HELSINKI – At-Large Leadership Work Session
Tuesday, June 28, 2016 – 10:45 to 12:30 EEST
ICANN56 | Helsinki, Finland

UNIDENTIFIED MALE:	Good morning today. ICANN56, Tuesday, July 28th. This is the At-Large Leadership Work Session.
UNIDENTIFIED FEMALE:	If all the ALAC and regional leaders could please take seats and if they could please sit at the main table if possible, and prioritize ALAC and regional leaders at the table. Thank you.
	Ladies and gentlemen, we will be starting the session within the next couple of minutes. Thank you for your patience.
	For the next session, we're going to going over the Rules of Procedures on the ALAC internal list. Alan did circulate an updated version of this draft. If you would like to have a look at it while we wait, that would be much appreciated. Thank you.
ALAN GREENBERG:	After chastising everyone for being on time, I do apologize for being late. I was approached by one of the Board members, who's not at this meeting, on another issue, and I just lost track of time, I'm afraid. We will start in a moment.

Okay. Thank you. Two subjects at this session. The first is a revision of the Rules of Procedure, and the second is a discussion on the civil society initiatives within ICANN.

Sorry. There is one in between of the new Bylaws and the implications on the ALAC.

We have a number of Board members who were specifically – I'm not sure "invited" is the right word, but suggested that they may be interested in participating in the civil society discussion. I'm glad you're here for the whole thing. You're welcome to intervene at any point as long as you keep your intervention short, which is the requirement we have of everyone. But, please, you're welcome, and it's delightful to have you participate to the extent you'd like to.

On the Rules of Procedure, these Rules of Procedure are being modified. The motivation for doing it now and not delaying is that a number of issues were identified during the last Board member selection process that it has been felt were necessary to make changes.

We have, in addition, added a few items to the list of things in the Rules of Procedure, none of which are intended to change any of our methods of operation. They were either corrections of errors which we realized, or adjustments of things that were not

well-documented and in fact document how the ALAC operates right now, as we'll see.

I would like to start with the rules associated with the Board member selection. We have a fixed amount of time. Due to my fault, we're starting late, and we have other agenda items. However, we have identified a 45-minute session later in the week where we can overflow on the rules if necessary. So to the extent we can finish right now, fine. If not, we'll stop on time and continue in that session.

All right. What I would like on the screens, if we can, is the Rules of Procedure and the change log that describe the changes on the two screens, and if we can move the Rules of Procedure up to Section number 19. I'm going to pull it up on my screen, because I'm afraid with my eyesight I can't read what is up there. So if you give me just a moment.

Now, there's a third document, an addendum. When we get to a specific section of 19, we will go to the addendum instead, because it goes into some more detail.

Okay. The first change is Section 19.2. 19.2 is the definition of the Board Member Selection Process Committee. We specialize in very long acronyms in ALAC. This is the group that essentially runs the election, so it is responsible for overseeing the process.

The changes we're making are, first of all, the composition of the group. The original version said, "up to at least two members per region." It is balanced across the regions. On further thought, three per region would be a committee of 15 people, which was just overwhelming, and there didn't seem to be any need. Both of our previous incarnations had ten, so we're fixing it at two per region.

We are also suggesting that each region have in its back pocket an alternate, should one of the people either not be able to serve, or de facto is not serving; simply not showing up, for instance. This is not someone who will be attending the meetings unless they are called to serve. But since the process to select someone could be time consuming, we want an alternate ready.

The person will be replaced at the discretion of the BMSPC Chair. That is, if the BMSPC Chair decides this person isn't just showing up and the region is not being fully represented, then the person is changed. The Chair does not have the discretion of rejecting a person because they don't like them. I hope the rule is worded to ensure that.

Are there any comments or suggestions? Now, these rules have been vetted by a small sub-committee that was asked to write them. We have unanimous approval from that group, with one

exception, and we have an option. They have been out for discussion for three weeks, and there have been no comments.

I'm hoping we are not going to have a lot of new issues raised here, because this is not a place for wordsmithing, but we will be going over them one by one.

Any comments on 19.2.0? That is, the preamble. Seeing none – yes, Sebastien, go ahead.

SEBASTIEN BACHOLLET: I want to repeat what I said in my e-mail. Even if you are insisting on the fact that we've had this document since three weeks, I didn't have time to read it. Okay. That's my problem, but if I am not the only one, please state it because we are talking about a very important document.

In the content, and not solely here, I really think that we must avoid in any place in this document the sole discretion of anybody. We need to work as a body, not as one making decisions alone. I don't think here, but in other places in this document we need to have this type of wording. Thank you.

ALAN GREENBERG: Thank you. For this particular case, would either of the previous Chairs of the BMSPC like to have any input on this? Tijani, and then Cheryl.

TIJANI BEN JEMAA: Okay. Thank you. I understand, Sebastien, your point. It's valid. But especially for the BMSPC, sometimes you are – for the replacement, I don't see who may evaluate if the member is participating or not, other than the Chair of the BMSPC. Thank you.

CHERYL LANGDON-ORR: Tijani, I find myself not being able to agree with you more. These are time-critical activities. If we are carrying underperformance and therefore underrepresentation on your balanced voices in this vital activity, then it's exactly the role of the Chair to alert that this is an issue, to try to get a consensus solution and, if not, enact change and do so in a prompt and efficient manner. This is an extraordinarily important activity that has to be done in a timely way.

ALAN GREENBERG: Any further comments? Tim, go ahead.

TIM DENTON: Sorry. Is this a motion before us?

ALAN GREENBERG: There is a motion before us to approve all of the Bylaws, present all of the Rules of Procedure –

TIM DENTON: Has someone made it?

ALAN GREENBERG: It was made on the list.

TIM DENTON: Okay.

ALAN GREENBERG: It was seconded by Maureen.

TIM DENTON: No, it's okay. It's all okay.

ALAN GREENBERG: Thank you.

TIM DENTON:	It has been made. Thank you. Does it need to be seconded?
ALAN GREENBERG:	It was seconded.
	Section 19.2.1. The BMSPC, among its other responsibilities, will ensure there's adequate opportunity for the electorate – we have a question? Sorry, Mohamed. I didn't see that.
MOHAMED EL BASHIR:	That's all right. That's fine. It's also in 19.2. Sorry. I wasn't following up the work [in] the committee. Just a clarification. Did the group consider Vice Chairs or Co-Chairs for this group? Because it's a large group. We're talking about, I think, ten people in this group. So is it just only Chair, or in terms of leadership, you have considered Vice Chairs or Co-Chairs? Thank you.
ALAN GREENBERG:	If the group wants to appoint Vice Chairs, it is up the group internally. Co-Chairs, I would not recommend. This is a situation where someone has to make decisions at times, and we don't really want an opportunity for debate, in my opinion, anyway. Go ahead, Cheryl.

CHERYL LANGDON-ORR: If I may, Alan, the other thing that's important here is that the membership of this group have the work to do, and they are a group of peers and equals doing this review work. I would be a little concerned that if we put anything particularly hierarchical in the model, that will perhaps alter that equity balance that we have of all five regions being equitably and very fairly bringing their voices forward in the discussion.

ALAN GREENBERG: Thank you. I'll go to Tijani in a moment. The other overriding concern in all the changes that we're presenting is we have tried to make as few changes as possible. The original set of rules for selecting the Board member was highly contested. It was a very difficult process. There were many compromises made. We are trying to not arbitrarily add change to it because it seems right at the moment, against the view of the overall group in the past.

Tijani?

TIJANI BEN JEMAA: Thank you, Alan. When it is said here that it is at the discretion of the Chair, it doesn't mean that the members of the BMSPC cannot ask the Chair to declare that this member is not performing. It is a work of the group. But who, if you want, will express the opinion of the group? He's the Chair.

