, don't go anywhere because I've got you on the next one as well. But first quickly a couple people have joined us since I just saw another pop in.

A couple folks have joined us since we introduced ourselves. So perhaps we could just briefly say who you are, if you're a EC member, an NCUC member or a new person. Because we have people remotely as well who know who's in the room.

(Natalie Rose): I'm (Natalie Rose). I'm from Jamaica and I'm an IT lecturer at the University College of the Caribbean and this is my first time and I'm actually a fellow so I'm trying to find my - the area that I can belong in.

William Drake: Well, obviously this is where the academics hang around. Okay. Thank you.

(Rodriguez): (Rodriquez). I'm from Uruguay. I find my (way here) because I'm lawyer and I teaching at the University of (Informatic) Law. This is an order to stay here with you and I know I'm new and you are some are (unintelligible).

William Drake: (School).

(Rodriguez): Yes.

William Drake: Welcome. And (KayKay)?

(Man): Good morning, everybody. I'm (unintelligible) with (Information) Society.

William Drake: I should say for those who didn't pick up on this. I spoke on the fellow's session just before I came here and so we have several people here, fellows, as not normally happens. Yes, one more.

Man: This is (unintelligible). I'm a fellow.

William Drake: Thank you very much and welcome. So we have quite the array of scholars and fellows here, both, so that's fantastic. Turn to the next point then briefly. And, again, (Theresa)'s - she's not here though. Right. Is she coming?

Man: I think she's coming.

William Drake: Okay. Then I will - let's give her a couple more minutes. The next thing I thought we could go through briefly - and, again, this is for Rob. If you don't mind just quickly brief. The staff has come up with an outreach initiative

I also mentioned this on the members list serve a couple of times and then the we did not get much response but it's something that's as good initiative and it's something I think would be beneficial to NCUC and like people to know about it and for us to take them up on it in the next quarter or so.

So if Rob, you could just briefly describe what this is about as well that would be really great.

Rob Hoggarth: Thank you, Mr. Chairman. Yeah, it's a case where I've got a whole 35 minute presentation but I'll do it in 3. Bill is one of your coordinators and there is one other person that you named that has been identified and is not in the ICANN system.

What he's referring to is what we're calling the community regional outreach pilot program. And what this means is FY14 - this is the ICANN fiscal year for now through the end of June, 2014 -a number of individual communities within the ICANN structure had been given the opportunity to test out this new program.

And the program has essentially providing resources for five regional trips for your community to use primarily from an outreach perspective. But leaving the specifics of the travel, leaving the specifics of the goals and activity's really to you.

The idea is to consistent with my earlier remarks expand the resources, give you more opportunities to investigate the ability to reach out, bring in new people, identify activities or events in a particular region that you think would be particularly fertile for you to share your policy points of view for you to expand the knowledge of your organization.

And there has been a working page set up, a space where applications can be submitted and where staff can essentially track, record, collect information about how these trips are done, whether they're successful so that we can evaluate longer term for the board and senior executives, whether this type of resource should be won that should be regularly offered not just to this community but to many others.

Just in terms of context that the program is available this fiscal year for the regional at-large organizations in at-large and for the non-contracted constituencies in the GNSO. And so that includes, that includes the NCUC.

And so in many respects your group will be a guinea pig to sort of experiment with this and give us feedback from a staff perspective in terms of how it works. In the future we could continue this pilot. We could expand the number of trips, we could reduce them. I think it really will depend upon the feedback that you all provide and what value if any you think you'll get out of the program.

William Drake: Thank you. I'm so just in short and there's a conference being held in Asia on Internet governance where we think we could potentially get some new members interested.

We would apply to you and say we would like to send one of our representatives. It doesn't have to be a person who's in that region or can it be anyone to go and speak at that event maybe and meet people.

Rob Hoggarth: The two elements that are there to answer. One is that it's a regional outreach pilot program. So the concept is it would be a three day, two night trip within a region. So you identify an event in a particular ICANN region. You would be sending someone within that region to the event. That was just one of the constraints we had from a resource perspective this fiscal year.

The critical element to respond to you is that you aren't applying to (fath) for this trip. This is a decision that you all make in coordination with a regional vice-president who's got responsibility for that region.

One of the hopes of this program is to increase the relationship the members of the community have with the regional vice-presidents of ICANN to really make those relationships deeper, make them more regularized, increase the dialogue.

And so a critical component of the system was that you collaborate, you coordinate with that regional vice-president. They're the one who has to sort of check off and say, yeah, sounds good to me. Once that is established - and that's again based upon how you all as a community want to make that decision.

You've got five trips. There might be 20 people who want to do something. You all set up how that's approved. That's not a staff role because the idea is to give you all that flexibility.

But if you can collaborate with that regional vice-president in a successful way we'll just keep track of it. We'll give you the responsibility of filing a trip report so that we can gather the records. But, yes, regional is a decision that you all make.

William Drake: Fantastic. And (Theresa) has arrived so I want to move the conversation in a second once she gets settled. The last point I asked you when we were going through the discussion as a set-up is it conceivable that one of those regional

meetings could include something like the ICANN meeting where, for example, in Singapore we will have a one day policy conference where we will be doing outreach and it would be great if for example if we had the support to be able to bring an Asian colleague, particularly the Asian consecutive committee member, to the meeting.

Roy Hoggarth: Yes, this is again intended to be a learning experience with complete flexibility. So as long as your community thinks it is consistent with what you're trying to do from an outreach and community building perspective and in your case if (crowd) goes well sounds great then the role that you build will play and your colleagues have also been designated as a coordinator. So just coordinate with us to get the information onto the wiki.

The other interesting aspect of this program that all the information about all the trips is transparently on the wiki so you'll be able to see what at-large is doing. You'll be able to see what the commercial stake - what the business constituency, the IPC is doing in others. The idea being that you'll learn, you may see things that they're doing that are great. They may see things that you're doing that are great as well.

William Drake: Great. Thank you, Rob. It's a great initiative and we should therefore be thinking about outreach events and opportunities in the different regions where we might take advantage of this.

Rob Hoggarth: Just one quick suggestion. What I've observed in some of the other communities, the first step is they've sort of collected from their community the full panoply of potential events that's sort of a first step to begin to build their database and learn what they're doing.

William Drake: Okay. Fantastic. Okay. Yes, sure. Omar.

Omar Kaminski: This is Omar. Thanks for the heads up on all of this. I've always thought that outreach - this is Omar. Sorry. I've always thought that outreach alone as a

standalone objective is not enough. Used an interesting term which is community building.

And I've been hearing this week about some ICANN initiatives about capacity building for people who are coming into the community who are new to the community. I was wondering as like an online portal for example, like an online capacity building program.

I was wondering if there are any plans to integrate those into some of the outreach initiatives that you are planning and perhaps help people who are interested to come in as members of the community to take the next step of the coming better equipped deal with ICANN.

Rob Hoggarth: That's an excellent suggestion and a ripe area for discussion. Bill and other members of this community had been involved with some discussion with staff that are being read by (Sally Costerton) and members of global stakeholder engagement team.

The onboarding capacity building discussion is one we could have for three hours because there's so many different pieces of it. My short answer would be let's talk offline. My part two of that answer would be talk to Bill and see what value you might have in engaging with that broader group to establish an overall ICANN outreach and onboarding collaboration strategy.

Things like this crop program are sort of one off that we hope will scale or be able to plug into a broader program and quite frankly they are immediate things that we saw opportunities to do pending a more comprehensive discussion.

And now we're trying to adjust and repair the plane while it's flying and so introducing small things like this while there is these broader discussions is an important part of the strategy for somebody. Like you who's interested if

you can plug in with Bill and others, we can talk offline. Let's find ways to make that more productive.

William Drake: Fantastic. Thank you very much, Rob. I want to jump ahead in the agenda then and we'll come back to the other bits later. We have sitting next to mere is (Theresa Swineheart), Senior advisor to the present of ICANN on strategy and Fahd's right-hand person or brain or something on matters of international just one of the people, okay, on matters of (interalia) including this whole initiative that there has been so much discussion about at this meeting and previously and also at the IGF in Bali around Internet governance and a meeting that will be held in Brazil in April.

Also sitting next to (Theresa) is George Sadowski from the Board of Directors, a longtime friend of the sole society world and observer and sometimes (a) member and also somebody's who's got deep involvement in international governance issues and very curious and very interested in this area too.

I thought it would be good to just take advantage of their being available to have them briefly update us maybe but more importantly for people here in the room to be able to ask any questions. But in particular how sole society can interface with this process which has become a very much of a heated debate in a number of different environments. So let me just turn to you guys real briefly. (Theresa).

(Theresa Swineheart): And I'll just do a few quick remarks and then turn it to George because he's also got another appointment. So first you guys have the best view in the entire place. It took a little while to find it but it's the best view. Thanks for having us here.

And aside from all these initiatives also I deal with strategic planning and all of that and so I really really look forward to everybody's contributions into that space.

I can stay 'til about 5 of 11 but George has to leave a little bit earlier or I may be leaving with George so I'm going to turn the microphone over to him first and then if I have anything to add I'll do that.

George Sadowski: Thanks. And thanks for having us. My goal in being here is to convince you that the initiative - the Brazilian initiative no matter how it came about and no matter how much you knew about it as it was unfolding is a really important one.

And the vehicle through which we can influence, we civil society, the rest of us can help to influence the way in which this unfolds is through the one initiative. And so what I want to do is strongly encourage you to participate and now I want to give you a sense of urgency about why you should.

And these - and so I'm going to make some personal remarks here which I'm working on. I think I understand what I'm talking about here. But I'm trying to perfect my own understanding of exactly what's happening with respect to civil society and the way in which it participates in the entire Internet governance discussion process.

The (wis) I think more than anything else helped to institutionalize the notion of civil society as a fundamental stakeholder in the Internet governance discussion and quite properly so. It divided the world into government business, the technical community and civil society.

What happened as result of that is that a number of discussion groups sprung up or were energized, among them a group, the IGC group and there was a very heated discussion of civil society issues with respect to governance.

That group which numbers about 300 has in my view occupied the central position in this discussion by virtue of there being a vacuum and they're filling it. The group by and large has degenerated and I know there are people here

who contribute to it so I think we might have an interesting discussion. I don't think there's anybody who's been a negative influence in the group.

They've occupied center stage in the discussion and at the same time I think that the amount of value that that group adds has been less and less and I suspect it's either zero or negative at the present time.

