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MARRAKECH – CCWG-IG F2F Meeting  
Wednesday, March 09, 2016 – 10:45 to 12:00 WET  
ICANN55 | Marrakech, Morocco

OLIVIER CREPIN-LEBLOND: Before we start, if anybody is sitting in the back seats, please, you're very welcome to take place at the table. That will be helpful for everyone, and then we can also even go on a quick tour of who is in the room as well. Quick introductions. Is the recording on?

Good morning everybody. Welcome to this face to face meeting of the cross-community working group on Internet governance. Today is Wednesday, the 9th of March. We have an agenda that has just two main topics. The first one is a preparation for WSIS Forum workshop that would take place in Geneva, and the second part is a discussion on the purpose of the working group, effectiveness and providing guidance to staff. That will be the bulk of our discussions today.

Before we start, I think we can go on a quick introduction around the table of who you are and with what constituency or community in ICANN. Let's start with the gentleman on my far right and we'll go around. Thank you.

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

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FLAVIO WAGNER: Flavio Wagner, member of the board of cgi.br.

DIEGO RAFAEL: Hi, good morning to you all. I'm Diego and I work for cgi.br advisory team.

JAN SCHOLTE: Hi, I'm Jan Scholte, I'm at the University of Gothenburg.

JÖRG SCHWEIGER: Jörg Schweiger with .de representing new ccNSO.

ANDREA BECCALLI: Andrea Becalli from ICANN.

OLIVIER CREPIN-LEBLOND: Just before we go, there is a laptop that's actually at the base here that I think needs to be muted. Go ahead.

JUDITH HELLERSTEIN: Judith Hellerstein with At-Large.

NIGEL HICKSON: Nigel Hickson, ICANN staff.

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TAREK KAMEL: Tarek Kamel, government engagement and IGOs engagement, Geneva, ICANN.

YOUNG EUM LEE: Young Eum Lee, .kr co-chair.

OLIVIER CREPIN-LEBLOND: Olivier Crepin-Leblond, co-chair of the working group for At-Large.

RAFIK DAMMAK: Rafik Dammak, the co-chair for the working group from GNSO.

MARILYN CADE: Marilyn Cade, I am [inaudible] with the working group from the BC.

MARK BUELL: Mark Buell from CIRA.

ALAN GREENBERG: Alan Greenberg, chair of the At-Large Advisory Committee but here on my own capacity.

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BOB OCHIENG: Bob Ochieng, ICANN staff. Thank you.

MARY UDUMA: Mary Uduma is my name, .ng but I'm here on my capacity as the convener of Nigerian Internet Governance Forum.

GANGESH VARMA: Gangesh Varma with the Centre for Communication Governance at the National Law University, Delhi.

RENATA AQUINO RIBERO: Renata Aquino Ribero, Federal University of Ceará and NCUC.

OLIVIER CREPIN-LEBLOND: Okay, thank you very much, and I know there are other people in the back that I did ask if they wish to come to the table.

APARNA SRIDHAR: Aparna Sridhar, Google.

[VAN BENTLEY]: [Van Bentley] with Amazon.

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MANDY CARVER: Mandy Carver, ICANN staff, government engagement.

OLIVIER CREPIN-LEBLOND: And it was Audrey Plonk from Intel. Right, so first agenda item then, let's get moving swiftly, the WSIS Forum preparation. Last year, the working group had a workshop at the WSIS Forum, which looked at the process behind the cross-community working group on IANA stewardship transition. It actually invited people from the IETF and also from the regional Internet registries and the ICG, and I think we gave a pretty good presentation of the process itself. Not of the actual proposal itself, because that was at the time not quite complete. Of course, it's the explanation of what the proposal is is really the remit of the cross-community working group on IANA Stewardship itself.

This year, a few of us came together and thought, well, are we going first to have the working group have a workshop at the WSIS Forum? Secondly, if yes, then what kind of a topic should we have? There were a couple of calls which discussed the matter, and it was decided that perhaps a workshop on the process behind the cross-community working group on ICANN accountability would be interesting for participants.

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Just to remind you, the WSIS Forum is co-organized by several United Nations agencies and it takes place at the ITU headquarters in Geneva. Is it in May?

UNIDENTIFIED MALE: 4th to 6th.

OLIVIER CREPIN-LEBLOND: 4th to 6th of May, so we have a bit of time to prepare for it. First, we have to look at whether we're okay and in the clear for taking the topic as CCWG accountability, and secondly, we have to also find out to what extent we want to go into the proposal itself. Should we focus purely on the process, or should we go further and also explain what the different parts entice?

I see Marilia Maciel has joined us, just for the record as well. Welcome, Marilia. Thirdly, we also have to start thinking about the potential speakers for this workshop. Of course, we don't know who will be coming to Geneva and who won't. I will be. I've already booked my tickets and so on, so I'll certainly be in Geneva, but I don't know if any others around the table will be. We could do a show of hands if anybody is. Let's do a show of hands who is going to be in Geneva for the WSIS Forum so that we at least know. We have Tarek. We have Marilyn.

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UNIDENTIFIED FEMALE: I'm not sure yet if I'm going. I might be.

OLIVIER CREPIN-LEBLOND: Okay. Yes, Marilyn?

MARILYN CADE: Perhaps we could just add later an actual – as we talk about the agenda, because I think in this case for that particular topic, we really need the chairs of the CCWG accountability. I don't look at us actually – I myself, I expect to have some other commitments, so I expect to be a cheerleader but not necessarily a participant. So perhaps we just come back to the difference between organizing an informational workshop about the CCWGIG and what it does versus this particular expert.