ALAN GREENBERG: Thank you, Tijani. Any further comments on the introduction to 19.2 or 19.2.1?

19.2.2. BMSPC Chair will take best efforts to make decisions by consensus but has – and I recognize Sebastien's comment – sole discretion to decide decisions of the BMSPC in the absence of consensus or when time does not permit consultation.

This again is a time-sensitive process that simply does not necessarily allow convening of the group to decide how to handle something which must be decided in the next five minutes. I have never been BMSPC Chair, so I'm speaking on behalf of what I've been told by those who have. The last BMSPC Chair would like some input into the process.

TIJANI BEN JEMAA: Thank you, Alan. I'd like to tell you what the origin is of this amendment. During the last selection, there was a problem raised. Jean-Jacques asked to recover his right of being an electorate member, since he was dropped from the first round. We could not convene the whole BMSPC group, and we needed to have something that is not contested. So we took the time to find what the basis is of the decision we had to take, and it was a very short time.

In the end, we found how to solve this problem, and it was solved without contention from Jean-Jacques. We cannot at this time convene the whole BMSPC. So I took the decision, and that's why I ask that we may give the Chair the possibility to take the decision in such situations. Thank you.

ALAN GREENBERG: Further comments? We have ten more minutes. We're clearly not going to finish today. I fear at the rate we're going through things we're not going to finish in the next session either. So before we finish this session. I'll try to suggest some ways of moving forward that might be more expedient, time-wise.

Next session is – sorry, did I miss a question? Kim?

KIM DAVIES: Are there procedures for calling a vote?

ALAN GREENBERG: There probably are procedures for calling a vote, but this is a crucial enough one that we do have to go through these, I'm afraid. So as Chair, I can override such procedure, and I would at this point if it was made.

KIM DAVIES: Fair enough.

ALAN GREENBERG: And that is in our procedures.

19.3 is the BCEC. The BCEC, the Board Candidate Evaluation Committee, is the group that receives Expressions of Interest and, should it choose to, narrows it down to a set of names to be put on the ballot.

This, again, is a two-delegate-per RALO selected by the RALOs. The Chair is selected by the ALAC. We are adding a comparable clause here that there will be an alternate, should one of the RALO members not be able to continue serving. So it's essentially a parallel clause from the BCEC to the one we already discussed for the BMSPC.

Comments?

Seeing none, 14.4. This is a number of changes related to the BCEC. The history is the first BCEC was essentially the first time we made up a lot of rules. The second time around, for whatever reason, some of those internal processes – not that they didn't follow any of the rules, but the internal processes the first BCEC used were not always – some of them we couldn't find the time, to be quite candid, and some of them seemed to make sense at the time but were in fact in violation of our previous ones. So

we're taking the opportunity to document here a number of things.

Number 1 is the BCEC shall clearly publish the eligibility requirements and expectations. There were some surprises along the way that people said, "Oh, I didn't know." So I think we're stating the obvious, but nevertheless, it's the obvious that we're documenting now.

19.4.3 is if the BCEC requests that candidates provide references – that is, people who will write letters of reference on their behalf – the eligibility rules for such references should be published. That is, if we are not going to allow, as an example of something that has been mentioned before, Board members to be references, then we need to say so ahead of time and not disqualify references after they're submitted. That's not saying we shouldn't allow Board members. It's an example. Purely an example.

The BCEC will publish to what extent candidate information it receives will be kept confidential and, if applicable, what and how parts of it may be published or otherwise distributed outside of the BCEC. It is our practice in the past that the bulk of the Expression of Interest, excluding personal information, indeed is published. I believe, once the BCEC comes out with the

final list, it doesn't publish rejected candidates, I believe. Or those that are not selected, rather.

One of our candidates last time expressed quite surprise and disagreement that their Expression of Interest was forwarded to the person they asked to be a reference. I can't imagine how we would expect someone to be a reference without seeing what it is the person said, but that particular candidate felt that way. I don't know who it is, so I'm not mean-mouthing anyone in particular. So again, we are simply making sure that we have complete transparency, that we're not surprising people.

Any comments on any of these?

Seeing nothing, we will go on. Sorry. I'm having a bit of a problem here. 19.8, a very small change to say that we will adopt operating procedures and guidelines because it turns out that the guidelines, which may not be formal procedures, are as important, and we wanted to document them.

Tijani?

TIJANI BEN JEMAA: Thank you, Alan. I am sorry to propose a small change for this paragraph, because I think that the guidelines should be adopted by the ALAC and then used by the BMSPC and BCEC. So I'd change the paragraph in this way: The BMSPC and BCEC shall

adopt their operating procedures that will help them to accomplish their work properly, together with the selection guidelines adopted by ALAC and published before the beginning of the selection process.

ALAN GREENBERG: You've added a rationale for why they are going to publish them, which I'm not sure is necessary in the procedure. But it also – well, as I read it, they are subject to ALAC approval and review. You're simply saying, "prior to publishing."

TIJANI BEN JEMAA: The difference is I am saying that the guidelines are adopted by ALAC, not by the committees. As it is written here, it is as if the committees are adopting those guidelines and that the ALAC will, after a while, will adopt them. So in my point of view, the guidelines should be done by ALAC and used by both committees.

CHERYL LANGDON-ORR: We can wordsmith that.

ALAN GREENBERG: We can wordsmith it afterwards. I'll give a personal opinion. I would not want the full ALAC to be writing the guidelines. I think

a much smaller group has to propose something. But noted, and we'll talk about it later before we do a final adoption of these.

Can staff note that that's one we have to refine?

19.10.1, and this will be the last one before we break. The rules say that the electors, the people voting, are the 15 ALAC members and the five Chairs of the RALOs. The 15 ALAC members must not be directed by anyone. They can certainly ask for advice and suggestions, but they are not bound by anyone. They are individual members. The RALOs may be directed by their RALO if the RALO makes that decision by formal vote of the RALO. The direction must be made by a formal vote. So in other words, it can't be the Chair asking three of their best friends and consider that a direction. It must all be formally documented.

However, if one of those 20 people is one of the candidates, we have a problem, and it was viewed that candidates should not be allowed to vote for themselves. I note that in many elections candidates can vote for themselves, but this was, again, one of the many decisions that were made in the original process.

We had a problem in the last election, that there were two candidates from a single RALO. There was then some confusion on which replacement candidate was replacing which original

candidate. This simply says, if the RALO has multiple replacements, they must designate who's replacing who.

Let's try to do one more. Sorry.

Seun has – sorry. I missed that. Sorry. Seun has his card raised. Go ahead.

SEUN OJEDEJI: Yeah. Thank you. Just a minor question. Is the first part of 19.10.1 different from the new addition? Does it mean that if there were multiple electors, then there won't be need for a vote? Because I think it should be added as well that subject to – the sentence that was added for "if it's just a member" should also be added for the multiple, that a vote would be required. Okay. Let me –

ALAN GREENBERG: No, to replace one of the electors, the RALO must do it by a formal vote. That is, it is a formal decision of the RALO – not by consensus, but by vote – to replace someone. They may to it twice, in which case there are two votes, or votes selecting two people. But they must designate which is which. That's the only addition. It doesn't alter the requirement to do the vote if there happened to be two. If that is unclear, we must clarify. I believe

it's clear, but we'll read it again. If staff could note us to look at that.

19.10.4 is a minor change in wording to make it clear. We said before that ALAC members – and this goes to the fact they're not directed – must vote in the interests of At-Large, ALAC, and ICANN. It's clear that that's a very subjective statement. We're simply saying that it's what they believe to be in the interest of. Different people may differ.

Again, I'm not quite sure why we added the confidentiality. There was some confusion there about that, but it was clear.