From that came a group called (best ditz) which is occupied by some people who I respect very much and who had a two day meeting just before Bali and raised good points, good questions and are concerned about the way in which the one that the (Fahd Dilma) initiative has unfolded.

And what I see now is that there are members of this group that are saying we don't want to be mediated by any contact with the technical community meaning ICANN I think and there are nuances here I'm skipping over here to make the point.

We don't want to be mediated by dealing through ICANN or through one net which is essentially a tool of the technical community. We want our own direct representation with the Brazilian congress. And one of the leaders of the group is saying let's not participate in one net. Let's do our own thing privately.

I think this is really regrettable and this is why I think it's urgent that we focus the contributions of people who understand civil society and its goals through the one initiative so that they can interact as one stakeholder group with all of the other stakeholder groups who have a contribution to make.

The - let me see. What else do I want to say? One of the problems that we come up with that I come up with and it's harder to find civil society and this has been a subject that's been discussed in various places I know.

The way in which this institutionalization in civil society has occurred from the (wis) through these various groups has been an inclusionary one. That is it includes the people who claim that they are civil society and who have the time to participate.

I prefer to consider civil society in a different way and that's to start with all of us, all 7 billion of us and then subtract out governmental interests and business interests. And that leaves us with just about everybody as a piece acclaimed to a piece of civil society.

And it's that' piece, it is that broad representation of civil society that is not represented right now in my view in the way in which civil society deals with the Internet governance issue and I think - I'm feeling an increasing need to try to take that back in some way.

And the way to take it back is to broaden the discussion to include more people, many more people and people who don't consider themselves of either representatives of civil society necessarily whatever that means or civil society organizations which have a larger meeting and who are just concerned about the future of Internet governance from a personal point of view, from the point of view of their family, from the point of view of their community and the point of view of their profession.

And I think it's really important that we broaden this representation by broadening it, we do two things. We make it more heterogeneous. We cover more of the simple society landscape in this very broad view and we make it stronger because there are more voices.

So and the one initiative I think is a way and probably the best way given the (Fahd Dilma) whatever you want to call it, the approach that's' being taken toward the conference in Brazil. This is probably the best way in which civil society in s broad brad sense can make its views, known, its voices heard and its importance emphasized. Let me stop there.

William Drake: Thank you. Take questions from people.

(Theresa Swineheart): Well, I think if there are anything just to complement what George said. Members of the NCUC and civil society more broadly have incredible expertise contributions to the broader Internet governance debate. And then the expertise also in the ICANN context.

And so I think to George's point the opportunity to bridge that in this discussion is really important and I look forward to seeing everybody involved and would encourage everybody to be involved. And also through the other organizations you're involved with.

I mean, there's a whole bunch of other initiatives at the national and regional levels and, you know, whether it's through the (ISAC) chapters or through other efforts and initiatives I really encourage you to share the information and awareness about the importance of the discussions that are happening next year and this year of course. So maybe we want to open it up to questions or discussion or input?

William Drake: Sure. Just outside George in case you're not aware. I think this group is all very much and we've said directly and in other context. This group basically is supportive of the initiative and has every intention of participating in a number of sorority engaged in various ways with these discussions including in participating in the one I think.

And I should also add that we are going to have a policy conference in Singapore for a one day conference on the 19th of March before the Singapore meeting. And I would like and I hope others will agree to very much focus on this set of questions so that that competes into the discussion as well.

So we're on board with doing this but there's a lot of operational questions about how you make it work. And that's I think probably Milton and I know have some because we also because we sat yesterday and drank coffee and argued about it. Let's start with (Murly) at first and then work our way down that way. Millie.

(Murly): Thank you. Thank you for coming here. I would just like to raise a couple of points. I think there has been some noise in the conversation and partly because in the meetings that have happened to discuss this issue with the Brazilian government, civil society has not been present.

So something that I would like to say to you that you can take to the board and to ICANN as a whole is that I think that ICANN has a role to make sure that civil society is present from now on. Some people were arguing that we should sell the community so they can involved this but I don't think this is the point.

I think technical community are excellent partners to work with but sometimes they can be a little bit self-centric. And I think if ICANN wants to have full participation then ICANN should make sure that for instance in an announcement that's going to take place next week in Brazil civil society is there and is present.

And as Bill said I think all of us here are wanting to work together and contribute to (populate) one that ideas but so far a few of us that I have spoken to that have tried to become members of the list we don't understand what it takes to participate.

We had subscribed to the list. We did not get any answers. We are not participating in the list. I have personally written to (Adele). There was no reply. So far we don't understand. It seems like a dead side that nothing happens there and all the activity that I see is people carrying the (piece)

that's around but I don't see much more taking place. So we need to make sure that we know who to speak to to make one that's really work.

And the point about IGC, I don't think that participating in one that recruit these other spaces so I think that all stake holders who continue to organize themselves in (ISOP) and other constituencies and all come together and contribute to one.

So even though it's difficult to talk and IGC and that is (mess) these things right now, I think it's important to make sure that both groups are on board and together with us.

The last point will be about the expert panel. We have talked about this with Fahd yesterday and the only point I don't know if everybody shares but some of us do is that the way that the panel has been chosen that's a very good names are there but they are not names that represent civil society that has been contributing from the process from the bottom up from all these years.

So it could be very important maybe to have some presentations from society there. So make sure that this panel somehow connects so that we reveal the process but the whole thing that we're discussing that we're going to take place is we'll connect with the (wis) reveal.

Otherwise a whole bunch of people that have been contributing a lot to the process have a lot to say will be left out because they're not here at ICANN. That would be my point.

George Sadowski: Very quickly. What you're saying is you cannot find a way to (unintelligible) and so you can't post to the list. That's what you're saying? Yeah, okay. We'll get that - go ahead.

(Theresa Swineheart): Yes. To that specific point we're aware and (Adele) and others are aware that there's been some challenges to get as we're migrating onto what

was going to be the ability to self-subscribe to a list as opposed to having to send to an individual which obviously with time zones create challenges and various other things.

That whole process and the original platform on which that was going to happen wasn't able to process some of the things that was being migrated so now it should be up and running and it should be possible to go to the (Web) site and actually self-subscribe to it and get the whatever you call the email back that says that you've subscribed.

So there was a glitch there and absolutely fully aware of it and that's a problem. There should be an email going out to those that are on the existing list that the NRO is hosting that says obviously being sensitive to people's sort of what they want to be subscribe to or not. Here's the link in order to opt in to the other email list to transfer yourself.

But we'll make sure and if anybody else has had issues with that please send an email directly to me and I'm more than happy to try to facilitate that and work with others to do that.

George Sadowski: You're respond to the IGC issue. Of course this is complimentary to any (bits) of IGC or any civil society organization and where you find value you should go. My concern was that there were leaders in both of those organizations that seem to be pushing toward non-involvement and I wanted to be sure that if you don't believe that work against it and encourage people to participate.

Milton Mueller: Just to update you again on how this worked from the outside. So I joined the one net site based on your recommendation and expected that would automatically subscribe me to the list. It didn't.

I learned I think from Bill that there was a list and it was ongoing and somebody gave me a link to the mailman's site and therefore I knew how to subscribe myself. But that gap is very clearly the problem. When they

subscribe to One Net and on the Web site there should be do you want to be part of our list and join it with an additional click. That would be very simple.

Now just to address the larger points. It's clear that One Net is, you know, fumbling around a bit. Inevitable difficulties, inevitable boot strapping problems, inevitable legitimacy problems because somebody has to take the initiative.

It doesn't bother me particularly that the technical community is taking the initiative but they have to be very careful and very open in how they go about things. One thing, George I'll tell you not to do is to start dismissing civil society organizations as non-representational.

We've been on the wrong end of that accusation right here in this room. You are not in any position to tell anybody how representational they are particularly, you know, when they've been around for several years.

And now there may be a lot of whackos on that list and there may be a lot of trouble by including them but what you need to do is to draw those people into one that as many of you can by presenting a positive message about what you're going to do and how you're going to do it fairly.

And one issue that needs to be cleared up in that regard is who is the steering committee of One Net. We don't know. We don't know how you get on it. We don't know anything about it.

Again, recognizing there's a bootstrapping problem, there has to be - how many people who are not Americans does the word bootstrapping mean anything? You know, it's a booting up process. It's starting something from nothing basically.

There's no authority and so we're trying to create an authoritative structure that makes decisions but how do you create another committee that makes

the decisions. Do you create another committee that makes the decisions?
It's an infinite regress anyway.

So there is this problem and somebody stepped into the breach and that's probably a good thing. You just have to be very careful about how you make decisions going forward and who this steering committee is at this stage, be flexible about that.

Now my other point with respect to this high level committee which I frankly don't like at all. I think the one that initiative is one that we can get behind pretty enthusiastically and I know that this high level committee business has been cooking.

So at first you'd have Fahd's four or five strategy panels which are just created out of the blue, self-selected by, you know, the top. And then you have this broader panel which is not really an ICANN. It goes beyond ICANN and he was promoting it at the Korean summit and everything.

And it looks like that panel is going to create an agenda. It's going to be an agenda setter for the broader meeting. And so you better watch out there because those of us who you are inviting to get involved in One Net might feel like this is all a sham in which you're being told to do a lot of work and exchanging ideas.

But then the real work is going to be done by this high level committee and they're going to present a platform or a set of proposed principals to the final meeting and that's going to be the basis for discussion and everything else that we discussed might not be very relevant.

I'm not saying that that's a conspiracy. I'm not saying that the way it's happening but it could appear that way to many people. It's not clear to me why you need this high level panel to be doing this when you've got this

broader more inclusive process and the Brazil meeting to develop these principals.

It just seems to be too many wheels spinning here and people are going to start worrying about, you know, which wheel they need to be in and which one really matters. So that's my advice.

George Sadowsky: I can't comment on the high level panel and you may be right but there are a lot of wheels spinning here and it's not clear quite how they connect. But I'm glad you raised the representational question. And because I think it's critical in a way.

If to the extent that civil society has been narrowly interpreted by UN groups and to the extent that people have affiliated with those groups that to anyone's point of view and to my point of view don't really represent me and don't represent me - not in terms of representation but in terms of the distribution of ideas then I think it's perfectly legitimate to criticize them as being in the position of unwarranted representational integrity. That's not the right phrase.