OLIVIER CREPIN-LEBLOND: Yes, thank you Marilyn, and indeed we are lucky to be all face to face here, so if we do decide that it would be great for the co-chairs of the accountability CCWG to be in Geneva and be present there, that would be a good, opportune moment to go and speak to them right away and we could immediately get a commitment.

TAREK KAMEL: Two out of Europe anyway.

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OLIVIER CREPIN-LEBLOND: Two out of the three in Europe, indeed Tarik, thank you. Let's first look at the actual proposal. It looks like if we're going to have the co-chairs of the accountability group, then we are not only going to look at the process, but might also engage in presenting what the actual proposal is. Of course, bearing in mind the proposal is still under discussion in a couple of constituencies or communities in ICANN, so hopefully by then it will have gone a bit further. Marilyn?

MARILYN CADE: I don't know if everyone is familiar with the WSIS Forum, so let me say a few words about the WSIS Forum, its format, etc. I know Intel is here and they're very familiar with it as the private sector because they actually a co-sponsor. There's not a lot of the business sector that participates in the WSIS Forum. This year, the forum will be somewhat different than it's been in the past because it, too, is addressing the implications of incorporating the UN sustainable development goals. The audience will include, the attendees will include a significant number of high level government representatives, and I think that's something to keep in mind.

They are usually there the first two days, sometimes stay over for the third day. It's a five-day forum, but the last day is really



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taken up dealing with more the action lines, etc. Ideally, we would be on day two or the morning on day three, and we could expect to have some really good opportunity I think to give factual information about the outcome, and also the stages in an easy to understand graphic, et cetera. Except for the experts we import, of the 2000-2500 attendees, the level of deep understanding of this is not there, but there is deep interest.

There will be a few experts, but mostly it is people who are concerned about the security, stability and resiliency of the Internet. Understanding a little bit more about how this fits into the larger issues, is this related in some way to the overall purpose of the WSIS Forum? If our new CEO is there giving a high level speech on day one, for instance, which has been typical, that would be something to take into account as well.

OLIVIER CREPIN-LEBLOND: Thank you, Marilyn. Tarek Kamel.

TAREK KAMEL: Thank you. Thank you, Marilyn, for giving this overview. Nothing is sure, but I expect that Göran, the new CEO, will not be speaking on the first day because he will not yet be at that moment officially a CEO, because he is taking the office on the 23rd. So he might come, I don't know, but probably not in his

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capacity as a CEO. The good news is that Akram might come as such, because there is another session that [inaudible] might organize related to a new round of gTLD program and the lessons learned from the gTLD program.

The other thing that I want to put on the table is definitely because this working group has been very useful and definitely very effective with the community dialogue and enhanced really the input to all of us from the community, so we need to make forward that we demonstrate that and continue with that while we move forward. We might have a booth. Nigel is still working on it, so if you can help us from your point of view to organize this booth – We'll take the financial burden and man it and make sure that it has the right information – I think we would be delighted.

The last comment, I want to say I think maybe if we stick to the process, it might be better because I'm not sure what are the rules by NTIA discussing the proposal publicly after it will be delivered as such because they have a period that they will be specifically under UN auspices and within UN premises as such. Let's look into that. Process is fine, but the details are not. Where are they exactly? This might be, so let's discuss that with the CCWG, because the US government might have their own process in the evaluation. Thank you.

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OLIVIER CREPIN-LEBLOND: Tarek, the actual proposal, slides and so on are public though.

TAREK KAMEL: That's right, but is it awareness or is it feedback with this community? The proposal has been delivered. It will be evaluated. Are we getting feedback back? Let's think about it.

MARILYN CADE: Sorry, let me clarify. I meant a timeline which would say approximate dates. I did not mean more detail, but we can come back to that. Might I just – as this is the week which did have International Women's Week – suggest we might want to person the booth.

TAREK KAMEL: Thank you. I'm not a native English speaker, so don't count on my English. This is the expression I know, but if there are other expressions, that's fine.

OLIVIER CREPIN-LEBLOND: Okay, thank you everyone. Yes, please, go ahead.

GANGESH VARMA: Hi. My name is Gangesh. I was just wondering maybe from the description of the proposal that has been accepted, wouldn't it

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also make sense to look at the process that the CCWG went through as a testament of the multistakeholder model and discuss that as well, not just the outcomes of the proposal itself?

OLIVIER CREPIN-LEBLOND: Thanks, Gangesh. I think that's the actual focus indeed. In any case, the process itself would be discussed. That's undeniable. The question is whether we would also go into the proposal itself and explain what's been proposed.

GANGESH VARMA: I just want to clarify, I'm not sure if the wider [business] audience would be interested in the granular details of the proposal. Just that.

OLIVIER CREPIN-LEBLOND: Thank you, Gangesh. Probably just an overview, I don't know, but I think judging from what Tarek has said, we probably need to first check with the CCWG accountability and maybe we need to take this as an action item to find out to what extent we can publicize the contents of the proposal. I'd see it as a [public aid]. Publicizing it, it's not something where we're asking feedback from participants, except if they're praising us for what we've done, so we'll have to take it this way. I think we've got a good idea on the having the co-chairs of the group.

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That's an excellent idea. I wonder whether we should also have at least one of the co-chairs of the stewardship group because the two are closely linked together, and it would be interesting perhaps to show that there is the link. Finally, with regards to other participants, I'm not quite sure whether we should need anybody from ICG or not. That might be stretching it a little bit further, because it's not directly related. The ICG has just been a channel to the submission process. Marilyn Cade.

MARILYN CADE:

Let me suggest that we perhaps need a little more thought and information, and we may need to postpone some of our guidance and feedback and deal with it via virtual communication. But for instance, again, the WSIS Forum is heavily attended by governments, so I think it would be very helpful to have the chair of the GAC or one of the vice chairs invited, and perhaps we can think about – first of all, let's reach agreement on the purpose and the scope. Then we can perhaps color in the panelist seats, so to speak, in more detail. I think it's going to behoove us to wait until the fat lady sings so to speak, since we're close but we're not yet done. We'll know more by the end of the overall ICANN meeting.