Dev, you have a question?

DEV ANAND TEELUCKSINGH: Thanks. Just a question regarding 19.10.2. We're saying, "if any ALAC seat is vacant at the time of the election." What happens if the ALAC members are selected by the NomCom? Are you saying that the RALO then makes a replacement?

ALAN GREENBERG: That is what it says.

Okay. We're just about out of time. I would like to suggest that we will reconvene this session on Thursday. We only have 45

minutes. At the rate we're going right now, we will probably not even get through the director ones, never mind the other ones.

Because we have a new set of changes that will have to be made to the Rules of Procedure along to satisfy the needs of the Empowered Community, which are going to be in their own right more complex than these and perhaps more subject to debate, I really would like to get the preamble ones in this one done right now so we get them off the table and not have to worry about them at that point.

Remember, the Empowered Community, assuming the transition is approved by the U.S. government, will come into being prior to our next face-to-face meeting. We will be discussing the Rules of Procedure in a moment with regard to that, but we are going to have to take significant action intercessionally without a face-to-face meeting. We want to simplify that as much as we can. It's going to be hard enough as it is.

I thank you for your participation in this one. We'll now go onto the second part of this overall agenda item and look at the changes in the ICANN Bylaws that have been approved by the Board and will come into place in the event that the IANA transition is approved, and what implications that has on what we have to do.

I believe we – we do. We have Sam Eisner and Trang Nguyen, who will be presenting. I will turn it over to Sam, who's going to start. She looks like she's preparing a microphone. But whoever would like to start –

SAM EISNER: Do you want one of us to start with the EC first?

ALAN GREENBERG: I think we'd like you to start by introducing yourself to those who don't know you. To some of us, both of you are very familiar.

SAM EISNER: I'll start with that. I'm Sam Eisner. I'm Associate General Counsel with ICANN. I've been very active in the transition-related parts on behalf of ICANN and participated in the CCWG Accountability. I also was on the ICANN legal team that helped with the drafting of the ICANN Bylaws that were approved on May 27th. So I'm sadly probably the person most familiar with those in this building right now. So that's the reason I'm here.

TRANG NGUYEN: I'm Trang Nguyen. I am a Senior Director with ICANN, and my primary responsibility, as it relates to the transition, is managing

the various aspects of the implementation of the ICG, as well as the CCWG proposal. So that's my involvement with the transition.

SAM EISNER: One of the things that ICANN is really interested in during this Helsinki meeting and as part of the implementation work is coming and talking to the various SOs and ACs across the ICANN organization about what we need to do to implement.

Trang here is the implementation wizard and has really been coordinating so much of our internal efforts on all the different lines of work that we need to do. There's a lot on ICANN's plate for the implementation. But there's this other aspect of it, which is that you as a community have a lot of work to do too. It doesn't have to be a daunting amount of work, but there are things to think about to make sure that you're ready to participate as part of this Empowered Community structure that was come into being through the Bylaws.

At the time of transition, the Bylaws will have in them a new structure. It's called the Empowered Community, or referred to as the EC at times. This is a term that's used for the designator structure. That's a legal need that we have in order to provide the community the power to remove Board Directors. But then

it's also the term for the mechanism for how the community will come together to use its powers.

Now, this is a mechanism that was developed through the CCWG Accountability process. So it's really an issue of first impression, and it's a very robust process for how the different parts of the community can come together to take a decision on a use of community powers.

The Empowered Community has five decisional participants identified in there, and the ALAC is one of them: the ALAC, ccNSO, GNSO, ASO, and GAC.

If you can go to the next slide.

There's also the creation of the EC administration, and that EC administration is a mechanism of communication of EC decision. So the Empowered Community itself is this loose structure that's combined of the five SOs and ACs that are decisional participants. But there needs to be some way to communicate the decisions that the Empowered Community comes to and have a communication channel between ICANN. So this is really an administrative structure that has no special powers and no discretion to act outside of the Empowered Community decisions.

This is one of the things that we're encouraging the groups to take a look at and see, who does the ALAC wants to identify as their representative to the EC administration? The Bylaws suggest that it could be either a Chair or a person that decisional participant designates. So that's a choice that the ALAC gets to make.

We were very careful through the whole Bylaws drafting process to not impose requirements on the community for how they would choose to exercise any of these powers. That's up to you for how you want to organize yourself to be part of the Empowered Community. What we're trying to do this week is help identify for you some of those topics that you might want to think about as you're trying to organize yourself to participate.

One of the first things you'd want to do – and we'll have a slide at the end that has some touchpoints on timing – is think about who you'd like to have as the ALAC rep onto the EC administration before October 1st, because hopefully that is the date that we will have the transition happen. We know it won't happen sooner than that. On that date, there's going to be some things that need to happen just to make sure we have the Board properly reconstituted with all of the Board members that are there.

There's going to need to be some notices that go back and forth. There's no restriction on how frequently the group can identify a new representative to the EC administration, so we encourage you to – even if you need to make initial decisions and then develop processes at a later time or retake those decisions, there aren't rules imposed by ICANN in the Bylaws about how frequently you can do that.

You can stop me at any time if there are questions that are coming in, or else I'll just keep going. Any questions at this point?

All right. If we can go to the next slide.

Under the Empowered Community, what do the SOs and ACs have to do? What does the ALAC have to do as a decisional participant? One of the main things that ALAC does through the coordination with the At-Large community is select a Board member. The Bylaws that are put in place do not require you to change your internal processes on that at all. If you ever choose to change your Board selection process, you can, but you're not required to because of the new Bylaws.

The one thing that happens is that, at the end of your process, you don't notify the Secretary of the ICANN Board. You notify the Empowered Community, the EC, of that selection, and then the EC itself must appoint the selected person. They have no

discretion to go beyond the Board selectee that the ALAC, working with the At-Large community, has identified.

The next slide.

The other thing about the Empowered Community is what else do you have to do right now? Really, this is getting ready to exercise the community powers. I hope everyone in the room is familiar with the report from the CCWG Accountability that's been put into the Bylaws. There are a group of new powers that the community has, such as appointing Board members – you've already had that power – removing Board members, rejecting parts of ICANN's budget or strategic operating plans, or rejecting Bylaws amendments, approving fundamental Bylaws amendments, initiating a community independent review process, initiating a community mediation, and initiating a community reconsideration process. There are also some items that relate to the PTI governance as well.

After the transition happens, some of these items will have to come from ICANN. You'd be reacting to when ICANN approves the budget. There are also opportunities for the community itself to initiate the EC process. You're going to need to think about what you need to do and what kinds of rules, be they rules that already exist within the ALAC for your operating procedures or if you need to modify them or create new processes for how

you're going to allow someone to raise a petition within the ALAC, how the ALAC is going to consider that petition to see if they want to approve it to initiate the rest of the process.

If a different decisional participant raises a petition, how would the ALAC consider whether or not it wants to join it? What kinds of thresholds do you want to use? Do you want to use your standard process for considering items? Do you want to use a different threshold, a different process? You'll have the ability, as an Advisory Committee, to make submissions to the community forums on any of these items. How do you want to organize your participation in that? Do you want to use the process that you already have?

You have a lot of processes at your hands already. You're a very organized committee. You do well in drafting papers and submissions. Do you want to rely on those existing processes? Do you want to do something different? There are very short timeframes for these, so you'll have to think about whether or not the processes that you have in place match the urgency with which you need to participate.

Ultimately, if something goes through this whole process and it goes back to the decisional participants for a decision on how to exercise the power, how do you want to do that? What thresholds do you want to put in? Do you want to assign

different thresholds to different items, like should removal of the Board have a different threshold than a decisional participant or in your ALAC versus the rejection of a standard Bylaw amendment? Those are all decisions you get to take. ICANN hasn't defined what you need to do with that.