And if you can't do it within the group as I've tried as you know I think it's relevant to say that they have occupied the space that is legitimately should be represented by a much broader community and that is why I'm hoping you will all participate in One Net and get a much broader representation of the ideas of people in civil society.

(Theresa Swineheart): Do you want me to comment on the other area or do we have other questions on the...

Man: (Unintelligible).

(Theresa Swineheart): Okay. Sure. Sure. So I think that there's as you had pointed out there's various tracks that have very different timelines. The concept around

the one net and I would reinforce the point that this is not to replace any dialogues that exist.

It's actually to point out and give an opportunity to show that there are multiple dialogues going on and to show that there's a decentralized as in the decentralized network because networks or institution. Also many dialogues going in an opportunity to show and to point in places that there's some consistent themes and opportunities to share a consistent theme. So I think we should use it as that option.

But it might be helpful for us to think about putting a charter together for it itself in order to provide clarity that it's not replacing any existing dialogues whatsoever. So that's something to think about as well and maybe there's ideas.

On the steering group overall completely agree that there needs to be some clarity around that. And you may want to also raise that with (Adele) and others as the, you know, to make a call to say, look, we really need to be looking at representation from the respective stakeholder groups to put together a steering group to help with the interface.

We can call it a coordination group. I think that would be a much better terminology for it, you know, to coordinate with the respective stakeholders and also to coalesce around areas that may want to be on the sight or not and preparations leading into Brazil obviously. And so I would just reinforce that point.

George Sadowsky: I just want to make one more comment, Milton. You're absolutely right in arguing for a rationalization for the steering group and how it was put together.

I had a moment of déjà vu thinking about the beginning of ICANN in which the fundamental question for the first years was who put together the board of

directors, who identified them, who agreed on who they should be. The answer which was given most often was (John Plastel) and we had the unfortunate condition that he died in the middle of October.

ICANN was formed at the end of September and the first meeting of ICANN which was in Cambridge, Massachusetts on November 11th - it was not a formal ICANN event - but (Esther Dyson) was there with half the board and I think she emerged with battle scars because the legitimacy of ICANN, the legitimacy of the board, the legitimacy and purpose, a lot of that was the central focus of that meeting and we certainly don't want to repeat that.

William Drake: I think I can now officially declare that we have missed our coffee break but (so) there's a lot of interesting things to talk about and not enough time and we have people coming in and out.

The ATRT will be here in 10 minutes to talk about that but I think we'll just take a couple of quick comments with - George, if you have to run feel free but, you know, then we're going to have to probably, you know - Carlos.

Carlos Afonso: Okay. First of all I appreciate the opportunity of you making available resources for us to participate and so on because you have much expertise and leverage that we don't see that society has many times. Creating base - creating a web space and so on. The idea of having facilities for ample participation -- great -- that's what we just talked about. One problem I see is that we don't have the leverage that community has in terms of being present in key discussions. In strategic meetings -- for instance -- we did (unintelligible). We have not been able to be there when you were able to be there and these discussions cannot be replaced by a simple list which is not synchronized -- it is just a history of things that already happened. We are very worried about that.

And the other thing that we would like to make sure is that these say citizens inside of the communities -- they have one thing in common -- they try to be

right (unintelligible) approach. To work on rights and not necessarily on how much my company will get or I am a technical community but I am in the (unintelligible) of the company and I have to defend it -- the interests of that company as well. We try (unintelligible) as we are to have a common ground -- to grow, to offer rights, to be (unintelligible). And this what in some way unites us so best beats talks to him. To IGC and so on. We are very diverse. We have terrible fights inside but you have to respect our (unintelligible) -- to be present to participate as equals and to have different opinions - might be very different opinions. So if this is respected of course this will work - the relationship will work. So this is what I would like to.

Theresa Swineheart: Thanks. Yes, I just have - I was hoping I could get some clarification what is on the table for the meeting - what kind of discussion is on the table - and also what sort of desired outcomes can we expect. Are we talking about things like agreed principles - is the desire outcome from this group? So these are basically my first two questions.

And the first point - what is on the table? One of the reasons that we are told we should be having this meeting is because there is so much turmoil over surveillance and so we are having this meeting because people are upset about surveillance. But then -- on the other hand -- we hear that surveillance is off the table for discussion of this meeting. So I am wondering how, you know, is it that we are going to satisfy those who want to hold this meeting -- because they want to talk about like surveillance and that was the reason for the impotence of it -- but are there things are excluded? But are there things that are excluded? And so basically what is on the table?

Woman: Sure. I can do that now. Unfortunately, I do have a hard stop at 11:00 which actually is about trying to improve the Web site and the LISTSERVs. So it is a great timely opportunity for the concerns that were raised here in order for me to get that to the folks handling that.

So I think that there has been a lot of discussions and information about the Brazil meeting and what did come out of that. I think to your point on - if one starts going down the road of specific topic areas -- we have had those discussions at the IGF -- right -- and we certainly don't want to be replacing -- as a community -- or, you know, anything that the IGF is discussion -- right.

So the topics around surveillance then you open the door to topics around other, you know, (in actual) property or a wide range of other issues. So I think when one is still open be careful how one couches the meeting overall and I think part of it is really looking at how can one strengthen internet cooperation from a conceptual standpoint and what kinds of principles have been discussed in different communities over time -- right -- and can one co-lect around those principles?

And is there a way to strengthen internet cooperation with, you know, evolving the existing frameworks? And strengthening the network or networks of cooperations that exist there.

And I think those are opportunities to then inform discussions on a range of issues that come to the table -- not just one specific topic that is the current one today. So that is my understanding is how the Brazil meeting is to move forward. Those from Brazil might have more information on that then I do. And I think we have an opportunity -- though -- through the opportunity to be participating in the preparatory processes -- and by we I don't mean I can I mean we as a community -- right -- to help inform that agenda preparation.

William Drake: Wow you're -- I know you're ready to leap.

Woman: I am not leaping because (unintelligible).

William Drake: Yes. I understand. I just wanted to draw a line on this before the ATRT folks start to come in and just say that, you know, we did have a number of conversations with (Fadi) and others during this meeting. And Number 1 with

the regard to the high level committee that Milton was talking about (Fadi) did say to us that in fact if you feel still society is not properly represented you guys should try to figure out a way to come together around recognition of a name.

((Crosstalk))

Man: And that he would take that on board with the other people involved in the process. Now, I presume that what would be desired there is a high level executive level kind of name. It is not just, like, you know - and one of the concerns you hear from Sole Society peoples - we want somebody who has been part of our process in the (unintelligible) all that and that is perhaps an issue that would have to be bridged.

Woman: Okay.

William Drake: The other point I just wanted to make is that he also suggested that if there was Sole Society people who wanted to be at the meeting next in Sao Paulo to talk about all the these things. More that would be open to them and that indeed if resources were a problem something might be able to be done to help that happen.

Woman: Okay.

William Drake: So that is another issue to bear in mind. The bottom line here is we need ICANN to go to bat for the participation of its own people though.

Woman: Okay.

William Drake: Because the one thing you hear over and over is there is folks in the technical community who are kind of like they don't have an ongoing working relationship with us, they don't necessarily have a trust relationship -- the Sole Society people that think who are they -- they don't want to let go and

within ICANN you've got -- of course -- a very substantial Sole Society presence that is engaged.

Woman: Yes.

Man: And so if we find ourself being locked because there is another piece of the technical community that doesn't trust - or doesn't know how to do that - that is problematic. ICANN is not the driver on all this -- (Fadi) says he doesn't want to be the leader and we take that point and so collective -- but a hope that ICANN will be a voice for its own people's ability to participate in the process too. Okay?

Woman: Thank you for making that. That is actually a really, really good thing to highlight and if there is ways that we can do that also with, you know, (Rob) and others -- the staff liaison -- to the respective groups then let's also use that as an avenue but I take your point very much on this and will build that in. And I have taken notes here on the different areas to do the follow-ups.

William Drake: Thank you so much for coming Theresa. I know you guys are really, really busy and we appreciate your...

Woman: No busier than anybody else here.

William Drake: So okay.

Woman: We are all doing everything.

William Drake: Fantastic.

Woman: Thanks a lot.

William Drake: Thanks much.

((Crosstalk))

William Drake: Yes. You are more than welcome to hang out. Yes. It is a meeting room in natural light which is very unusual. It is almost 11:00. We've got five minutes until the ATR Team gets here if anybody wants to run out and take a bathroom break or something before they do.

But really we should be ready when they come in. And actually they need to be seated. So if some of us don't mind to maybe sit off the table a bit so that the ATRT people can join at the table that would be really good. I also want to acknowledge that some other folks have come in sitting by me and I would introduce them but they (unintelligible). Oh, you are all ATR people. Okay good. All right. How many more are we expecting? Brian and -- huh? -- the whole bunch. Okay. Well a couple of minutes break just briefly and folks on line stay with us. We will be back very shortly.

If people could please take their seats so we could get started. We have the ATRT 2 Team here. I know all the NCUC members who were gathered around the table before have rushed out to desperately use the facilities and get coffee after two hours but we need to get things going. We don't waste ATRT's time. So I want to thank the ATRT for coming to visit us. Are we good on the - is the Adobe up and functioning?

Man: Not yet.

William Drake: Oh. Apparently the Adobe is not quite up-to-speed.

Man: We're not recording.

William Drake: Are we recording? We are not recording. What's the deal? Are we good? All righty then. So once again this is the NCUC Constituency Meeting and I am Bill Drake, Chair of NCUC, and we have here with us the ATRT 2 Team that

has got a draft report on accountability and transparency further to the affirmation of commitments requirements.

We met with the ATRT Team in Durbin for the first time for an initial conversation about what some of our concerns might be and now this is a follow-up as their process has proceeded a bit further. There are a number of folks around the table and I want to thank you all for coming. Brian Cute is the Chair of the ATRT. Brian would you like just to say a word or two by way of introduction in context -- and I see that we have got some slides which are going up on the Adobe -- and then we will go to conversation with the members and give them a chance to give you their inputs.

Brian Cute: Thank you, Bill. This is Brian Cute with Accountability and Transparency Review Team 2. Thank you all for your time today. Just a few words about where we are in our process and then I will walk you through m-- in a very summary way -- the nature of the recommendation that we have made in the draft report.

We have a draft report, a proposed recommendations that is currently out for public comment. Comment period ends tomorrow. A reply comment period will follow. That ends -- I believe -- on December 13. Obviously, any written comments are welcome input at this stage.