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OLIVIER CREPIN-LEBLOND: Thank you, Marilyn. Any comments on having the chair of the GAC as well?

UNIDENTIFIED MALE: He's in Switzerland.

OLIVIER CREPIN-LEBLOND: He's in Switzerland, so he doesn't live too far. Just an hour away, I think, by train. Mary?

MARY UDUMA: Thank you. Mary Uduma from Nigeria for the records. I was wondering whether we are assuming that the audience who are going to be participating know much about the ICANN and the ICANN processes. I'll just tell you what happened this morning when I attended the AFRALO NGO and some of the questions that were raised there. That means that several people out there don't even know the process in ICANN. Just like the high level that happened on here, it's like if you have a toothpaste. You're pressing it from the middle. Some are this way, some are the other way, and they don't know very much.

So I don't know whether you think that it will be – before you discuss this, will be necessary for you to at least for them to understand how ICANN processes go. Again, the challenge with

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our government is the fact that, yes, you said we have a ccTLD, we have our country code TLD, and you can give it to anybody. ICANN can give it to anybody.

How should that be? Those are things that are of interest to them before. This process is fine, but there are basic, fundamental issues or processes that this group, this audience may not have understood about ICANN processes. I don't know whether you can chip in there, and again, whether you're going to make your presentation at the high level meeting. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much for these comments, Mary. Nigel Hickson.

NIGEL HICKSON: Yes, thank you very much. Nigel Hickson, ICANN staff. Perhaps I could just briefly mention what has been arranged so far, Olivier. As you know, this cross-community working group has discussed our presence of the WSIS Forum over various calls and it's been very constructive. The WSIS Forum has an open consultation phase. The ITU hosts the WSIS Forum, but it's put together with the cooperation with various other UN agencies. The open consultation phase allows all stakeholders to essentially input into the agenda, to input into the process, to input into prize applications and a number of other issues.

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So we, the staff on behalf of the cross-community working group put in a proposal to have this accountability session, and we have a placeholder agenda item. It's not determined yet exactly when it will be, but we had been told by the ITU secretariat, the WSIS secretariat that we do definitely have a place for the workshop, and as Dr. Kamel mentioned, we also have a –

TAREK KAMEL: Tarek Kamel. [I'm not a doctor.]

NIGEL HICKSON: Tarek Kamel mentioned. I was being very formal. We also have a place for a workshop on the next gTLD round as well. These will be in the week. The agenda for the week is such that the Monday comprises of workshops and presentations and forums. The Tuesday and the Wednesday are the high level segment, so the Tuesday morning is taken up with an opening session and then a plenary panel, and then most of Tuesday and Wednesday morning is taken up with statements from various participants.

As Tarek said, probably ICANN will be able to, at that point, make a statement from a high level official, etc. Workshops take place on the Thursday and on the Friday, so it's a relatively structured agenda, but we do have our two workshops confirmed. We also, as Tarek mentioned, have an opportunity to



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have a booth where we can display ICANN related information, information to do with the community and any other community groups, as this working group thinks fit. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much, Nigel. I was just going to quickly follow up on this. Does the working group session have any chance of making it to the high level part of the meeting or not, as Mary had alluded to earlier?

NIGEL HICKSON: The high level part of the meeting is a separate format. They don't overlap, so our workshop wouldn't be while the high level meeting is going on, but clearly, speakers at the high level segment can introduce the issues, can talk about the overall ICANN process and why we're doing this particular workshop or whatever.

OLIVIER CREPIN-LEBLOND: Thank you. Marilyn Cade.

MARILYN CADE: Thank you. I'm sorry to make this a dialogue and to take the mic again, but I am here on the working group officially as a representative appointed by the BC, so I need to express a

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concern, speaking as Marilyn Cade, an individual BC member. I'm a little bit concerned in hearing that ICANN staff are proposing a workshop about the new gTLD round when we have not agreed in the policy development process about how this will be addressed and whether it will be addressed and when it will be addressed. I was just in the GAC with the GAC and the board meeting, and I feel a little bit like we might be creating some misunderstandings about decisions that have already been taken.

I understood from the statement made by the ICANN staff that it was the next new gTLD round – perhaps I misheard – and lessons learned. I think lessons learned, frankly, if you listened primarily to the feedback from the GAC about the lack of PICS, about safeguards and about the lack of applications from developing countries, we would have a sad workshop, which would be unfortunate. I don't want to have a debate with the staff about this. I want to express a concern so that staff are aware that at a constituency level, there may be concerns about timing until policy decisions have been taken about whether and when things will go forward and how they will go forward, and in what mechanism, in what form.

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OLIVIER CREPIN-LEBLOND: Thank you for this, Marilyn. I don't want to go further into this topic, because I don't think it's core to what we're discussing now, but I will allow you an answer, Tarek.

TAREK KAMEL: Thank you very much. This proposed session is not related to Internet governance, so as such, this has been a request from some community members and some governments that are there to learn about lessons learned. It will be carried by community members who have been involved in the process, so it will not be the ICANN staff that are going to have to mainly be talking. We were more responding to a request for a very specific activity at ICANN that is taking place, and I think the GDD team will bring the right players from the GNSO and from other communities on this panel.

OLIVIER CREPIN-LEBLOND: Thank you very much, Tarek, and for any further discussion on this, I encourage you to follow up after this meeting. We've been already through nearly the full amount of time for this topic. Is there anything else that we need to add at this point? We haven't picked a moderator yet, but that can always be picked a bit later on, depending on people's travels. We've got a good idea of the people to invite as far as the panelists are concerned, and as far as the topics are concerned, we need to get some

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feedback from the cross-community working group on accountability, so I think we're set for the next step after this and we'll probably know more by the end of this meeting.