If you want to move to the next.

I was talking about this path, and here's the path. You can visualize it in your head. Hopefully you've seen this slide. It's available in the CCWG Accountability report, and you guys will have the slides as well.

ALAN GREENBERG: Many times.

SAM EISNER: Yes. Next slide.

There are other roles that come in from the Bylaws that aren't necessarily related to this new Empowered Community. With the bringing in of the Affirmation of Commitments reviews into the Bylaws, we've changed the selection process for those review teams. So whereas before the ALAC had a role in helping to identify candidates that they'd recommend for selection, now the ALAC, along with the other SOs and ACs, will have the

responsibility to nominate people for selection. So that's one choice that you have to make. How are you going to make these types of nominations?

And then the Chair has been identified as having responsibility for the ultimate selection of people from among that pool of nominated candidates to the review. What kinds of guidelines might you want to give to your Chair in making those decisions? Those are, again, the types of things that you should be thinking about in how you organize yourself.

Now, these are things that could actually need to happen fairly quickly. You'll see that again on the slide because we are going to have reviews kicked off under the Bylaws, at least one under the new Bylaws process, fairly soon after the Bylaws come into place, assuming that the transition happens and everything in line for the first of October.

There are also different review teams that you're going to need to identify as liaisons to as the ALAC. Some groups have representatives to them. Those are PTI-related reviews, such as the IANA functions review and a separation review, if that would ever happen.

There's an ongoing call for a liaison from the ALAC, as well as across the community, for the Customer Standing Committee that will relate to the new PTI, which is the post-Transition IANA,

for those who aren't familiar.   Then there will be, soon after, a call for a liaison to participate on the Root Zone Evolution Review Committee, the RZERC. I don't –

ALAN GREENBERG: No, we don't [inaudible].

SAM EISNER: Oh, ALAC doesn't do the RZERC. Good. Took that off your plate. The next slide.

From our perspective, the most pressing needs that you have are to start thinking about how you want to use your internal processes. It doesn't mean that you need to create new ones afresh or that you need to rush to do them. but you might want to think about the different decisional points and see if you have existing processes that would work, and if you want to have a path for how to refine those for yourself in the future.

ICANN doesn't have requirements. You don't have to report to us about what you've done. This is really a matter for the community to take the power that they're getting, as an Empowered Community, to work through it. The community power deliberation, how you're going to work through those, that's probably a key thing you want to pay some attention to in

the shorter timeframe, as well as team member selection, as we've identified, or reviews.

Remember that you will have quick timeframes for using your community power. So if there is a situation shortly after the transition that the Empowered Community processes kicked off, there's going to be a very fast pace to that. It's going to be over new types of issues and have new types of meetings around it that we're not all familiar with. It's going to be a period of change for all of us, so the more you can do to prepare for it, I think the better across the community it will be. We're having very similar conversations across the SOs and ACs this week.

There also is an element of this that you might find within there, that there are things that you might want to coordinate the various SOs and ACs; for example, the community IRP. If the Empowered Community decides to initiate a community IRP, what are the expectations for how the different parts of the community will work together to present a unified case with the IRP and help direct the further prosecution of that?

Those are the types of considerations that, even though you might not have to do that today, you probably want to keep in mind as you're having your different bilaterals and different cross-community conversations, because having a unified

community as you move into the Empowered Community might be a really important thing to do.

Next slide.

This is a slide that we put up with the ccNSO yesterday as we were talking through some of the stuff with their Internal Rules Group, as they're trying to do the same thing. They're trying to figure out what types of processes they need to put in place. We wanted to just go a year out and look at what would happen up to a year from the anticipated transition date. We're now a day later, but we did this yesterday, the 27th of June. We know that the CSC completion, the call for the identification of the selectees, is for the 22nd of July. The CSC membership will be confirmed in August, hopefully, by the ccNSO and GNSO. That's one of their assigned roles in the Bylaws.

September 2016, we anticipate that there will be an opportunity with a group that's still working on the implementation of the independent review process to finalize some work on the standing panel that will be put in place with that. There's an obligation in the Bylaws for ICANN to consult across the SOs and ACs on the tender for the standing panel, and then ultimately in the nomination of the [slate]. These are things that will happen in coordination with ICANN, who will be part of a conversation

with you on that. That is something that anticipate to happen sometime in September.

Of course, the big date on here, assuming that a transition would happen, is, on the 1st of October, we're going to need to have an EC administration selected because we're going to need to have the notices going back and forth, because there will be an administrative thing that needs to happen on October 1st. On October 1st, the ALAC will have to send to a notice to the Empowered Community through the EC administration that says, "Please select Rinalia Abdul Rahim to the completion of her term." All the other groups have to do that, and then the EC will send a notice to the ICANN Secretary and say, "We are appointing Rinalia Abdul Rahim pursuant to this nomination." That way, we'll have the same Board reseated, but just under the new process in a way that legally allows the community, if you want to then do the removal, you can do the removal.

So that's…

CHERYL LANGDON-ORR: A necessary job.

SAM EISNER: Exactly. So it's a very technical administrative process, but it does necessitate the need to identify who you want to serve

from the ALAC on that EC administration. The Review Team member selection work we think is going to happen very soon after, so that's something that you should have some idea about around about that October date, and also, some sort of initial plan or understanding of how you would participate in the EC processes, even if you don't have a formal default around that, because we know that by early 2017 we're going to have ICANN Board decisions on the budgets and the operating plans. So we know that no later than that, there will be an initiation of the Empowered Community process because the ICANN B0ard, upon approval of those budgets and operating plans, is obligated to provide notice to the EC to say, "If you want to exercise your power, now is the time to do it." So we know that probably around March or April at the latest, we would have the first initiation of this process.

ALAN GREENBERG: Thank you, Sam. Trang, do you have anything to add? I do want to allow at least a few minutes for people to raise questions or any other concerns, and we're on a sort of tight line.

TRANG NGUYEN: No.

ALAN GREENBERG:	No? Okay. I'll make a couple of very quick comments. If you were around for the last session, you'll know that we treat our Rules of Procedure somewhat seriously. We spent a huge amount of time about three years ago revising them, as Sam well knows. I do not think this group would feel comfortable exercising powers without having something in our rules to justify it. So my belief is, if we believe that there could be a transition, we'd need to have rules conditional, on the transition at least, in place by the 30th of September.
	Now, they may not be the full ones. We may simply do a global, "For any decision for the Empowered Community, we need a super-majority," or something like that. They may not be the ones we refine later, but I think we will have to have something in place. So when your slide says, "An initial understanding," I expect in our case we'll be just a little bit more specific and try to have something in place.
	Given that, I'd like to open the floor. Does anyone have any questions or comments for Trang, Sam, or anyone?
	Humberto?
HUMBERTO CARRASCO:	Thank you very much. I'm going to speak in Spanish. Thank you very much for your presentation. Being a lawyer, I think it's very

interesting, this whole process for the amendment of the Bylaws. In my case, being a LACRALO leader, I'm concerned because somehow I have the feeling that currently we are working on some Rules of Procedure for our operational processes, our internal regulations. In this way, I believe that there might be some contradiction between our current rules and these new amendments. So I believe that we will have some work to do. Maybe we should agree to the sense that we will have to adjust to this new requirement set forth by the Bylaws.

I don't know if there is any transition or interim rule that allows us to address what we have addressed to this new – or I don't know whether you have thought of any kind of solution to this or if you have thought of any conflict that may arise. Because in our organizational chart, made up of multi-stakeholders, may be a very minor part, but it's very important for us not to be in conflict with our new Rules of Procedure. So this will be my statement, my question.