We want to hear today from you essentially two things. Of the recommendations that we have as proposed, which ones hit the mark and which ones don't.

Did we miss the mark on any of these proposed recommendations? Is the recommendation flawed because there is facts we haven't considered, the analysis is wrong, or the recommendation is just not going to have a positive effect in terms of improving accountability and transparency? And tell us why. We have to make fact-based conclusions here in our final report.

So looking for that specific feedback, what's hitting the mark? What's resonating? What isn't hitting the mark and why and any other observations you have for us. Can we go to the next slide? Keep going. I just want to get to the summary of - let me walk through the summary - one more. Okay.

So our recommendations are targeted at some specific subject matters and here they are. So measuring board performance is one category recommendation we are making and we've had a good meeting with the ICANN Board to discuss how can Board performance be measured.

Policy versus implementation -- an issue that came out of ATRT 1 -- what's the distinction between the two? An important issue. One that is still not clear across the community.

Also, recommendations on the transparency of decision-making by ICANN and the appeals processes. That is independent review, reconsideration process, (unintelligible), the mechanisms effectively for appealing decisions. We recognize that some work has been done on those mechanisms but there seems to be some concern in the community that it still isn't clear.

Also, some recommendations on GAC operations. Just the transparency of GAC meetings, basic operations, and interaction between GAC and the rest of the community. Specifically, the PDP process with the GNSO in particular. How can we stimulate the early interactions from the GAC across the community.

We have recommendations on multilingualism. One of the findings of the independent expert ICC that we asked to look at the PDP process was the very limited participation of communities and regions around the world in the PDP and multilingualism being another potential barrier to participation so we have recommendations on that.

Again, cross community deliberations. Recommendations designed to try to provoke more effective cross community deliberations within ICANN.

And then finally - not finally - next to last. Improvements for the review processes themselves. We recognize certain areas where the review process could be more efficient and effective.

Last and importantly, on ICANN's financial accountability and transparency of how they operate their budget and their financial accounting.

So we have recommendations targets at each of these areas. The draft report is available to you. We are interested to hear your inputs now and as always welcome written comments if you are able to provide those as well. So with that I'd open the floor. Bill.

William Drake: Thank you very much Brian. So I know that we had a conversation the other night with (Larry) about some of these points and I think we'd like to take that further. (Robin) unfortunately had to step out to talk to Ray Plzak about something but Milton would you like to perhaps kick off the discussion of the points that we were discussing the other night that we wanted to raise with them?

Milton Mueller: So which is the number that supposed to...

William Drake: I'm sorry we should probably introduce ourselves just in case everybody doesn't know each other so.

Milton Mueller: Okay. I'm Milton Mueller, Syracuse University Internet Governance Project. So presumably one of your recommendations is trying to deal with the issue of the Board's accountability when it deviates from process and I have your executive summary up here. I want to read what you said specifically. Do you know the specific number? 9.2 is it? Yes 9.2. Explore Options for Restructuring Current Review Mechanisms. In this constituency, we have felt

that there is a systematic flaw in the bottom of policy process that we've seen played out in a variety of context in which the GNSO will develop a policy and in the process of staff implementation there will be a lot of political pressure put by one interest group or another on the process and the policy developed by the GNSO will be changed by the staff and it will be called implementation rather than policy and justified on that basis.

And we very strongly believe the current mechanisms for challenging that are not only inadequate but they are just being flaunted by the Board. And as a test case we put together first a reconsideration and possibly an independent review on the trademark plus 50 change.

So this is a case in which you had a specific policy passed by the GNSO in which they specifically rejected an option and then the new CEO -- in his earliest months -- calls a meeting in Los Angeles -- it's not even a GNSO meeting -- it's just a bunch of people go to Los Angeles. They come up with a new policy that adds 50 variance to the trademark protection within the trademark clearing house and low and behold that becomes the policy. The GNSO council unanimously passes a resolution saying that they shouldn't have done that and something else happened that I can't even remember at the moment. Robin would be better at doing this.

So we challenge this and we get nowhere. I mean we get a stone wall. To our mind, we selected this issue because it's so obvious that policy was changed outside of the process that it's hardly debatable and yet our accountability mechanism for keeping ICANN on process simply had no impact -- none. So what's the solution to that? What do we do about that? We discussed various options. Some of them are very fundamental changes but we think the 9.2 really - it hints at the problem but it doesn't - it's not specific enough in terms of its proposal to actually solve this problem. That's my input for now.

Man: Question Milton follow-up. What was the basis for reconsideration being rejected? Was it that the action was characterized as an implementation

matter and therefore not a change in policy. What the basis of the decision effectively -- was it something else?

Milton Mueller: Well, one thing it was not was that we were not asking them to revisit the merits of a policy decision because the policy decision was made. And it wasn't even policy versus implementation because under the current rules the GNSO decides what is an adequate implementation of its policy and we have this resolution from the GNSO saying this is not what we asked you to do.

And that was ignored also. So the basis was that this was a clear process violation. I guess against the bi-laws and again Robin would know the specific parts of the bi-laws that we (cited) and the more specific claims we are making in this case. But the -- yes that was -- basis of the claim was that they really did deviate from the process -- the staff. And for some reason the Board committees -- which we believe to be pretty much just fed information by the staff and told what to say -- didn't do anything about it.

William Drake: This is Bill. Bill Drake, the Chair. I can answer just briefly on the particular point. When we met - NCSG meets with the Board at every ICANN meeting and when we met with them last time we raised this whole issue around this reconsideration and the Board Members almost uniformly insisted on saying, "well you are saying you don't like the outcome".

And we kept saying, "not that's not what we are saying". And we just could not get them to accept that what we were (unintelligible) was in fact -- (it was process follow the question). And the more we pressed them in this conversation the more -- it just seemed to me -- may this is an unfair innuendo -- but I didn't have the impression that all of them actually knew the details. They had been told NCSG was - didn't like outcome so they just kept falling back to that position and when you'd say well why do you that when we've clearly articulated that's it's not that we got nowhere. So it's a little bit frustrating to us that - it's entirely possible that the understanding of what we

have been saying and why all this came about is not necessarily based on a deep original looking at the details of what happened but rather simply having been told by staff this is the story of it and that's a matter that is of some concern to us.

Man: Thank you. Alan and (Larry).

Man: Thank you. As you've noted, there is a recommendation -- which may well be reworked -- and if you have suggestions for the rework that would be useful to us. But there is a recommendation and we've received pretty positive feedback from some Board Member -- and not all -- that indeed the process right now -- either the process or the expectations are broken. And there is a significant amount of dissatisfaction in the community.

Now whether that will ultimately result in something which would have changed the outcome of this reconsideration request that's something clearly we can't speak to. What we are suggesting at this point -- subject to our review before we publish our final report -- is that some future fix be not just a unilateral decision of the Board but a community based process. So read what we suggested -- tell us how we have it wrong.

Man: I just wanted to ask a follow-up question to Milton. It seems that the Board itself is struggling with the question of what its role is when matters come before it and I guess the question to you is does it help solve the problem if the ATRT also expresses some view on the fundamental question of the Board's role in the sense that some members of the Board feel it's simply their job to evaluate whether or not consensus has been reached at which point they don't have to look behind it. They

just say, "okay the process was followed, consensus was reached, boom we now approve it", which would seem to make the situation you described easier to deal with down the road because at that point there shouldn't be that kind of appeal to the Board to come back and change it.

At the same time, I think that some Board members feel that they know they need to be more involved in the merits of some of these actions notwithstanding that fact that there may be a PDP outcome -- that there are these other issues that come up that require them to exercise their judgment. So the question is would it help solve the problem you described where the Board has actually gone against a PDP pretty directly -- as you described it -- if we also spoke to this other issue in terms of Board role or do you think they are separate enough that we can deal with one with not dealing with both?

Man: Well I appreciate your question because it totally hits the nail on the head. I think it is a matter of the Board's role and you have the Board in the center of the policy making process and that means you have all of these political pressures on it to alter the outcomes of the bottom up process and it's probably inevitable that once you establish a precedent for them to cave in on that in one instance they will continue to do it.

So if you can address very strongly the idea that you created these elaborate representational mechanisms at the bottom, you know, the GNSO in particular as is carefully balanced to house structure, etc., and then, you know, we reach an acceptable outcome. And that's going back to what Bill said. We got the outcome we wanted. We wanted a string match for trademark clearing house. We got that. That was the point that was addressed by the GNSO. Then somebody calls a bunch of informal meetings outside of the process and that's changed and then implemented. How does that happen? Why is that happening? If you can address that - I realize that to do our job we should have proposed specific wording about that but we didn't. I can work on that if it helps you maybe for some written comments. I think Robin - but that is exactly what we want addressed.

William Drake: Okay. Is there anything else on this point? I know that had (Morris') listing and remotely he is unfortunately not with us and he was involved in the CEP thing with Robin and that text but I don't seem to have a question from him. Is

there anybody else around the table? Otherwise we can move to another topic and if (Ed) comes up with something later we can come back to it. Yes okay David please.

David: I just wanted to -- this whole process -- this trademark plus 50 thing -- we're following it as far as we can sort of up through the process and think we are discovering that at each stage it is broken in a different way and in particular the reconsideration request process - I think it's already kind of established by the fact that they published justification for the reconsideration request that was sort of - so extreme that the GNSO council rejected it and then withdrew it.

The fact that they withdrew the justification for the decision because it was too extreme shows that the process is broken but there is not a, you know, it is an admission something went wrong even from the Board committee. So I'd encourage to look at everything along this sort of line and we really - after a certain the process is done with it all so.

William Drake: Okay then. Why don't we move to another topic and we can always circle back if something else comes up in somebody's mind. I had a particular interested in something as I went through the report and this has to do with the discussion of unbalanced global participation in the GNSO process and I noted particular the material from the consulting interconnect communications and their discussion of this topic. Having been on t

he GNSO council for four years myself and found it extraordinarily difficult to raise -- and Alan is sitting next to me and he has some of the same conversations in the council I think -- issues around developing country concerns or potential concerns. It is very striking when you sit there that you are dealing with what is according -- by the language of this report from your consultant -- the collaboration of this (unintelligible) built into the PDP is simply western approach.