I suggest we move on then to the second part of our discussion, and that's the one on the purpose of the working group and the effectiveness of providing guidance to staff. We had made some requests from Nigel Hickson and his team to provide some numbers as to the number of meetings that we've had, etc. I'm desperately looking for these and suddenly they've disappeared from my screen, as they usually do when you want some information. Nigel has very kindly supplied these. Oh, fantastic to have [Young Eum]. Thank you very much, [Young Eum]. Perhaps you could go through the facts then. I'll hand you the floor over. Young Eum Lee, please.

YOUNG EUM LEE:

The facts that Nigel has so kindly provided for us are that since December, 2013, we've had 53 calls. We've had a face to face meeting at every ICANN meeting since ICANN 49 in March 2014, so six in total. The conference calls started in December, 2013, and were weekly until NETmundial, slightly after June, 2014. Then they only had two more calls in 2014, in September and December. 2015 started with weekly calls up to the February ICANN meeting in Singapore and then changed to every two or

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three weeks, and then shorter as ICANN meetings got closer. We finished 2015 by having weekly calls, as we have had mostly in 2016.

On average, there are 10 to 15 persons on a typical call. A paper was produced and put forward for NETmundial in 2014. The CCWG has received and commented on papers and submissions on WSIS review, CSTD, OECD Ministerial and IGF. That's it.

OLIVIER CREPIN-LEBLOND: Thank you very much, Young Eum. Marilyn Cade, yes, you wanted to intervene?

MARILYN CADE: I just had one because that record is absolutely brilliant and I congratulate you on putting it together, but did you specifically mention the town hall as a special event in that cycle?

YOUNG EUM LEE: It wasn't.

MARILYN CADE: Yeah.

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YOUNG EUM LEE: It was not. I think it is a very significant milestone in the formation of this group, and I think that should be mentioned. Thanks.

MARILYN CADE: And because it provided community consultation before the preparation of the NETmundial statement, I think it particularly deserves noting.

OLIVIER CREPIN-LEBLOND: Nigel is looking puzzled. We're speaking about the town hall event. If you could, Marilyn, just add a few more words.

MARILYN CADE: Those of you who attend the ICANN meetings are familiar that one of our major activities, and I would say output, are the informative awareness sessions that we organize at each of the ICANN meetings, but in preparation for the preparing a NETmundial statement, we felt, as members of the CCWG, that we really must take community consultation. We did not have time to do a public, online consultation of 30-45 days, and so we designed what we called a town hall, in which we reviewed the brief statement interactively with the participants in the group and then incorporated their input.

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I just wanted to note it, particularly because we at ICANN believe very strongly in public consultation and taking the input of the affected stakeholders, and it was a unique contribution that we had made.

OLIVIER CREPIN-LEBLOND: Thanks, Marilyn. Nigel?

NIGEL HICKSON: Thank you very much, and certainly we should have mentioned. I apologize for not mentioning that particular session, in Buenos Aires, I think. Also, of course, we should've mentioned, although I thought was – I say self-evident – that of course with also the cross-community working group has organized the Internet governance public sessions at the various meetings. I know. So what we can do, Mr. Chairman, at your discretion, is to provide a rather more [fuller], factual sheet and put it in some sort of presentation style for all the working group. We can circulate that sometime next week or whatever. Thank you.

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OLIVIER CREPIN-LEBLOND: Yes, thank you Nigel. I ask if there are any objections in the room to this taking place. No, I see everyone seems to be happy with that. Any of my co-chairs? Rafik? Young Eum?

RAFIK DAMMAK: Everyone is happy.

OLIVIER CREPIN-LEBLOND: This must be a happy room then. Everyone is happy. Yes please, that would be really helpful, Nigel, and I think if we can then also add it to our wiki someplace or other for our records. A couple of days ago, the three co-chairs appeared before the joint meeting of the ccNSO and the GNSO to provide a brief update on what the working group's activities have been. There have been questions lodged. Actually, there was one question from James Bladel as far as the actual composition of the working group.

His understanding – and I guess it is the understanding of many people out there – is that a cross-community working group has a beginning, a middle and an end. It has one task, and then it finishes the task. Once the task is complete, it gets passed on to the organizations that have charge of the working group, and once the organizations have said they're happy with it, the working group is disbanded.



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Of course, this working group is a little bit different, and at the time that was the only formal vehicle that could be used for formal interactions between the different SOs and ACs, the different components of ICANN, and with ICANN staff as well. Since then, there has been a cross-community working party for human rights that has been created. I'm not quite sure of the ins and outs of the legal implications of them or the –

UNIDENTIFIED MALE: They're not chartered.

OLIVIER CREPIN-LEBLOND: They're not chartered. They're not chartered, per se. I would imagine that this might weaken the formality of the ability of the working group to do things in the ICANN context, and I just wonder when we actually relate to doing things, that WSIS Forum and so on, we do need quite a level of formality. However, I'm not sure whether there are other vehicles in ICANN that would afford us this ability, so I'm opening the floor to see if we have any suggestions on how we can respond to this.

MARILYN CADE: Actually, let me go first, if I might because there is a cross-community working group on cross-community working groups. That was chartered specifically to deal with – remember, we

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created the cross-community working group out of need. We did not know what the right answers were or the right format was, so we created the charter for the cross-community working groups and we always assumed that we would – after we had some experience with cross-community working groups – we would evaluate them and assess whether or not the format and the requirements were ...