ALAN GREENBERG: I can say with a reasonable level of confidence there are no conflicts. There are omissions, and my intent is that we have something in place in our Rules of Procedure by September 30th to cover it. They may not be the ones we're happy to live with for the next 30 years, but we will not, if I have any option and I have

the cooperation of the ALAC, have to work on the fly. We will come up with some rules to address those things. No question about that.

HUMBERTO CARRASCO: I understand the Rule of Procedures of ALAC, but I'm talking about the RALOs. I'm talking about the operational procedures for the RALOs.

ALAN GREENBERG: Much participation, other than through the ALAC members that they appoint.

HUMBERTO CARRASCO: Okay.

ALAN GREENBERG: So the responsibilities of the Empowered Community fall upon the Advisory Committee. Now, how the appointees of the RALOs make their decisions may or may not be driven by things within the RALO. I suspect in the world we're living in that some RALOs will tell their ALAC members, "We appointed you. We trust you. Make decisions." Other RALOs may choose to say, "The RALOs should vote on something like that."

I would suggest the RALOs have to be very careful in that because, number one, these are really crucial, important decisions we're making, and you want them to be made by people, to the extent possible, who are really informed and know what the issues are. That's sometimes hard, pushing that all the way down in the RALO. Not impossible.

Second of all, the timeframes we're talking about are very, very short. There are timeframes like, "Within two weeks, the ALAC must make a decision." That doesn't allow for a three-month consultation.

HUMBERTO CARRASCO: Okay. Thank you very much.

ALAN GREENBERG: Tijani?

TIJANI BEN JEMAA: Humberto, you're right. Our Rules of Procedure should be amended because we don't know how we will select our Empowered Community administration representative. We don't know how we will take our decision regarding those new powers. So it is not a contradiction. It something that we have to

add, we have to fix. And it will be fixed before the end of September. Thank you.

ALAN GREENBERG: Thank you. We have a couple of minutes left. If there are no more hands, then we'll thank Sam and Trang. If there are any other ones, then we'll give you a last say.

No? Then I thank both Trang and Sam. Neither of these two people are familiar to most of you. Occasionally, people make negative comments about some ICANN staff. Never about these two. I'm grateful that both of them are here and are working on this project. I know of few people who are more professional in so many ways than Sam and Trang. Thank you.

CHERYL LANGDON-ORR: Humberto, turn your mic off. Humberto, turn your mic off.

SAM EISNER: Thank you, Alan. We do want to emphasize that, as we've said to other parts of the community, we're here to help you. If there are things that you think you can identify that we can help support you in in this, we're working on some other tools that we think might help identify more concretely the different decision points in that. So we'll be working on some materials to be distributed

across SOs and ACs to help work on this, so you'll see some of that. If you have questions about what you see in there, you can always reach out to us.

ALAN GREENBERG: Some people are familiar with the line, "We're from the government. We're here to help you." That's not what Sam meant.

All right. On to our next subject. There has been an initiative within ICANN to start using the term "civil society."

CHERYL LANGDON-ORR: Where is he?

UNIDENTIFIED FEMALE: He stepped out.

ALAN GREENBERG: Where is who?

UNIDENTIFIED FEMALE: Jean-Jacques.

ALAN GREENBERG: Jean-Jacques is not on the agenda, I don't believe. Jean-Jacques is not on the agenda, I believe.

There has been an initiative which has been heavily supported in some parts of ICANN, heavily criticized in others, and specifically by some members of At-Large. We have had discussions a number of times on this subject. I suggested that we have an item on the agenda today, not with a presentation from the people who are advocating it, but a discussion within the ALAC and regional leaders – and I welcome Board members – to try to come to closure for how the At-Large and ALAC is going to be reacting to and participating in this process.

It is not productive to have this discussion every time we meet, so I would like, to the extent possible, to actually make some decisions or at least come to some conclusions on the way forward. And I would like an opportunity for those who have specific strong feelings about whether this is a good thing, a bad thing, or whatever – and I'm one of them; I will put myself in the speaker queue, but I will not speak first – to raise the issues and then try to come to some consensus about where we're going on it.

I call for speakers.

Tijani? Could we have a two-minute timer, please, with alarm?

TIJANI BEN JEMAA: I never speak more than two minutes.

ALAN GREENBERG: That wasn't aimed particularly at you.

TIJANI BEN JEMAA: Okay. First of all, when the initiative came from George Sadowsky, I was happy with it because I understood it in another way. But now that it is implemented, I am really concerned because my understanding is that the Civil Society Group is here not to duplicate the other groups, not to do the work of the other groups, because there is a lot of overlapping between this group and ALAC and NCUC and NPOC, etc. So my understanding is that this group will coordinate the work of those people outside ICANN to make our participation in the events outside ICANN more coordinated to make ICANN more visible.

What is happening now? They have a program for outreach, for capacity building. We are doing that, so we are duplicating effort, and there is more confusion now. So this is my concern. Thank you.

ALAN GREENBERG: Thank you very much. Sebastien?

SEBASTIEN BACHOLLET: Thank you very much. If I may, I would like to speak in French. In my opinion – and I talked about that many times – what we are doing right now is we are importing organizations' definitions from other circles within the Internet governance, within ICANN. We don't need that.

However, let's take the example of what AFNIC did and the work that was published, as far the distribution of the 180 leaders within ICANN, trying to use the structure of ICANN and face them with other structures, such as the SMSI or other structures. You end up with the fact that you have civil society people in different areas.

So if you use a matrix to introduce a word that is not necessarily necessary within ICANN, anybody can be part of civil society. When I am outside of ICANN, for example, it is a label that I might use for myself. But as far as we're concerned within At-Large, I think that our label is that we represent end users, and that's enough. That's sufficient. That's enough of a burden, isn't it? So I don't think that we need another label. I don't think that we need to bring any confusion to the situation. Within an organization that is already complex, I don't think that we need to add to the complexity.

ALAN GREENBERG: Thank you very much. Garth?

GARTH BRUEN: Thank you. I think it would be much more useful if Glenn would turn off his microphone since he's sitting right next to me. I hate the sound of my own voice.

If we would talk in terms of who we represent rather than adding this additional layer, we should talk about engagement of consumers and end users because those are the people that we all serve in this room, regardless of the term that is applied to whatever organization we come from. I think that this would be a much better application of the way that ICANN should be steered towards engaging with the public, consumers and end users. Thank you.

ALAN GREENBERG: Thank you, Garth. I put myself in the queue. When this whole process started, I must admit I was somewhat against it. The rationale presented was people come into our environment who class themselves as civil society, and they don't know where to go, so this is going to help them.

Unfortunately, now that we've defined civil society or attempting to define it within the ICANN environment, it translates to, "Well, there's NCSG over there, and they do some things, and they have certain interests. And then there's At-Large there. They largely class themselves as civil society, at least in other environments, and they have perhaps different positions. So you have to choose between them."

So we've taken the level of confusion and moved it to a different place on the timeline. We've added a word that some people feel comfortable with but that not necessarily added a lot of clarity. We have a concern that, to a large extent, NCSG has owned the term within ICANN until now because they have classed themselves as civil society within ICANN, whether ICANN blessed the term or not. I have some worry that we may be overshadowed by their established power in that area, and although we may still be part of civil society, we may be somewhat excluded from it within the ICANN environment.

So I'm not at all convinced that this is a good thing. On the other hand, part of me says we're not going to be able to stop it now, so let's make sure it's as harmless as possible. I'm not quite sure how to do that. Thank you.

Next we have Vanda.

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VANDA SCARTEZINI: I mostly agree with all the colleagues. I believe there is another layer talking about civil society around their RALOs. This will be more confused in this environment, just to add this other layer in this discussion.

ALAN GREENBERG: Seun?