It does not take into account other cultural approaches to developing and building consensus policies. That is certainly true. But it is more than that. It's who's actually really there. And one of the things that I think is really striking this group -- NCUC -- has 300 members and two-thirds of them are not from the United States. Okay. The other constituencies we deal with -- some of them are just overwhelmingly from the U.S. I mean it's, you know, you're talking about some of the business groupings -- I don't want to get into specific names -- they do have initials that would be familiar to you undoubtedly.

((Crosstalk))

William Drake: And you find yourself in a situation where you're sitting with -- I don't want to say lobb, well, lobbyists -- employees of organizations that have substantial financial resources and stakes in the process, etc., and they're sitting there with their agenda and you're saying oh well we've got this kind of more globalized look and we are trying to add in questions of fairness and justice among human rights (unintelligible) and it is very - becomes very, very difficult to sustain that.

For me it is not just a problem in the collaboration in the course model. It's who is in - who is involved in the constituencies and the stakeholder groups in the first place. And I just wondered in your review -- I mean -- there should be some -- I think -- understanding that diversity is required in the ICANN community and I don't really know if when you -- and in fact I think there are some things in the GNSO operation procedure -- I can't remember -- about this.

Have you looked at how all the different constituencies and stakeholder groups involved in the PDP -- how they are comprised, how people become members of them, how easy it is to become a member. And beyond that how transparent their activities are. Like all of our stuff is all on open LISTSERVs and so on. They are some constituencies I can name who operate behind a

wall of secrecy. Their LISTSERV is not publically accessible. Some of them you can't even see who the members are.

This is a - I mean there is incredible asymmetries in whose around the table. How they are constituted and that's antecedent to the question. What this course we went enter into when we actually come to a GNSO meeting. So I am just curious how you guys approach those questions or (unintelligible).

Alan Greenberg: I -- it's Alan Greenberg speaking. I can give you two different answers. One is on behalf of the ATRT and one is a personal one which I will put that hat on for a moment. When we got the report I and we explicitly asked to what extent have you looked at whether the disproportional representation on PDP's is a factor on the population they are drawing -- that is the GNSO constituencies largely -- because that is largely who the participants are other than ALAC. And at a larger level what is the distribution of people within ICANN from the constituencies draw people.

And certainly the PDP has less variation than the GNSO stakeholder groups and the stakeholder that has less than ICANN in general. So we have a decreasing set of relationships. (Unintelligible) yesterday announced a new center in Korea which will look at involving cultural and language groups in policy issues. I don't quite know what methodology they are planning to work and it's the first I heard about it. So, you know, that may be an interesting issue.

In terms of the culture of the GNSO -- and I'm now putting on my personal hat -- some of us fought very hard at the last GNSO reorganization to try to make sure that users were represents not just registrants and other involved parties and didn't succeed. Maybe the next go around the world will be different. I don't know how you legislate diversity and legislate people's mind sets to be changed. It is an interesting problem. I don't think we are going - the ATR team is going to solve it but if you have any thoughts on what we should recommend to affect that, go for it.

William Drake: I wouldn't want to legislate how anybody thinks about anything but I do think it is fair to say if you are reviewing the overall transparency and accountability of ICANN -- you are reviewing not just the staff and the Board to me -- it's the staff, Board, and the community. The community drives this process. Very little is known on a cross sectoral basis about how the different stakeholder groups and constituencies compare in terms of any kind of metrics of transparency, accountability, inclusiveness, and so on, it seems to me that trying to say something that encourages movement in that direction should be a reasonable goal of this activity but maybe I'm missing something.

Alan Greenberg: No it certainly should be. If you look at the recommendation on the PDP there is a - one of the sub bullets says try to make sure that there's representation on PDP's from groups that essentially don't have money funding their participation.

There is a footnote to that in the summary and in the main body of the report there is a note that says we are considering adding a full recommendation essentially enlarging that concept to ICANN in general. And that issue shouldn't have to have someone paying your way and paying for your time to participate fairly in this process. If you support that concept, say so because otherwise we may not end up with a recommendation like that.

William Drake: Yes. (Larry) please.

(Larry): I just wanted to respond to your comment. I think you're making some very cogent points here. One thing you might want to do -- because this group did take a harder look -- a deeper look at transparency in the GAC -- and there is some very specific suggestions to be passed on to the GAC in terms of things they might consider in terms of improving their transparency to the rest of the community.

You might want to take a look at those and see if those are of such universal application you might suggest - we suggest that maybe some of those same principles be applied across the board because we did think through this in the context of just the GAC. We didn't do it in the larger context you are talking about but take a look about what we said about the GAC and see if that would apply.

William Drake: Yes. Using that as a model (unintelligible). Where was Maria? I don't see her now. Oh you moved chairs. You're trying to freak me out. You went from one side to the other.

Maria Farrell: Sorry. I moved to be nearer to a microphone. I'm Maria Farrell, NCUC. So I think I am probably amongst a relatively small number of -- a small proportion of the community -- in that I have read the ATRT 2 report and I have read the Interconnect Report and I am trying to -- and I want the chocolates please -- summarize and just generate a little bit of interest in the GNSO council so that are session with you guys tomorrow is constructive as well.

I just wanted to share with a couple of people at this table first some of the numbers in the Interconnect Report and about, you know, representation. I mean they are - they would turn -- apart from (unintelligible) David -- your hair white and 80% of people in working groups are all from North America. Or no -- sorry -- 70% from North America, 20% from Europe, 10% from everywhere else in the world.

And then when it to public comments - I mean - they are looking at there is five or six PDP's that have gone on recently -- I won't even go into the acronyms of them (unintelligible) -- but, you know, where we haven't had a single public comment from Latin America or from Africa. Or from obviously Latin America, Caribbean, and from Asia. So I mean it's horrific. It's really appalling stuff. So obviously, you know, some of the comments that we want to make in support of this report is, you know, thanks for drawing out those things and what can we do to improve this.

One of these ideas I have -- it's kind of left field -- but as a former member of staff and as a person in the community -- every time -- when you go (unintelligible) at an issue you get this really dry, really turgid kind of recycle of this - we are doing this PDP because of, you know, associated issues leftover from the (RIA) 2013 and it comes from X report this, Y report that, and the timeline is, you know, A, B, and C.

Now if I were somebody relatively new to the process -- and I know we have lots of ICANN fellows around this table -- I would be listening to that going I haven't a clue what this is about. I don't know who it affects. And, you know, I don't know whether I am interested in it or not. And there is a whole question of style and how we communicate.

Because of former stuff you're very fearful of doing editorializing about what's in a PDP or a process or you absolutely will get your head bitten off if you, you know, say, "well okay guys this is who is". Some people don't like it because they don't want their information published. Other people do because they want to get access to it.

These are the groups at the table. You know, I think there is a whole -- because we do have sort of an approach that, you know, puts up a couple of people when they are talking about these things and here it is his person from this interest group or that interest group. It's just going to tell you some background here. And so that in - because I know at this morning's ICANN fellow's meeting a lot of people appreciated that some of the presentations given to them weren't just from Bill Drake. We are the NCUC and this is our membership and we are here to do the following goals.

We very much - look here is the political situation were in, here's our take on it, and this why we think you should be part of us. So I wonder is there any, you know, within the constraints that we have can we do a little bit ourselves to change the culture to be a little more direct and genuinely welcoming

people in. Because those numbers of low, low, low participation are not going to change while we have this really legalistic thing.

And -- finally -- sorry -- I don't want to on too much. I don't want to be ungracious at all but having read the ATRT 2 report -- obviously there's loads of substance in there -- it's brilliant. It's really complicated and it's very hard to go this is ATRT 1, this is ATR - what's being, you know, what are the new recommendations for the (unintelligible). I don't want to fault you because I know there are very good reasons why it's like that I'm sure but it is really hard for somebody to beak in and understand so that's my suggestion anyway.

Man: Thank you for the input and just a note. We've heard loud and clear that we need to put this report into plainer language -- clearer language -- and we are going to endeavor to do that. Certainly at least for the executive summary portion of it and maybe provide links to the denser material underneath but that's been heard loud and clear and we are going to do are level best to make it clear. Thank you for that. I've got Alan and Olivier.

Alan Greenberg: First of all I will add a comment that reading that report did not turn my hair white but it is startling and not particularly surprising and hope the answer to your question of can we do any better is yes otherwise it is very depressing. I will admit to being guilty to being the prime author of the PDP recommendation along with Avri and you'll see we took a pretty meek position on that recommendation.

That is - we didn't say fix it within three years. We didn't say, you know, we said we are going to have to talk about it and figure out how to fix it. It is quite clear that we can't solve the language problems by having six language simultaneous interpretation of every conference call and every document translated. We don't have the resources for that and we are never going to have the resources at that level but we have to get better than where we are now and, you know, if you think we need to be stronger on the

recommendation and be more specific of what has to be done now and you have some of the answers please again tell us.

If not, make sure that when any follow on activity starts -- and hopefully it will as a result of that recommendation -- it we don't bring anything stronger -- get people to participate. It's not a matter of complaining or being shocked. It's really coming up with operational good methodology that will let us do something better.

(Olivier): Thank you. (Olivier) speaking. Just - I hear there is some confusion -- I guess -- brought by the complexity of the report as far as its structure is concerned. I think it might be good -- we spent an enormous amount of time trying to find a clearer structure and to try and make it as least confusing as possible and yet I have heard this (unintelligible) as well if you could make suggestions as to how you think maybe the best structure of it would be so as for it to be clearer and easy to find resolutions it would be really welcome. Thank you.

Brian Cute: Maria I want to ask a follow-up question -- too -- to your point about communication from the staff or communication to the newcomer who is coming into the process and I think you made a point about staff being terrified to say anything beyond very constrained boundaries when explaining a process. That's also understandable to a certain degree. Right. I mean this is a community that is very sensitive to the bottom up nature of things and if there is any width of top down people's hair stands up immediately.

So it is understandable that to some degree staff feels it shouldn't be positioning a process in a way that might look like they are putting their thumb on the scale. I think that's fair. If that's fair, what's the solution here in terms of communicating in a way that is clearer -- not just to the community members but to the newcomers -- of how to navigate this process, what issues are play, and what's important to you. Are there are alternative approaches?

Maria Farrell: Sure and thanks Brian. Yes. I mean here is a suggestion. At a -- say -- council meeting or on a policy call, you know, the staff organized monthly calls I'm thinking in the GNSO world -- which I inhabit -- and I am not criticizing staff at all absolutely because, you know, have been on and having gotten the blow back, you know, for many editorializing I totally accept that they are really, really constrained.