There is a call for public comments on cross-community working groups, and I am helping to review that. The BC will have comments on it. I'm sure others will. My suggestion would be that we think about our experience and we look at the proposed structure of how they are chartered, and we consider whether there might be both a draft version of a cross-community working group, but an elephant version or a gazelle version, so to speak. We should try to contribute to enhancing what goes into the recommendations for the charters.

It may be that this kind of issue requires an ongoing process rather than a start, a middle and an end. We could then provide comments into this open consultation on that.

OLIVIER CREPIN-LEBLOND: Thanks, Marilyn. We'll have Tarek and afterwards Rafik in the queue. So Tarek Kamel.

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TAREK KAMEL: Thank you very much, Olivier. I think it is common, yes, that in cross-community working groups they have a start and an end, but it's not a must. This working group is different because it is related on ongoing activities that are happening, some of them outside ICANN, and ICANN is providing input within these activities. This is different than a process within ICANN that starts and ends. [inaudible] process is not in ICANN's hand, but we need to contribute. We get the ITU, the UN General Assemblies, different debates.

Let's get back maybe to legal and ask them very discreetly, but I don't see a problem that we should continue as long as there is need, and I haven't heard really any concerns on that aspect, that we should have a start and an end. As long as there is need, we should continue, and there is need and contribution. [My opinion.]

OLIVIER CREPIN-LEBLOND: Is your opinion that there is need the opinion of Tarek Kamel or the opinion of ICANN's...

TAREK KAMEL: I am talking on behalf of the ICANN staff and leadership, not talking on behalf of the board.

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OLIVIER CREPIN-LEBLOND: Okay, thanks. We're going to go back and forth. Marilyn, quick, but we do have a queue.

MARILYN CADE: Perhaps we can take this offline, but just to be clear, I appreciate and respect the fact that ICANN senior leadership and staff has a view, but we also have a requirement in the chartering organizations to adhere to what has been agreed to and approved, and in fact has been approved by the board. So let's do ask for some volunteers to take a look at that open comment as well and address that, so that we don't have any misunderstandings and we haven't tried to educate in the open comment period.

OLIVIER CREPIN-LEBLOND: Thanks, Marilyn. I wasn't suggesting that we would have an either or or. Obviously, that is an important working group, and since you did mention you are following this closely, I wondered whether you could lead on the –

MARILYN CADE: I'm following it as of yesterday when I either volunteered or was volunteered.

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OLIVIER CREPIN-LEBLOND: So you're following it for 24 hours more than at least me. I'm not sure, maybe other people in the room too.

MARILYN CADE: [inaudible]

OLIVIER CREPIN-LEBLOND: It would be great too, yes please. I know certainly there's a chair of one of the ACs in the room. I'm sure they will also be looking at this with quite an interest. Rafik, you're next.

RAFIK DAMMAK: Thanks, Olivier. I think we amended the charter previously using some principle from the cross-community working group on cross-community working group.

OLIVIER CREPIN-LEBLOND: Did we amend it, or did we interpret it in a certain way?

RAFIK DAMMAK: We amended the charter and we asked – it was I think by Los Angeles meeting – to clarify between participant and members.

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OLIVIER CREPIN-LEBLOND: If I can jump in, Rafik, actually we did not amend the charter, per se. What we did was to send an e-mail to the different SOs and ACs that had chartered the current charter, the current working group, and asked that our interpretation would be widened to being able to follow the same path as what the CCWG accountability and the CWG stewardship had interpreted charters to be, and asked whether there was any objection to this. We received no objection from any of the SOs and ACs.

RAFIK DAMMAK:

Bu we used the principle to do such interpretation. You mentioned about cross-community working party, a slightly different beast, and for the human rights, it was your [inaudible] group. So it's more like to provide a space for any people interested in the topic to have a place to work on and to maybe... But it's not chartered. They created their own charter [inaudible] but they have no relation with the different SOs and ACs.

What I can see, maybe something closed that is always ongoing, maybe like a standing committee, but I don't think that's the appropriate format for us. Maybe like the SCI for GNSOs. It's a standing committee that handles any issue coming on, but I don't think that's the right or appropriate format for us. I hear the comments from James about having a start and end and

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what kind of deliverable. What we would suggest is maybe have to work more in term of reporting to our SOs and ACs and ask them where we can deliver and about whether there is some open comment and so on.

Just maybe improve our way of reporting to our charting organization to involve them more.

OLIVIER CREPIN-LEBLOND: Yes, thanks, Rafik. I see you've already moved on to the next question: the improvements. How can we improve what currently have? The action items, I guess, for just the previous section on whether a CCWG or a CC or any other structure is okay. There are two of them. There is one for staff to check with legal if there's any other type of vehicle possible within ICANN, a formalized thing that would be available today, as in turnkey systems of some sort, and the second being with Marilyn to follow the CCWG on CCWG.

As far as improvements are concerned, reporting more regularly to our SOs and ACs certainly at least sounds like to be a good idea. I haven't seen anybody say "No, we have to do everything in secret and not tell anyone." Are there any other suggestions that anybody in the room wishes to – or in fact, indeed outside.

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I'm not even sure if there's anybody watching remotely. I haven't seen any input so far.

ANDREA BECCALLI: Yes, me.

OLIVIER CREPIN-LEBLOND: Andrea, yes, sorry. You did wave at me earlier and I didn't acknowledge you, I'm sorry. Mic.

ANDREA BECCALLI: So far we have no requests for remote participants.