SEUN OJEDEJI: Thank you. Alan made one of my points, which I actually wanted to pose as a question. Are we discussing whether we should continue this process or not? Is that what the intent is of this meeting? If there's an early decision by perhaps the ICANN Board that this is something they want to do, maybe we need to just hope that we can use the Empowered Community process to challenge it in the future.

But if we are currently discussing whether it should happen, then maybe points would make any difference. Bearing that in mind, I'd like to make a few points. I think, if we ask people on this, they will know to signify if they are civil society. We are going to see a lot of hands. If we ask them to signify what community they belong in in ICANN, they're going to mention it.

So what are we doing? Are we just trying to have a new name, have a double name, just for the sake of having a double name?

[inaudible] what Tijani said, we can take ICANN to civil society engagements, maybe IGF or wherever it is that they are meeting, which unfortunately or fortunately we think would be some of us here. So let's look at that. But I don't think that we should be reinventing the wheel within ICANN. Thank you.

ALAN GREENBERG: To answer the question, we're not empowered to stop it. It's a GAC initiative right now. Somebody may listen to what we're saying and take some action. The concept of using the Empowered Community to stop it scares me. I won't even think about that.

Next we have [George].

[GEORGE]:   Thank you. Two minutes is not a long time, so this will be an un-nuanced presentation. Also, I don't speak for the Board. I think that's quite clear.

"Civil society" is an emotionally loaded term in this environment, and there are different definitions of it. One definition is you take everybody in the world and you subtract out governmental functions and business functions, and we all live in civil society, and we all have aims that are relatively similar: to survive, to enjoy life, to enjoy fundamental freedoms,

etc., etc. That's a very inclusive view, and just to sharpen the contrast with what I'm going to say, things like freedom of expression and human rights are important to us, and they're a means to an end. They're a means to our ability to live the way we want to live.

Now, if you look at the Internet governance sphere, for better or for worse, civil society has come to mean the support of very specific things, such as – and I'll use freedom of expression and human rights as placeholders here. They have become essentially ends in themselves, and if you look at the various lists in the Internet which deal with civil society, there's a very different orientation to them. I tend to think of these lists as single-issue people who support other people who have single issues, but the end is the achievement of these various degrees of freedom, and not necessarily what having them allows you to do. There's the conflict.

So there's a semantic disconnect. Whenever you think "civil society," you have people thinking very different things. I think it creates more confusion than it eliminates, and I'm not sure it's a really good – to very blunt – marketing phrase for getting people into ICANN. I think somebody at the other side of the table mentioned consumer protection, for example. That's very different and something that might attract people more than just civil society.

ALAN GREENBERG: Yeah. Just for the record, we did a bit of research, and although we may all be civil society, the definitions almost always talk about groups, not individuals.

Next we have [Erika].

[ERIKA]: Thank you, Alan. I like to look at it from maybe a more process-oriented angle. I think, when you look after the IANA transition and the way we have to work together and we have to cooperate together and with this new Empowered Community structure, I think the need for more clarity about this topic is important.

So I find this a quite actually helpful debate, and maybe one can avoid the issues [George] was raising, and maybe adding a second layer. You have civil society, if you want to stick to this cluster, but then below you could have us dealing with consumer and end user issues. So you give some clarity what this is about. I think this will help to orientate the debate and focus on the topics you want to address. And this might help, by the way as well, with the other groups, which presumably would want to continue to work on civil society issues as well. Could be one idea.

ALAN GREENBERG: Kaili?

KAILI KAN: Thank you, [George]. Thank you, Alan. Just to a little bit of a repeat on –

ALAN GREENBERG: Can we put a hold on the timer?

KAILI HKAN: Sure. Sorry. Yeah.

ALAN GREENBERG: Just for those of you who don't know the in joke, for the last 15 years or so, people have routinely walked up to [George] and said, "Alan," and vice versa. We do not particularly look alike, and as I've lost more and more hair, and [George] has gained some, I think, it's even less so. But people continue to do it.

                         Can we restart the timer for Kaili, please?

KAILI KAN: Thank you, Alan. Just continuing on what [George] said, my feeling is that [George] is talking about the big picture that ICANN's facing. I indeed especially agree on that. I'm, well, relatively new to ICANN; well, about half a year. I see that ICANN

is facing a redefining stage. That's not only about the transition, but also whom do we represent. Okay.

At ALAC, for ICANN, is that a trade association of the DNS industry, or whom do we actually represent? For ALAC, my understanding is that we represent the interests of the billions of end users and consumers who use the Internet. That group of people is growing very fast. So therefore, I believe, as ICANN is more and more becoming one of the few, or maybe the one and only, so far governing bodies of cyberspace.

As a government, the principle is to be of the people, by the people, for the people. Therefore, exactly who are the people we represent? I assume that would be end users, the billions of them. Therefore, from that, we can have a better view of what we do at ALAC, what ALSes are supposed to do, and our relation with civil society. Thank you.

ALAN GREENBERG: Thank you. I have Tijani next.

TIJANI BEN JEMAA: Thank you, Alan. I have to be pragmatic. First of all, it is not in our hand to keep it or to remove it. Civil society is there now.

Second, how to make it helpful for us and not confusing? In my point of view as an ALAC member, I think that civil society group should be there to coordinate the work of all people who are reclaiming themselves as civil society in ICANN in the external fora, not inside ICANN. What we are doing as groups, the civil society group doesn't have to do. It is our work. We are doing it. The civil society group has to coordinate our work and make the picture, the image, of ICANN outside ICANN better. I think this is the aim, and we have to work toward that. Thank you.

ALAN GREENBERG: Thank you. Wolf? And I'm closing the queue. We will run out of time, even with this current queue, so please try to keep things to a minimum. Wolf?

WOLF LUDWIG: Thanks, Alan. I would just like to support what basically [George] said before on the basic concept or definition of civil society in the broadest sense. Also, I would like to support what Tijani said.

I think this debate, in my observation, is always bringing more confusion than it leads to any clarification. My basic objection is, from a European point of view, we have 37 members at the moment. I think I know them well enough. It's not on me to impose an identity on my members. It's not on me to say, "You

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are civil society, or you have to consider yourself as end users."
It's on them how they see and feel themselves.

Half of our membership is ISOC chapters. These people usually consider themselves as technical community. So let them feel as they're the technical community. There may be end users among them. We have ISOC chapters going for civil rights on the Internet for privacy. They consider them as more or less civil society. So let's keep it on the roots, on our members how they feel, how they see themselves, and what is their proper identity. It's not on me to make a decision. You have to understand yourself as an end user. Thanks.

ALAN GREENBERG: Thank you. I'm not – Garth, did you put your card up again or not? I wasn't sure.

GARTH BRUEN: And then I put it down. I thought that [George] was saying something, but actually he didn't say it, so I…

ALAN GREENBERG: Thank you. Seun. Seun put his card down again, too. Good. Jean-Jacques Sahel?

JEAN-JACQUES SAHEL: Thank you very much. I apologize in advance for my voice, which is not due to screaming for [inaudible] reasons, but just a genuine illness.

I think this is the sixth or seventh discussion we've had within the At-Large community around civil society engagement. The first time we did was in Buenos Aires. We had a joint meeting of the NCSG and At-Large where staff was asked to share ideas for how we could engage with stakeholders. Then we were tasked by that group at the time, as a community, to develop a plan, and then to elicit feedback, etc.

But I think it's important to realize we're coming from both as ICANN the organization and as a community. We are guided by an overall mission, which is in the Bylaws and will continue to be in the Bylaws, and I believe in fundamental Bylaws, to ensure that there is both geographic and functional diversity in ICANN's policy-making. This is crucial to good policy-making, to represent the global diversity of Internet users. That's where the whole engagement effort at ICANN stems from.