So my suggestion is this. That, you know, when we do these kind of recycle things (unintelligible) - how the process got square - maybe we slot in a moment where somebody from the community -- be it a person on the, you know, whatever task force working group or whatever it is put up their hand and say, you know, "so I'm going to give you my view on what this process is." Not (unintelligible) but, you know, trying and give them more discursive more plain English.

This is where the interests line up on this. This is why it has been so hard to resolve and, you know, this is where we think the pitfalls are going to be. You know, just a short little pricy. I think we are - so it's it kind of a - it's a behavioral thing of, you know, somebody willing to put up their hand and probably take a few bullets -- to mix metaphors -- and also just a procedural thing.

Maybe we can find a moment to flood into agendas or to flood into calls and say here is the staff that is going to give you the history, you know, chapter and verse, and now we are going to have somebody who is knee deep in that issue and they are going to do their best to give you just kind of what it is like from the ground view, you know, and if people disagree with that then great they disagree with it and we can (unintelligible) over time or to have a - almost like he said she said.

That's the official view and here's the view from the trenches and, you know, sign post it this is a bit of editorializing so you may want to do your own homework on this but, you know, here's how one person views it who's in it.

William Drake: Were almost out of time although we think we don't have anything next on our agenda and we can probably stay longer if you wish. But I will interject and maybe end this part of the discussion with a positive note. ICANN has just live a new who is portal that is the best by an order of magnitude -- I think -- piece of work they have ever done aimed at real users who are not already indoctrinated in this whole thing and, you know, it is not perfect but they have done a really good job from a perspective they've never done anything from before, I think. So maybe we're moving.

Man: Thank you, Ron. Being as you probably appreciate exactly how Whois things are done - there is some controversy in this community in particular, but...

(Unintelligible)

Man: Yes.

(Unintelligible)

Man: Yes.

I just wondered if you could just stay for two more minutes -- just quickly. Just further to the previous points -- I was just looking at the website of one of our sister constituencies -- and you can't even see who the members are.

You know, there is a publicly available list of - I don't want to name it, but it's a three letter acronym. But they have - about the blank constituency and then it says that there's three categories of members and only one of the categories has its members listed -- which is a fairly small list of almost all US-based organizations -- and we find ourselves negotiating with them all the time.

Now my view is that if you want to have a globally inclusive PDP process -- GNSO process, people should at least know who they're talking to. Also they have no publicly accessible LISTSERV and so on. So I do think that this is an issue that merits some attention.

Though on the previous points that we had talked about with the reconsideration thing - I just received a message in our chat from a colleague who's in the UK. I can just read it real briefly. This is from (Ed Morris) and he raises questions about problems of transparency pertaining to the whole reconsideration issuances.

"Lack of an effective appeals process for (unintelligible) -- the DIDP requests -- the only appeals mechanism available, a reconsideration or independent review request, fault reconsideration and independently review request, has standards standing that are quite high and generally an applicable to denial of documentary requests.

Has any consideration been given to creation of an appeals mechanism that will be more effective -- perhaps even grand thing the ombudsmen more power in this area in order to ensure staff actually applies the public interest test and only withholds documents when it has required. There's a compelling reason to do so."

So that point was raised and just in the event anybody has any problem.

William Drake: Well, we do have a recommendation saying that the ombudsmen's charter should be reviewed because - if only because the ombudsman is currently doing things which the bylaws don't really allow him to do. And, you know, it may well be needed to widen that. So again, comments are relevant.

But in both that ombudsman issue and in the reconsideration issue, we are not trying to be specific as to which problem to solve, but saying there is a

problem and it needs to be addressed by the community. So input is going to be very welcome hopefully.

Man: (Ed) also adds in the chat that since September 2012 84% of all be DIDP requests have been denied with staff citing to define conditions of nondisclosure policy. So again, you got some issues there.

Howie, are you leaving?

I didn't see it. Thank you.

Woman: I just basically wanted to add something to that. So yes, not only is there specifics on adding more to the ombudsman -- on adding an annual transparency report that brings out those kinds of statistics of how much has been revealed and such. There's also efforts to get far more types of both appeals and transparency into this whole part of the process.

But reinforcing it with notes that basically look at the sections of the report and say, you know, "These are indeed good, these need to be strengthened, these are places where you missed a point of something that can be added", would be very useful.

But that stuff is definitely the DIDPs and the ombudsman's role. And an increased ombudsman's role -- whistleblower policies and such -- happen. Recommendations have been made those issues.

Alan Greenberg: I'll give you the advice I give my own constituency -- that is at-large. Work on the assumption that there may well be someone who says, "Recommendation 4.6 is really stupid. Don't do it." And if you support it, say so. Now no one may object to it and all you're doing is reinforcing it, but there may well be someone who says any particular recommendation is something that ICANN shouldn't do. And if you think strongly that it's important that we do it, say so.

Man: Thank you, Alan. If there anybody else - you know, we're overtime - so anybody else in the NCUC community have anything pertaining to accountability and transparency and the reports that's been - draft report that they would like to share? Or does the eTRP group in return have any question -- outstanding question -- that you might want to ask us?

(Unintelligible)

Man: Just a reminder that (Art) just made in the public comment. Certainly...

Man: December 13.

Man: December 13. Try to do something about that?

(Unintelligible)

Alan Greenberg: And the earlier, the better. Have pity on us. We have to get the report out before the end of the year.

Man: No, no Christmas for you buddy. Or Hanukkah or whatever.

Woman: We already have no Christmas.

Man: Yes, we don't have a Christmas.

Man: Okay, listen. I want to thank you very much for coming and we really appreciate your time. And this has been I think a very constructive and useful meeting for us. So...

(Unintelligible)

Man: Well okay. Even better. Great. Glad to hear that. Thank you very much. Okay.

All right folks, then let's just take a couple of secs while ePRT (unintelligible) and others retake their seats and then we'll go on with our agenda.

All right everybody, can we retake our seats and move on along. Folks who have moved behind us can come back to the table if they'd like to. There are seats available.

(Unintelligible)

Man: Yes. We are America. America (unintelligible).

(Unintelligible)

Man: We just - we dig meetings.

All right. Are we - can we record? Are we recording now?

(Unintelligible)

Man: All right. We are recording and are we - is anything being shared as they say?

(Unintelligible)

Man: Okay. All right, great. So let's return then to our conversation. There are a number of prior items because the agenda was so packed and the meeting discussions with a little longer than anticipated. There's a couple of items that I'd like to at least briefly bring to your attention. And get any feedback and of course these are not things that have to be all resolved now, but just to know about them.

Just so I - we had gone through our staff regional outreach initiative. I don't know if anybody wanted to provide any kind of thoughts about the five-year strategic plan, or five-year strategy panels, but I only wanted to really encourage by putting this point on there, that we think about whether we might want to provide some sort input on these things. Because we typically don't respond to the strategic plans and the (Fadi) thing also -- the panels. And yet I think there are avenues for us to express views, and I would really encourage us to think about doing that.

It's a question of bandwidth for everybody, but it's something that, you know - it's on the agenda and other parts of the community when they meet. And they do try to provide some feedback, and it's something that we generally have not mustered the ability to do so.

So I don't know if anybody wants to add anything on either those points. We've lost some of our people. Seeing no signs of life. Yes, (Mireille), please.

(Mireille): I'm not sure why it is traditional not to provide input. I think that maybe it is overwhelming. We have several different panels taking place. So maybe we could, you know, have a priority of issues that we want to tackle, and maybe concentrate efforts in two or three of these panels that are more important to the community and to the goals of NCUC.

Man: (Unintelligible) to the strategy panels. I was merging both the strategic plan and the - but you're saying really, let's try to get juice going on these things. But, yes, absolutely. We could indeed there's, you know, four panels prior to the high-level and we could target. And it will be good to have a conversation about that, and if we have any input from people to try to muster some effort to provide written input.

Having said that, let me move then to other items that - just pick up a couple of other straight items. (Unintelligible) roundtable with (Fadi). I have sent messages to the - a number of messages to the (unintelligible). I think one or

two to the members list as well about this in the past without getting much response. But just to let you know, there is an ongoing discussion with staff -- with Rob Hoggarth in particular -- on the notion of holding a roundtable discussion with (Fadi).

(Fadi) does these with different stakeholder groups. He's held them with ISPs and others of varying sizes. And it's really for him an effort to hear views and make connections and get input from a wider variety of people -- including people outside the ICANN community.

And what we have discussed with was the possibility of holding a (unintelligible) society type meeting with him as a roundtable. What the staff has suggested would be a mix of inside ICANN people and outside. They were talking about maybe four NCUC four NPOC and eight (unintelligible) society actors, leaders from different areas of activity, who would come together and meet with him to discuss a range of issues.

And since this whole process has taken off with the post Montevideo trajectory and the Brazil meeting, what I suggested to him is that those things could be tied together. That's to say that we could use this as one more element to try to help to facilitate (unintelligible) society engagement and promote greater awareness about the activities of (unintelligible) society groups within ICANN.

And so they're interested in that idea and we're looking at the possibility of perhaps having a meeting -- either in Istanbul or Washington DC -- in the first quarter of January if it's possible. And if not, maybe in the second quarter.

And so when the time comes - when staff is able to provide more clarity about possible dates and so on -- and venue, we'll then go back to the members list again to say here's what's happening, what kind of agenda items we'd like to take up and we would have to determine - to select our part of the bodies that would be at the table.

But I think that it's a nice thing that (Fadi) is asking for this conversation. And I think it could be useful to us in relation to some of the other activities. Any comments or questions about that?

All right, then the Singapore policy conference - I simply wanted to say again, I submitted a proposal for funding last year and have received the funding commitment from ICANN staff. On Friday, March 19 we have a full day policy conference in Singapore.

To organize that will take a lot of time and effort over the next four months - not even. And we will meet to mobilize a program team -- as we have when we've done previous policy conferences -- and to figure out how to handle the logistical dimensions and the funding of the meals and things like that. They will provide the rooms, they will provide the technical support, etc., etc., etc.

My suggestion -- which I raised with Robin and Milton and others over beers and coffees at this meeting -- was that given the timing and the fact that this is one month before the Sao Paulo follow meeting, and given the importance of the issues, it could be potentially very useful if we focus this on ICANN and changing the global Internet governance landscape, and where to do -- for example -- sessions around some of the big topics that have been proposed as focal points for the Sao Paulo meeting -- such as principles, such as evolution of institutional mechanisms and so on.