OLIVIER CREPIN-LEBLOND: Okay, thanks very much, Andrea, and we do have people on. That's good. Now, there have been some concerns about the entropy of the calls, how worthwhile they are. We seem to be spending a lot of time on choosing panelists and things like that rather than discussing issues at hand. How can we improve our calls? Another concern I have is the amount of activity on the mailing list seems to be a bit – I would say irregular. Let's call it irregular. There are times when there's some activity, but I guess the accountability process has certainly taken a lot of cycles from a lot of people around ICANN, and I'm hoping that now with things moving into Work Stream 2, with implementation



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taking place, that people will feel a little bit more relaxed and feel they could focus on other tracks and certainly come back to also discussing Internet governance rather than just a core group. Marilyn?

MARILYN CADE: Sorry. [inaudible]

OLIVIER CREPIN-LEBLOND: Young Eum Lee, sorry.

YOUNG EUM LEE: Thanks, Olivier. As you said, this working group does not have a beginning, a middle and an end. As issues came up, sometimes we've been more active, like during the NETmundial. Sometimes we've been a bit more lax, and that necessarily have to do with the fact that some of these issues are more urgent than others. I think it is partly a reflection of that, but in order to get more people involved in the process, one of the ways I think we could do is what we talked about before in terms of presenting people with the important issues, events or forums or other things or external activities within the ITU, [business] CSTD that are going on. I know that we do have this timeline, but if we could, from time to time, highlight some of those events that we need more people's involvement in, that would help. Thanks.

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OLIVIER CREPIN-LEBLOND: Thank you, Young Eum. Marilyn Cade.

MARILYN CADE: I was just going to say that I have updated the marvelous, mysterious, magical timeline for 2006, which you can pass around and take a look at. I'll send it off to the team. It's either the list of the most important Internet governance meetings, or Marilyn Cade's travel schedule. One or the other. If you don't see something on it you think should belong on it, I do just keep it informally. I think that's an excellent idea, Young.

OLIVIER CREPIN-LEBLOND: Marilyn, if you could interrupt you, there is no mention of you going home anywhere here.

MARILYN CADE: I think that's an excellent idea, and perhaps as you look at that timeline and look at the meetings that are coming up, if it would be useful to have a call in which some of those who are more expert and active in a particular group, we could dedicate a 15 minute overview of a meeting and what's going to happen at it, likely outcomes, and then have an informal discussion. We could look ahead and schedule that.

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I would suggest we segment our calls and have working calls for planning purposes of events that are separate from calls that are informational and issue-oriented. That way, if people aren't interested in figuring out whether or not we're going to serve donuts or chocolate at the booth, they don't have to come, and that might help them in scheduling as well.

OLIVIER CREPIN-LEBLOND: Thank you, Marilyn, very good points. First, we had Renata and then we'll continue down the queue.

RENATA AQUINO RIBERO: My suggestion is actually quite convergent to Marilyn's. I've been participating on the list for a while, but just recently made more contributions to the group. Also, I remember a suggestion of a subcommittee for events that the group may participate. I would add publications. From what I understand, WSIS also has joint publications. I was in the New York WSIS review, and this is quite an interesting area where the group could focus its efforts and maybe organize its contributions.

That timeline, the suggestion of speakers and the possible contributions that the group can make in events such as

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NETmundial and WSIS could be organized in this manner by a subcommittee. There was also bringing a [list] suggestion.

OLIVIER CREPIN-LEBLOND: Thank you, Renata. Gangesh?

GANGESH VARMA: Thank you. Firstly, could I request if the timeline could be sent on the mailing list, the one that Marilyn just referred to?

OLIVIER CREPIN-LEBLOND: Yes, Gangesh. We have an official timeline on the wiki. I think we might have a copy of Marilyn's, who might not wish to have a copy of hers on the wiki, I don't know.

GANGESH VARMA: That's fine. Okay, I thought that was the official timeline.

MARILYN CADE: No, and for anyone who individually wishes a copy of the timeline, you can just e-mail me. My e-mail is on that, and I'll send you a copy of it. I ask that you don't distribute it because the dates change a lot.

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GANGESH VARMA: I'm sorry.

MARILYN CADE: No, it's okay, and I welcome to share. I ask that you not share it, but use it for your own use. I do provide input into the timeline that we keep, which is on the wiki.

OLIVIER CREPIN-LEBLOND: Yes, it's on the home page of the wiki. Gangesh?

GANGESH VARMA: Okay, the other thing is I was just thinking if we're focusing on the interface at each event, it seems rather reactionary. If I could suggest that we identify themes broadly on Internet governance that we'd like to continuously work on, maybe we could, like Rafik suggested, consult each of the chartering organizations with a comment period and come up with a list of teams that we can work on sustainably throughout a much longer period and come up with an output with a paper or a publication, like what Renata suggested.

OLIVIER CREPIN-LEBLOND: Yes, thank you, Gangesh. One of the problems is that some of these external consultations are even shorter than ICANN consultations. Certainly the feedback was – non-paper, was it

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seven days or three days? In a matter of hours or something, so it was rather hard to interface from the consultation over to the working group, over to the chartering organizations and all the way back. We've been really pressed for time on this. Rafik, you wanted to say something, or you're just moving the bottle around? No, okay.

Next person. I can't remember it now. There was another gentleman closer to me, or no? Who was next in the queue? Okay, Marilia.

MARILIA MACIEL:

Thank you very much, Olivier. I'd like to come back to your initial question with regards to how we can make the attendance of the calls more substantial. I think that problem that we had, at least that I felt, is that it's hard sometimes to communicate what we do and what our goals are. Looking at the past calls and what we have done, I think this group has become first and foremost an informational group that tries to capture things that are happening outside ICANN, that many times fly off the radar of the community that is completely ICANN-oriented or that have a focus here.

If we can label the group this way – and I'm not sure if we have done this, maybe it's a first step. I do agree with Marilyn's suggestion with regards to making substantive calls separate

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from the operational calls. I think it will force us to discuss the matters that we have in front of us, and maybe these topics, the substantive topics could be communicated to the SOs and ACs at least in the GNSO. Partially my fault, because I'm here in the group, I have not communicated the calls.