In terms of how ICANN's team, the organization, has tried to support the community in broadening diversity, they have developed a number of engagement efforts. There are regional engagement strategies, for instance, which are broad and focus on geographic diversity. But there are also functional efforts.

Within those, you probably know that there is business engagement. We also now have Head of Technical Engagement, Adiel, formally from AFRINIC. We've had a government engagement team for quite some time already.

Then there is another community, or set of communities, I should say. If you look at a paper that we've developed together over the past few months – the working draft was agreed on in December – it talks about non-profit, non-commercial, academia, and end users. So it's a number of communities. Within At-Large, various of these communities are represented. The term "civil society" was used as a working title, and we've asked several times if we could find a more appropriate, sexier title than "non-profit, non-commercial, academia, and end users." I don't think we should get hung up on the title. Semantics are important, but this is another, wider discussion about semantics and what civil society is in ICANN.

What we as staff will look at and what we hope we can work with the community on is really engaging out there to get new blood, to get more participation, and more diversity in ICANN. We've got a huge challenge in front of us. End users need to be increasingly and better represented in ICANN, and this is where At-Large can make a huge difference. This is what this effort is about. It's not about rebranding civil society in ICANN. It's not about finding new terms, creating new committees, etc. What

we're talking about is ensuring the best possible policy-making in ICANN for diversity and inherently the legitimacy of ICANN, because it has rotation, because it has new blood, because it has geographic and functional diversity.

So we can keep semantic discussions. We could discuss it for longer as a separate stream, but we should focus on engagement actions so that we bring people to ICANN and we get end users properly represented when it comes to the At-Large community in particular. Thank you.

ALAN GREENBERG: I see a number of hands after I closed the queue. If we have enough time, we'll go to them. Next we have Tim.

TIM DENTON: Before I begin, Mr. Chairman, is there a proposition before us, and what is it?

ALAN GREENBERG: There has been a discussion going on for a while, as Jean-Jacques said, around the use of the term "civil society" within ICANN. At this point, there is no proposition for us. It is not something we're doing. We are discussing whether we think this is a good idea or a bad idea for ICANN, and what the involvement

of ALAC should be or At-Large should be [inaudible]. No, there is no formal proposition on the table.

TIM DENTON: Thank you. In that case, I will reserve comment for later, but I would say that anything ICANN is doing should have in mind that ALAC either has or is seeking a mandate to deal with consumer issues and what is being proposed ought not to interfere with that. Thank you.

ALAN GREENBERG: Thank you. I had Asha on the queue, and I – you can either take it or pass. Go ahead.

ASHA HEMRAJANI: All right. Thank you, Alan. Yes, I was going to pass because Jean-Jacques had addressed what I was going to ask about. But first of all, Alan, thank you for inviting some of us Board members to join in this discussion.

When I discussed with this you briefly yesterday or two days ago, Alan, I was wondering what the issue was about because I didn't quite get it. I looked up the definition of "civil society" because I think this is the crux of the matter. I know, Jean-Jacques, you

didn't want to talk about semantics, but I saw two different definitions.

One is: society considered as a community of citizens. "A" community, so it's just one. Another definition was civil society is the aggregate of non-governmental organizations. So it could be an aggregate of a bunch of organizations, or it could be just one community consisting of multiple individuals.

Nevertheless, I cannot see any part of the definition which would exclude ALAC. Going back to the first definition, about society considered as a community of citizens linked by common interests and collective activity, even if you were a group of ISOC chapters, you have common interests and a collective activity. So from that perspective, from my simple mind – I'm an engineer; I think simply – I don't know how this definition would not apply to ALAC.

It there's another reason for not wanting this label for ALAC, I would love to hear more and be educated. Thank you.

ALAN GREENBERG: All right. We clearly have a queue building. Some of us have a commitment, and I'm among them, in an hour. I'm willing to stay here until then if we have more people who want to speak. So we will continue with the queue at this point. I have, after me

– and I will speak for a moment – Tijani, Olivier, [Markus], [George], and I now see that Tijani has put – no, sorry – Tijani, and I saw someone put up a card.

CHERYL LANGDON-ORR: Holly and Sebastien.

ALAN GREENBERG: Holly and Sebastien. What I'm hearing here in general – it's not what everyone is saying – is that introducing the term "civil society" into ICANN is not likely to lessen confusion and may actually increase some level of confusion.

Okay. Sorry. I requalify what I said before. I'm willing to stay for another hour. Our interpreters, however, have to have lunch. We have ten minutes of interpretation. After that, we will not have interpretation. People can speak in whatever language they wish. Others may understand them or not.

CHERYL LANGDON-ORR: Hey, it could work. It could work.

ALAN GREENBERG: Out of my control. So I'm hearing a very strong message from many saying that introducing the term "civil society" is only going to add confusion and may end up misrepresenting some

groups because it does have connotations that are used, despite the dictionary definitions. If you go to the IGF, it does have some very specific meanings, meanings that some people around this table may not associate themselves with. Others might.

UNIDENTIFIED FEMALE: For example?

ALAN GREENBERG: Privacy and human rights as the most important issues we need to talk about. Consumer rights very often are opposed to those in some specific areas. As an example, ALAC often takes very different and opposing positions to NCSG. That's the most common situation.

UNIDENTIFIED FEMALE: Okay, that's [inaudible].

ALAN GREENBERG: We are far more likely to disagree vehemently than to agree.

UNIDENTIFIED FEMALE: It's [inaudible].

ALAN GREENBERG: Therefore, trying to put the same label on both of us is only going to add to confusion. I'm hearing from Jean-Jacques that maybe the flyer that was put out saying, "Let's use the term civil society," may have been a strategic error and we need a different term. I'm not going to predict what it is. I'd certainly welcome that personally. Again, I'm not speaking on behalf of the ALAC.

We have a speaker list at this point. We have Tijani, Olivier, [Markus], [George], Holly, and Sebastien. I'm not sure if I missed anyone.

UNIDENTIFIED FEMALE: Sandra.

ALAN GREENBERG: Sandra. I don't know where you fit in the queue, but I'll add you to it.

Okay. Tijani.

TIJANI BEN JEMAA: Thank you very much, Alan. First of all, it is not a problem of name, of semantics, as you say, Jean-Jacques. My problem is that the civil society group doesn't have specific members. The members of this group are members of other already-exiting

groups in ICANN. So when you say it is to better engage those people, what we are here for, if you are not able to engage our people and we need another layer of organization to engage our people? What we are here for.

So I think that the role of this group is not to better engage or to – no, the role of this group is to coordinate the work outside ICANN of those people, of people who recognize themselves as civil society. We don't have to impose to anyone to be civil society from any group. But people who recognize themselves as civil society members, they can participate in this group, and their participation will be coordination of their effort outside ICANN to better represent ICANN, to show that the community of ICANN is there and that they are participating. Since in the other fora civil society is better known, we may perhaps in this way give a better image of ICANN. Thank you.

ALAN GREENBERG: Thank you. I will add that if that means they get money and we don't, I'm a little bit concerned. Olivier?

UNIDENTIFIED FEMALE: He's passed.

ALAN GREENBERG: Olivier has passed. [Markus]?

[MARKUS]:   I don't want to give a lecture, but I think maybe some history may also be useful. Civil society is very much a term used in a UN context. In the WSIS context, it was actually the '90s when the UN opened up and said, "Okay. Let's invite civil society." WSIS had two groups: civil society and the private sector. Later on it was differentiated into [inaudible] a recognition that there's academic and technical communities, as it was called in the Tunis Agenda. That is essentially ICANN, ISOC, IETF, all the people who belong to these organizations. Yes, ISOC chapters see themselves as belonging to that technical community, but in a technical sense, they're also civil society, as ISOC is also a non-governmental organization. That was purely a technical term, differentiating between the governments and the non-governments.