We could have -- one could imagine a session on principles, a session on the US government roles and strategies for evolving that overtime, a session on other kinds of Internet governance issues that might be taken up by - so-called orphaned issues and so on. And we could, you know, we could do this and if we had background papers provided to noncommercial folks to feed into the official process by March 1 -- that's the deadline that (Fadi) gave for when inputs from the (unintelligible) and other actors, would be expected for the Sao Paulo meeting -- those could serve as well as background for the

conversations we would have in Singapore. And hopefully in Sao Paulo we'd be able to bring in more Asian voices, etc., too.

So I think it's a good opportunity that we have this funding. It turned out to be propitious, I think, with what's happening. Does anybody have any thoughts about this proposal? Or is anybody interested in saying now that they would like to help in developing the program logistics and other things or anything?

Okay. So the smirking guy is waving at me and so would you wish to express something, Milton, or simply just to wave?

Just wanted to smirk. Wait.

Okay. So surprisingly, Milton would like to be involved in programming. Okay. And Robin as well. And Rafik and Roy. Well, good. So, okay, and Maria. So I think we've got the core of a team to try and take this forward. And let's follow online and so on. Anybody else have any - hopefully we can get others involved as well in this. Any thoughts about the proposed focus for the event? Does that sound feasible to people?

Yes?

(Unintelligible)

Carlos (unintelligible). Wonderful. Carlos, I didn't see the chat.

Man: Brendan.

Man: And Brendan. Okay, cool. And David. Okay. So we have a lot of people who are interested in the topic and interested in making it happen, and the last two times we've done it -- San Francisco and Toronto -- the conferences were very well received and I think were very useful to NCUC and the community. So we will do that.

All right then, having gone through those items, I think we can turn to the last major item on our agenda: bylaws revision.

This is a topic that is has been debated on and off in bits and pieces for a while. There were efforts a couple years ago by some of us to play around with the proposed revisions of the NCUC bylaws -- which really think back a decade or so and are quite out of date and disconnected to how we actually operate in a number of important respects.

And the efforts to try to propose revisions - we had a Google Document that Avri and others contributed to for a while. We had other versions. (Constantinos) played with the version for a while. There were various efforts and none of them ever actually came to fruition. And then we had a conversation again this year with people (unintelligible) who said they'd like to see that move forward.

(Ed) and Tapani said that they would take the lead in cataloging this and announced a group. And a test group was formed of members and I think that they had one call. But it turned out that in any event, anything we did now would not be able to be approved until the 2014 election unless we were to do a special kind of vote. So we decided - we decompressed a little bit and said let's try and take this and get it right.

And so I stop there and say: why don't we talk a little bit about the general problem and then there's a specific point, which is the policy community. Tapani, would you like to provide a little background further on...

Tapani Tarvainen: Okay.

Man: I'll be first and then Tapani will (unintelligible).

Avria Doria: Yes, this is Avri. This subject usually makes my brain boil. Because what you've got now is a charter that - the current charter is basically totally out of sync with the NCSG charter. If the NCSG was to ever review your charter they would have to decide that it was an invalid charter because it is not compatible with the NCSG charter.

The edit I made on it shortly after the NCS charter was approved, was to make it consistent to the NCSG charter without changing any of the structures or any of the principles. Just to basically move everything into alignment. And that has basically just sat there gathering dust, mold, whatever, for two years now I think. No. Yes, about two years now.

People have said, "Gee, there's stuff we'd like to do in addition to that." I don't know that will ever be able to decide to change other stuff than that. But the charter is out of date, the charter is not a legitimate charter for a constituency within the NCSG. In fact, if the NCSG wanted to be hard about it they could actually kick the NCUC out of being a constituency because they hadn't bothered to fix their charter. The NCST charter would give the EC that ability.

So now the NCSG EC has been benevolent and - or whatever, and I fortunately wasn't on it. So my brain boiling never inspired me to say, "Let's force the issue." And especially with Ray's and the other - whatever he's calling the evaluations of constituencies, you know, to see how - what is he calling those? The constituency audit or the something. Yes, he had this audit name.

At the moment if the focus were to come on NCUC -- and given NCUC's ability to make people pay attention to it -- it remains of a liability for the constituency. So I would still recommend that you get a charter that is consistent with the NCSG charter -- that you call an immediate vote on the charter as it exists -- unless you can get a new charter within two or three weeks. But the longer you keep it, the more it's a liability. Thanks.

Man: Okay. What do you - just very briefly - what do you see as the primary areas of incompatibility between the NCSG charter and our - I'm not quite...

Avria Doria: You have to do a (unintelligible) one the charters. The charter that I've left you with -- the edited version was consistent to the NCSG. I don't remember. There were lots of little things all the way through but...

Man: You're talking about the Google Doc that we had where we were all commenting. By the way, what is the real difference in ICANN land -- I don't know this -- between bylaws and charters?

Avria Doria: Bylaws is what ICANN has at the top corporate level. And constituencies and stakeholders have charters that are blessed by the board, whereas bylaws are blessed by the board but have a whole other process...

Man: But ours is called the bylaws.

Avria Doria: It's a charter.

Man: Should that be?

Avria Doria: Whatever you call it, it's a charter.

Man: We should redo it and it should be called a charter. Okay, that's just something I just wondered about. Tapani?

Tapani Tarvainen: Yes, it seems like Bill and Avri have stolen most of my points I was going to make. That we really - during the EC work we discovered that at some point - some difficulties, and how this should be done and went to see the bylaws and discovered the bylaws don't cover the solution -- that there were lots of inconsistencies not only between the NCSG charter, but with itself. It hasn't been updated (unintelligible) and the last update was done a bit hurriedly.

When you look at in particular how many individual members we added, they were added in some places and not in others. So you have some places where that really don't doesn't really work unless you do some creative interpretation (unintelligible) work with individual members. And there are gaps in the situation. (Unintelligible) don't really specify who should be doing (unintelligible) chair so it's his responsibility.

And we also found that it doesn't really match very well how the it EC actually works, which is kind of bad, among other things. And we don't have a polinty committee. We're supposed to (unintelligible) decide if we should have and so forth.

But without going into too many details, I would like (unintelligible). I can't seem to get the chat. Can you type in the URL for me? And if you can read it. That's pat.ncuc.org/p/bylaws. I have a little outline of the thing and then we added the brainstorm section that everybody can add whatever they think should be or could be done in the bylaws. pat.ncuc.org/... That's pat.ncuc.org/p/bylaws.

It's actually looking for everybody to add ideas and that has been happening. We have quite a lot of things in there. If you look at the brainstorming section you'll see various things - how things could or should be done. We have been discussing about how existing committee should be set up. We have been suggested multiple members for each and how it should work with residence because (unintelligible) geographic -- should that be or not? And so forth.

But at this point I don't see there is all that much good in going through all this in detail. There's nothing (unintelligible). Please put this down if you're interested in - add your notes in here or join the list. We have a mailing list for (unintelligible) bylaws revision committee of sorts. Anybody of the NCUC can join and argue about these things.

I might bring up some issues -- for example at the moment the bylaws, or charter as it were, are very (unintelligible). Just about lending everything is a test due to the chair. So (unintelligible) are pretty heavy, and having the vice chair maybe might be a good idea, and some kind of delegation of duties.

And likewise, we have a secretary of treasury, which as a combination doesn't really work. And it should be split up -- have a separate secretary and a treasurer and so forth. But I don't think I'll go all this through.

Okay one point that has been an interesting item: the membership dues -- which you haven't been collecting ever as far as I can tell, even though bylaws (unintelligible). So okay, I think that's enough at this point.

Man: Thank you, Tapani. Milton?

Milton Mueller: When were - the bylaws that we have now, when were they written?

Man: I remember a revision in 1999 - or 2009.

Speak into the mic.

There are people not here.

Man: Yes, it would have been sometime around 2009 when - we had to redraft when we created the stakeholder groups and restructured the GNSO. We had to revise our bylaws in order to conform to the new requirements of being a constituency within the new stakeholder group.

Man: Right, I remember that because I had just joined NCUC and the council. But that was just a bit of -- as I recall -- a bit of a quick update to certain dimensions. I mean, the core of this text dates back...

Man: It dates back to the formation of NCUC in 2003 after the first deform of ICANN -- excuse me, reform of ICANN -- when they abolished the membership and created the new constituency.

Man: So there's just like a lot of areas that are not - a lot of topics that are not specified that could - even in the context of the election. Like, I received a message from somebody saying, "What if I want to stand for two positions at the same time in the election?" And I went and looked at bylaws and said, "Well there's really nothing in the bylaws that would prohibit that. But it be kind of weird."

But I mean what would happen then if the person actually won? You know, like if they stood for chair in a regional position, right, and they won them both? Then what would be I guess would be one (unintelligible) pick or - you know. I mean it's just a lot of things we've never thought about, you know, that if you have a properly functioning thing it would be good to try to address.

So I think it would be good for people to try to help out and understand your frustration. This has sat there for a long time. Nobody felt - it's not a new problem. It sat there for a long time. Nobody felt compelled and was times that we said, "Well, maybe we'll get rid of constituencies and have an integrated stakeholder group so that it won't even matter." But I mean as long as we do exist, we should have bylaws to conform with...

Avria Doria: Yes, I think, you know, at this point the idea of waiting another year until you have another election is problematic. And that you really - I would recommend that, you know, you decide on something like a month from now we're going to vote on the new charter. And that you start getting the vote prepared. I mean you're going to have elections in anyway, right? I don't know, it seems like it's something that's worth just getting done as it was just having it hang there.

Man: But it has to go through the board.

Avria Doria: You get to approve it, it has to go to the NCSG EC. The board - if the NCSG EC -- which is the one that has to approve it because it is local -- so the NCUC approves it, the NCSG approves it. All the board does is it gets notified that it's happened. It looks and says, "Yes, there's no issue". If there's an issue then they send it back. And we had that with the NCSG charter.

But at this point it really is the NCSG that is the reviewer and approval point once you all have signed -- once NCUC decides, you know, what it wants in a charter.

And it just have to be consistent with the NCSG charter. Anything else -- for example, NPOC -- even though in NCSG takes individual members NPOC was able to say, "But we don't want them", and that was their option. So as long as you meet the conditions of the NCSG charter, you can then constrain and shape it anyway you want to.