But sometimes when I look at the calls, I do have this feeling that they're very operational. If I sent it to the GNSO, I don't know if this would get much attention or traction, but if we can label the meetings as substantive meetings and even add in the [topic], trying to correlate how what we are discussing has to do with ICANN, what is the potential impact in the organization, I think that that would be a way to call attention to what we're doing. So separate and make a segment specific on how what we're discussing today in terms of Internet governance could impact ICANN in the future.

I just gave an example in the high interest session on public interest. There's a very interesting discussion going on right now with regards to the protection of the core elements of the Internet. It is a proposal advanced by a Dutch think tank. It had some traction in the last global conference on cyberspace, and the discussion continues and probably will be in the agenda for the next group of governmental experts in the UN First committee. This touches upon, practically speaking, the core technical infrastructure, including the DNS, and it would be

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something very interesting maybe for ICANN, that DNS structure is considered as something off limits in the [unlikely] event of a cyber conflict between states online.

You cannot target DNS infrastructure. I think this is an interesting idea. I don't know if we agree or not, but at least it's something that is happening outside the ICANN world that touches upon what we do here in a very closed manner. So if we can organize calls, putting at the forefront these interrelations, I think that we would have much more attention. And I apologize, I will need to leave because I have another meeting, but thank you, Olivier and Rafik, for your stewardship.

OLIVIER CREPIN-LEBLOND: Thanks very much, Mirilia, for this information. You mentioned you need to leave, but we are going to have a post-meeting meeting. Are you going to be back by then?

UNIDENTIFIED FEMALE: Yes, I will, I just need to leave for a very short conversation, but I'll be back to the...

OLIVIER CREPIN-LEBLOND: Okay, you just shocked me just now. Okay, great, thanks. Very good points you're making, irrespective of the fact that you've



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actually raised a very interesting topic, which I'd love to hear about. Process-wise, that sounds like a good way forward. I was going to ask Rafik as far as the GNSO council is concerned. They do have monthly council calls. There are some updates on CCWG activities, certainly on the accountability CCWG activities. Would a couple of minute slot on every GNSO council call be something that could be afforded maybe over there as a matter? I'll ask the ALAC chair afterwards as well.

RAFIK DAMMAK:

I think so. Just also we need maybe to work with the GNSO liaison. The GNSO has a liaison to our working group, so we can work on that. Yes, Carlos.

OLIVIER CREPIN-LEBLOND: Okay, thank you for this, Rafik. Let's have an action item then first to ask Carlos, the GNSO liaison to this group – or is it the other way around? This group's liaison to the GNSO? – to see if we can actually have an update with the GNSO council on the monthly calls. I'm going to call upon Alan Greenberg, who is the ALAC chair. Would there be an ability to have a monthly five minute or three minute update on the CCWG on Internet governance activities on the ALAC calls?

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ALAN GREENBERG: I can't imagine us saying no if someone has something substantive to say and can keep it to a few minutes. Larger, obviously, if there's a particular issue that warrants more time and actual discussion, but in terms of an update, sure.

OLIVIER CREPIN-LEBLOND: Okay, thanks very much, Alan. Young Eum, could you comment please on how the ccNSO could be informed, perhaps?

YOUNG EUM LEE: Same, we have the monthly calls. If it is substantial, I cannot imagine the ccNSO not wanting an update.

OLIVIER CREPIN-LEBLOND: Okay, thanks for this, Young Eum. I note the comments that Marilyn has made and the comments that Mirilia have made with regards to having for our weekly calls. We have some calls some weeks that are substantive on the actual issues that are there that might require input or that might be more public facing somehow, and others that are more for procedural matters, which we obviously have to deal with both. We'll have to see what frequency of calls we might then need in some cases, but I have noted in the history that there have been times when there have been spans of two or three weeks between calls where not

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much activity has been out there and at other times, we have sped things up. Alan Greenberg.

ALAN GREENBERG: Thank you. I'll just add one more thing which I'll hope would be intuitively obvious, but to make it clear. If you come in a half an hour before the call and you say you want 30 minutes, we have a problem, but if it's anything other than a report and you give us a reasonable advanced notice, assuming there isn't some other major crisis in the world and we don't have another accountability decision to make this week, sure, I would encourage it. We want wider understanding of what's going on in this community, like we do with everything else, so yes, certainly.

OLIVIER CREPIN-LEBLOND: Okay, thanks for this, Alan. And I've taken note of Gangesh's points and Renata's points on what we can do. We could even open the discussion here, we still have ten minutes on today's face to face meeting. There are some concerns by some of the chartering organizations on whether this community would be producing statements that it would submit, or what the process would be to submit statements to external processes, whether this needs to go all the way back to our communities and be ratified by our respective chartering organizations and so on.

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Perhaps since we have a bit of time here, we can open this up here. Let's have Marilyn Cade and then Judith Hellerstein. Marilyn.

MARILYN CADE:

I think it's helpful for people to actually understand organizationally who we are and who we aren't. I say that because some discussion was held earlier about how we are interpreting the charter. We are following the model that has been accepted by the community of the role of members, participants and observers in the CCWG and the other two cross-community working groups. Also, I'm going to say now something like a public output as opposed to an outcome. A public output I think would require us to take consultation. We used a shortened version of that, using the town hall for the statement that we made in relation to the NETmundial statement.

We have not delivered a second public output. We have been holding what I would call informational awareness sessions, and we're doing that at each of the ICANN meetings. I think those have a lot of value myself, for the broader community, and I think the attendance shows that, but I do think we would have to be clear that if we were to make a written statement on behalf of the CCWG, which is a position, it would have to go through the

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chartering organizations for approval. And I say that, having it being agreed by the BC that I could come here and be a member.