Now, ICANN has found a different differentiation. It's actually a fairly sophisticated differentiation, being commercial users, being contracting parties, and so on. You know that all. I don't think we would gain much by introducing the term "civil society" to the ICANN structures, but if I understand Jean-Jacques rightly, it's more used as a target for outreach strategy. And there, outside ICANN, civil society does exist as a group. I think

EN

Tijani hinted at the same thing. If you want to go and reach out and find new people coming into ICANN, then civil society is a huge area where you can actually recruit new people who are interested.

My plea would be not to be too hung up with a name, but leave the ICANN structures as they are without introducing new names. But recognize that, outside ICANN, people may classify themselves differently.

ALAN GREENBERG: Thank you. I've chosen to keep two minutes on the timer. If there's a general will, I can reduce it. It depends how much people want lunch.

UNIDENTIFIED MALE: Make it [inaudible] 30 seconds.

ALAN GREENBERG: Make it one – can we make it one and a half minutes, or is that not – yes? Okay. 90 seconds, please. Next is [George].

[GEORGE]:   Thank you. I spoke before Jean-Jacques gave his talk about the goal of this exercise. I support the goal 100%. I think it's exactly the right goal, and I'm glad that Tim brought up the issue of

consumer protection because that's an issue in which historically we've been weak. That came up in an event last year, in which it had to do with the .doctor TLD.

So I actually went to NGPC and I said, "Why didn't you bring this up? Consumer protection is an issue, isn't it?" And they said, "Well, we sort of disagree about it internally, so we decided not to mention it." To my mind, that's not a viable position for this organization to take.

So forget civil society. Sorry. Forget the term. Start with a blank page. Take the end and figure out how to, in the best sense of the word, market it. Apple did this when they said, "Computers for the rest of us." Well, maybe this is Internet for the rest of us. I don't know. But figure out what the appropriate way is to really make this look attractive. Forget that particular term. It's too loaded. Thank you.

ALAN GREENBERG: Holly?

HOLLY RAICHE: [George] took most of what I was going to say. I think my problem is we've got so many structures. Add another layer and you will have added nothing but confusion. We've already got people inside of the GNSO calling themselves civil society and

differentiating themselves. We've got what we think is the same mandate; very different views sometimes. Confusing enough. Why can't we actually work under whatever title? I think the rest of us will do very well. Thank you. And actually have a bit more outreach and stop creating yet more titles and yet more confusion as to what we do.

ALAN GREENBERG: Thank you. Sebastien. I don't –

SEBASTIEN BACHOLLET: No, I withdrew my hand.

ALAN GREENBERG: You withdrew. Okay. Sandra?

SANDRA HOFERICHTER: Thank you, Chair. I just want to come back to what – I was following the discussion of what [Erika] said at the beginning, and I think that sounds to me like a good way forward. We should look at the process. We have different civil society groups within ICANN, and we can argue about the definition. But the ALAC definitely has civil society groups as well. Maybe we should call it "The ALAC is a group of people, including civil society, but not limited to." Maybe this is something we could agree on.

EN

But even more important, I would really say that this group is looking at these issues. NCSG is looking at these issues. NPOC is looking at these issues. The ALAC is looking at the other issues. I think that's the thing we can transport outside of the ICANN world.

Although I found the semantic discussion a little bit difficult, I want to share an experience with from a very well known and respected civil society group. We were approached – the EuroDIG partner for civil society is EURALO. They said, "EURALO is not civil society, and this brings us in real trouble because the EuroDIG model is built upon representing" – EuroDIG is just an example. There might be other groups which are approached by the real civil society outside of the world. "You are not civil society. You don't have the right to represent civil society." This gets really, really ridiculous.

So I would say don't make a big fuss out of it, but blaming EURALO for not representing civil society because there are some other technical whatsoever people in it is just ridiculous, and we should stand against this.

ALAN GREENBERG: Okay. Next speaker is a man behind me. I don't know his name because I can't read it. But he has the microphone.

UNIDENTIFIED MALE:

Okay. I think it was important, what you all were saying. What I need is a clarification. If you are part of government, plan that you work for the government. But your personal self, can't you be civil society?

Then, on the name, I think a sexier name is Internet for the Rest of Us. It could be great, rather than civil society. Thank you.

ALAN GREENBERG:

Next we have Jimmy.

JIMMY SCHULZ:

Hi. The discussion about if we can use the term "civil society," I don't understand. When I'm asked what I am doing here with ALAC – because you have to explain it a lot because no one knows us outside this room – I tell them we are a parliament, not representing, but acting in the interest of Internet users. We're not representing, because we're not legitimately elected. That's the point. We're addressing civil society, but not representing them. I think that's a key issue and key point that we could agree on, maybe.

ALAN GREENBERG:

Thank you, Jimmy. We have Rinalia next.

RINALIA ADBUL RAHIM: Thank you, Alan. I'd like to thank you all very much. That was a very informative discussion for me. The points of views are quite valuable. It highlights the differences within the group.

In my understanding of civil society, the grouping itself doesn't preclude disagreements. It is quite okay, and actually it strengthens the group to have disagreements towards a shared goal.

In terms of moving forward, think about what would be effective for you to achieve your goals. If the civil society engagement plan provides the support and the resources for you to do effective outreach, then that is something reasonable for you to adopt. So please use that as a criteria, because I've looked at the engagement plan and I realize that it does have value to support what it is that you are doing in terms of your goals. Thank you.

ALAN GREENBERG: Thank you. We have the young lady there whose name I unfortunately don't know.

MONA AL ACHKAR: It's Mona Al Achkar, and I am a French speaker. I'm from Lebanon. Okay. Regarding the term "civil society," just like you

said, it represents groups. It's not used to differentiate governments and civil society. It's better maybe not to use that concept, that term, because we also have other representatives in this group. And it might be better to think in terms of the interest of the Internet users. Thank you.

ALAN GREENBERG: Thank you. We've heard a lot of opinions. There's far more unanimity, I think – [George] wants to speak again.

[GEORGE]:   Ten seconds.

ALAN GREENBERG: Ten seconds. You have ten seconds, then I'll summarize. I've been told here that we have to leave soon. Go ahead.

[GEORGE]:   The gentleman here has given us our bumper sticker: "ALAC: Acting in the Interests of the Internet Users."

ALAN GREENBERG: Have you not seen my business card?

CHERYL LANGDON-ORR: I think it's what it says on our website.

ALAN GREENBERG: Pass this down to him, please.

CHERYL LANGDON-ORR: Pass that down to him.

ALAN GREENBERG: I've heard a lot of comments here far more uniform than I was expecting, to be quite honest. I've heard that we're not going to use the term "civil society" to brand parts of ICANN, but we will be using it for outreach. I still have some concern that that ends up essentially doing outreach on behalf of the groups who have self-identified internally as civil society. That could be problematic. I will defer all judgment until we see a new proposal from Jean-Jacques and his colleagues. Thank you.

I adjourn this meeting. I thank the interpreters for their indulgence in continuing with us. This groups meets at 1:30 with the IPC, Intellectual Property Constituency. Thank you.

UNIDENTIFIED FEMALE: Where?

ALAN GREENBERG: Here, I believe.

UNIDENTIFIED FEMALE: No.

ALAN GREENBERG: No, not here.

UNIDENTIFIED FEMALE: The ALAC and IPC meeting from 1:30 to 3:00 PM is held in Aurora, which is the little room next door. At 1:30 PM, all the regional leaders please come back to this room for your regional leadership meeting from 1:30 to 3:00 P.M. So the regional leadership in this room, and the ALAC and IPC in the room just next door at 1:30. Thank you.

[END OF TRANSCRIPTION]