Man: Just to say that my conversations with Rob - he gave me a very different idea of the order in which these things have happened.

Avria Doria: Read the charter.

Man: No, I know. But I mean what he told me was no, if you're going to revise it, you're going to need to work with staff and by extension the (FSAC) in the process of devising it, and then they would have to sign off on it before you voted. There's no point in you voting.

Avria Doria: I don't believe that's the case, but I'll confirm that. But I don't believe it's the case.

Man: Okay. Tapani.

Tapani Tarvainen: Yes, just a little point. I think we are trying to follow the current charter. We can't change it until next general election. Because the only way to (unintelligible) for changing itself is in the general election. No special election is allowed for that.

Avria Doria: But don't you have an election coming up real soon now?

Tapani Tarvainen: Yes, but we won't make it in time because that starts tomorrow.

Avria Doria: Bummer.

Man: Again, we were told by staff that there was no way it could happen this year. So that's why. Anyway - but there is one important issue I think in particular that we should try, and I like if we can - we've got 12 minutes left and I know everybody's exhausted. We didn't take coffee like everybody else does. But just - this is an important point I think.

One thing that is -- and Tapani mentioned it -- is mentioned in bylaws, is that there should be not only an executive committee but a policy committee. And when I joined NCUC I think that there was a policy committee for a while, but then it kind of drifted away. And for a long time NCUC kind of tended to just make policies, statements and so long through rough consensus on LISTSERVs and things like that.

But there was not a very formalized thing. There's a NCUC - there's a policy committee LISTSERV that's on Robin's server -- which I looked at recently -- and it's been a couple years since anybody submitted emails to it. But we can reboot the policy committee anytime we want. We can re-create it and then we would have a legitimate procedurally correct way of formally adopting policy statements and so on, rather than kind of either loosey-goosey doing it or saying, "Well, we can't do it." So I think it be good if we could do it and hope that people would support that. Robin?

Robin Gross: No, I was just going to say that the way the NCUC policy committee used to work under the bylaws was that the counselors were the members of the policy committee. The NCUC elected counselors to the GNSO counsel.

So when we did our change to the NCSG then it didn't make sense anymore because the counselors then became NCSG counselors and not NCUC counselors. And so that's what the policy committee used to be and it doesn't really fit in this current model.

Man: Understood, and indeed -- looking at the text online -- the policy committee does have representatives in the GNSO counsel as it's members. But we have also had - I recall when I joined I think there were other people that were on that LISTSERV where we talked about stuff and - in any event, the way we do things is through general checking with each other, rough consensus -- whether everybody's on board and stuff -- and then we just said it.

That's not really quite correct to do it that way. So I think we can have a new policy committee. But obviously if it's not simply made up of the counselors then it wouldn't be completely consistent with what we've already got on paper. Yes, (unintelligible)?

Man: This is (unintelligible). I just wanted to support Bill in the fact that we do need a policy committee. It's really important as a constituency. With every PDP there is always a request for input from (unintelligible) constituencies of the GNSO. And we do need to have a point a process in place with members of a policy committee who would be committed enough to provide responses to that in a timely fashion so that the UC could have input into the different the various working groups in the GNSO. I think it's really important.

Man: Yes, Robin?

Robin Gross: You actually could be consistent with -- and I haven't with those words -- if you just include the GNSO council members that happen to also be NCUC members. And then it sort of matches. Of course you really should have more people than that because those people are already doing other stuff. But if it says the counselors from the NCUC should be in the policy committee, well, that's all but one at the moment. So you could have, you know, you could do it that way. Tapani, does the actual - I forget the wording - say "and no one else"?

Tapani Tarvainen: No.

Robin Gross: Right. So then you can add other people to it as much as you wanted. And so theoretically you already have a policy committee. It's the five NCSG council members who happened to be NCUC members -- as much as I hate finding myself on yet another committee.

Man: But the text actually says, "the policy committee will be co-chaired by the constituency representative to the GNSOI counsel", and then it just says, "GNSO council representatives" and then lists some things about them. There's no other provision that says these are the only people who can be on the...

Robin Gross: So I would...

((Crosstalk))

Man: The other problem of question is the interrelationships between NCSG and NCUC. All of our counselors are already on the NCSG policy committee. Would they want to be signed up for another posted constituency level policy committee? We certainly don't want to do redundant work.

I think part of what happened also is with the creation of the stakeholder group is that we really consciously did move most of GNSO counsel facing

discussions and actions to the (SG) level, right? So it's not that we haven't been doing anything, it's been going through the end NCSG policy committee. But there are times when the NCUC as a constituency might want to say something separately. You know, and that's what I'm trying to envision.

Man: Just as a counselor, I'd like to add a suggestion that we basically keep the NC - if he and CSG policy committee is probably the appropriate place to do Council business, but there is a real me - the council is not all policy, right? We really - it would be great if the end CUC policy committee was, you know, make sure that we got comments seen the public, comments made sure that we wrote other documents and basically helps do some of the other policy work that should be done at the NCUC level.

That idea , you know, that the NCSG deals with counsel policy committee deals with counsel, NCUC deals with public comments and other inputs would be really - it's having a good division of labor to me and sounds you see useful make NCUC policy committee useful, gives it a role.

Man: Milton?

Milton Mueller: No problem.

Man: Thank you.

((Crosstalk))

Man: Usually has the capacity to have two policy committees. I mean it seems to me that we have people writing things, we have a very limited number of people who could actually write policy statements, policy comments. We have a larger number of people who can comment and provide (unintelligible) and advice

But (unintelligible) fundamentally were dealing with a handful of people and why should we reproduce the structures that but at the constituency level and the stakeholder group level. Isn't there a path for anybody coming to UC to develop policy and if it doesn't get consensus happiest you little bit maybe it will get consensus at the UC level.

But I'm just - I don't want to reinforce these arbitrary structures and perpetuate them. I want to erase them ultimately and I think our biggest problem is just having people who will wrappings rapid time to do that is not enough about the issue. It's not a question of whether it's NCUC or NCSG.

Man: I certainly agree with you with the bandwidth issue. And certainly would not want redundant structures drawing in the same people necessarily. At the same time even in the example you give Milton, there are times when we can't do something with NCSG level because we don't cheer from the NPOC representatives.

Now there have been times when I think that is NCSG just as well - we declare that it's rough consensus anyway because they have plenty time, but that's not it always does not always desirable. So then we had situations like for example just the recent statement about the privacy studies, right, In the (unintelligible), where we couldn't get it as an NCSG document so then we say okay let's drop it down to NCUC.

Well we don't have a process. Under our bylaws for NCUC anymore two - absence of policy committee the executive committee can't say yes, sure sign it. That's not right. Because the executive committee under our bylaws has no role in doing that for one thing. And I do care can't just say yes it's good enough. I'm kind of used to do kind of new things like that but if you wanted to be technically correct it's just not right. Yes?

Tapani Tarvainen: Well, I guess they definitely it would be (unintelligible) duty to the executive committee as well. I'm not sure that would be ideal, but we should do that at the (unintelligible).

Man: Milton, in principal I think you're absolutely correct. Redundant work is not something we need right now. But the fact is that - I'm not just talking about public comments, I'm talking about actual participation and working groups.

During the course of every working good now, if you look at charters, every charter meant it's the working group forgetting early inputs from the constituencies of the GNSP and on more than one occasion the input from the two consistencies in the NCSG was not - will not necessarily conflicted, but not perfectly aligned.

And we do need to get our comments and early on if we want to have any effective participation as a constituency in these working groups and so we do need a process within the constituency to get this done.

Man: Right, so anyway I think it's 12:30 and we can rest wrap this. But I just - it's an issue that I think we have to resolve. I think that I would say that while the bylaws do say counselors, there's nothing that precludes others from being on it as well. We could create it. A small policy committee and there's nothing specified about what weather it votes or there's consensus or how it does it, so as long as we got something that decision clear through so that were able to respond with a situation arises like it did (unintelligible) text.

To me it's pathetic to send in a statement signed by some NCSG members. I mean, that's what we did on this last text with like 10 of armies. That's pretty lame. If you can't get it through the stakeholder group but everybody in the constituency agrees with it pretty much, and you don't have a mechanism to even do that but then you that's not good.

So this is the other thing that, again, I hope that we can after the election rebooted and again, you can expect the people on the EC who were elected to do all this stuff. So we have to have some help from the constituency to make all these things happen.

So all right, any last (AOB) - any other business before we shut down and go eat lunch going? Rafik, are you waving at me? Okay. And incoming chairperson of the NCSG (crosstalk).

Rafik Dammak: That's why you need to find a replacement at least into me (unintelligible).

Man: Yes, the new EC as its first start of business will do a series of putting people into appointments and we will ask the membership here's the positions that are open, these need to be done urgently and will try to make it happen before Christmas.

Rafik Dammak: Yes, I'm talking about at least for the EC because I own you need somebody.

Man: Right, I understand. Yes.

Rafik Dammak: No, at least interim replacement you know.

Man: You mean you're talking about right now?

Rafik Dammak: I mean, someone interim (unintelligible) decision for.

Man: Okay. Yes, Robin?

Robin Gross: Yes, I just really want to support Rafik on this because the executive committee is really overloaded and we need and then turn person while you know before you make before these other things happen. Because this isn't going to be until, you know, mid to late December at the earliest. Maybe January before these appointments could meet, right? And we need help

now. So is that - if we could have it and into an appointment that would be enormously helpful.

Man: Okay. So we're talking about replacing roughly as an intern member of the executive committee of the NCSG. That's our most pressing. All right. We can pitch that to the existing executive committee. Hopefully enough people respond that we can make an appointment. Okay. I want to thank you all for your endurance. Three and half hours without coffee shows that some of the society is deeply committed to the multi-stakeholder (unintelligible). Robin is trying to say something about the NCSG meeting this afternoon.

Robin Gross: Yes, I just wanted to say the time in the room number. It's from 1:00 to 3:00 in Martin (unintelligible) 12, so please come.

Man: And I'm just received - I have to say in email from Carlos Afonso and wherever he is in Brazil saying that he is of course except the nomination to the executive committee. So that means happily we shouldn't have I think a list of people risk of people being the sole candidates for a lots of the EC and then they say no. So that's good. So all right, thank you everybody for meeting and see you in an hour or so at the NCSG.

END