OLIVIER CREPIN-LEBLOND: Yes, thanks, Marilyn. Any other comments on this? I just note that the NETmundial statement was somehow – I wouldn't say watered down, but in some way wasn't taking any controversial position due to the variety of our communities. I still believe it was very helpful to have that document there and to submit it. I'm very thankful that the community was okay with it. There will be other chances where we have the ability to make a statement. The concern comes with the diversity of our different supporting organizations and advisory committees as to whether we can come to a consensus on anything apart from something that's very bland and middle of the road. Jörg Schweiger.

JÖRG SCHWEIGER: I'd just like to comment on what Marilyn currently said. I'm not too sure whether I can really completely follow you or not. To my point of view, if the chartering organizations want to make a statement, it's up to them to make statements. If this group will make a statement, it's just an outcome of this group, and it should not be identified with a statement from the ccNSO, [ccNSO] council, GNSO, whatever. If we would be in need of

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seeking consensus of the chartering organization each and every time, I wonder if we would really, as a group, be in a position to come up with any sort of output.

MARILYN CADE: Sorry.

OLIVIER CREPIN-LEBLOND: Marilyn.

MARILYN CADE: I believe CCWGs – and I will go back and look at the charter – I believe they are required to take public comment on their work. Maybe the use of the chartering organization was the wrong phrase on my part.

OLIVIER CREPIN-LEBLOND: Okay, thank you. I see we have still that question mark as to what could be done. Judith Hellerstein, sorry. You've been patiently queuing.

JUDITH HELLERSTEIN: One of my comments is for this one and the other one is for the any other business, but I do think we can make a statement. I think when we have the time, we can consult with the different

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chartering organizations and I am in support of that. We can bring that or at least advise them of what's going on and what we would like to do, and then get their consent on, "This is what we're planning on doing." I think that that would also be a good idea. Let me know when [we're on] any other business.

OLIVIER CREPIN-LEBLOND: Okay, thanks Judith. I note that we have six minutes until the end of this face to face meeting. I was going to ask Nigel whether he remembers if for the NETmundial meeting, there were actually two statements from ICANN: one from ICANN, the staff side or organization or board, and the other one from this cross-community working group.

NIGEL HICKSON: As I recall, the ICANN were involved in the preparation committee for the NETmundial conference and gave input through that.

OLIVIER CREPIN-LEBLOND: Okay, so that was a special case. Let's then move on, because if we have an any other business part... I think we've discussed this agenda item pretty well, so let's then go into any other business.  
Renata.

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RENATA AQUINO RIBERO: Hi, about the OECD Ministerial Meeting in Cancun, is there again some group activity or plan for the meeting? I believe it was mentioned briefly in the discussion list, but I'm sorry. I was just seeking clarification.

OLIVIER CREPIN-LEBLOND: Thank you, Renata. I'll turn over to Nigel Hickson who tracks those things.

NIGEL HICKSON: Thank you very much. Just very briefly, we have circulated to the cross-community working group information documents on the OECD Ministerial in Cancun. We are able to give input into the process through the technical advisory committee, which is part of the OECD structure, so we have some input capabilities, and we are going to be represented at the OECD ministerial. We'll continue on behalf of the group if they feel it useful to provide documentation and information.

OLIVIER CREPIN-LEBLOND: Thank you, Nigel. Just to ask, are you planning to submit anything specifically over there?



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**NIGEL HICKSON:** The way the Ministerial works is there's an OECD committee that prepares and blesses all the documents. The OECD have a council which has to approve all the documents, and the documents are the background documents to the panel sessions, the information documents and the ministerial declaration. We are inputting to the ministerial declarations, hopefully in the next day or so I will be able to circulate what the current draft looks like and perhaps take comments, although again this is a bit of a moving target. Thank you.

**OLIVIER CREPIN-LEBLOND:** Thank you, Nigel. We'll follow up on the mailing list. Judith, you've got one minute for your any other business.

**JUDITH HELLERSTEIN:** I also just want to let other people know here that within At-Large, we are running a captioning pilot, which allows for, during our pilot, any working group meetings on Adobe Connect to be submitted and to be live captioned in our pilot. If we have meetings in April or May that want to be included, right now in this pilot, we're doing English language only, but if you'd like this meeting captioned under our pilot, you can send either me a note or [staff@at-large.icann.org](mailto:staff@at-large.icann.org) and then that will be included within the pilot.

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Please do take advantage of this because we want to make sure that everyone can participate wherever they are. For those of countries with limited bandwidth, we can send you a separate text stream of what the caption stream will be for that conference.

OLIVIER CREPIN-LEBLOND: Okay, thank you, Judith. With one minute remaining, all I have to do is to remind you of tomorrow morning's session, which is the public session, starting at 9 AM in the main room, the Atlas room. We'll have first the GAC high level meeting report from the local Moroccan representative to the GAC. Then we'll have a discussion on the WSIS+10 process, looking at the main outcomes and what to look out for in the future, and finally a discussion on fragmentation. So quite an interesting program, lots of very high level guests who will be joining us tomorrow morning, and I hope that you'll all be able to attend.

With 30 seconds on the clock, I'd like to thank you all to come to this meeting. It's the first time in a long time that I end a meeting in time, but the pressure of the Commercial and Business Users Constituency is such that I needed to do it. Thanks very much, everyone, and have a good meeting.

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ALAN GREENBERG:            You could keep talking for another minute just so you don't break your record.

UNIDENTIFIED MALE:        Test, test. We have a post-meeting meeting. Let's just go outside the room, and we can sit on the bench outside in the sun whilst others are [indoors].

**[END OF TRANSCRIPTION]**