
COPENHAGEN – End Users in ICANN: A topical discussion with At-Large
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UNIDENTIFIED MALE: Good afternoon. This is End Users in ICANN. March 15th, ICANN 58.

OLIVIER CRÉPIN-LEBLOND: Okay, the next session is going to be about new users or end users at ICANN. I'd like to invite any newcomers to the table, please. If you're interested in a topic, don't just stay away in the audience. Come over to the table.

For those of you who don't know what the topics are going to be about, it's going to be a topical discussion on policy, on all sorts of things. You can ask all your questions. There's plenty of space around the table.

Again, for anybody who's sitting in the audience, this is a session for newcomers as well. So please, take your seat at the table so you can take full part in the discussion. Because this whole thing is about discussing. And yes, Alistair, please come over. There's plenty of space on the other side.

Okay, we'll be starting in one minute, ladies and gentlemen. One minute.

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Good afternoon, everyone. It's just about the afternoon, it's 25 minutes past 12 on the Wednesday of the ICANN meeting, the 15th of March, 2017. This is the session about end users in ICANN, and it's a topical discussion with At-Large. It's really aimed at everyone, but in particular at brand new ICANN attendees. I don't know how many of these there are around the table. I can certainly recognize quite a few faces that have been in previous ICANN meetings, but is there anyone around the table who this is their first ICANN meeting?

Okay, we have a couple of people. Perfect. Excellent. Oh, Seun, yeah right. Can security please take Seun out of the room right now? He's not a first-time attendee and he's just lied to us.

So, this is going to be a bit of a discussion just on policy, because we often get told, "Oh, At-Large keeps on talking process." And, well, policy is really another thing that we do a lot of, and we have three main topics today.

I have a hard stop at 13:40, so we'll have to shift through these quite quickly, and I'll ask everyone to – when they intervene – to be quite short in their questions and answers. But that said, we have plenty of time for discussion.

We have three topics. First, ICANN Accountability, and León Sanchez will be speaking to us about this. Then, ICANN Jurisdiction. Tatiana Tropina will be speaking to us about that. And then ICANN Diversity. Julie Hammer will be speaking to us about this.

And these three topics are actually part of the Work Stream 2 discussions that are taking place in the Cross-Community Working Group on ICANN Accountability.

I see more people over sitting in the back. If you want to take a seat at the table, you're absolutely welcome to do so. It'll be easier for you to take part fully in the discussions. This has to be very interactive. It's not The Olivier Show. It's not The Seun Show either, and it's supposed to be there for everyone to take part in.

Without wasting any further time, I'll turn the floor over to León Sanchez who I was looking for. A couple of hours earlier, he was sitting there. Now, he's sitting on this side. Welcome, León.

LEÓN SANCHEZ: Just to see if you're aware.

OLIVIER CRÉPIN-LEBLOND: Well, okay. I'll open the other eye this time. You are one of the co-Chairs of the Cross-Community Working Group on ICANN Accountability. A very serious position on your shoulders. There are three co-Chairs if I understand correctly.

LEÓN SANCHEZ: That is correct.

OLIVIER CRÉPIN-LEBLOND: And the three of you have had to push this whole process through until now, basically, with a lot of work being undertaken by that working group. I'll hand the floor over to you, León. Give us an idea of what this is all about.

LEÓN SANCHEZ: Thank you very much, Olivier. Yes, it's been a lot of work, but we've had a great team, which is the CCWG and our staff carrying out the heavy load. So, we are just the drivers of the bus, and the ones who are moving actually the bus is the whole community.

OLIVIER CRÉPIN-LEBLOND: If I was driving a bus with that many unruly people, I would have kicked everyone out of the bus so far.

LEÓN SANCHEZ: We can't do that. We have to guarantee a place for everyone. What I mean to say is that we have just been facilitating the work rather than doing the heavy weight lift. So, if you're not familiar with what the CCWG on ICANN Accountability is doing, it's okay, don't worry.

If this is your first meeting, as I explained to some of you who I had the privilege of speaking beforehand in another meeting, the CCWG on Enhancing ICANN Accountability is a result of the community being aware that in consequence of the transition that took place in October last year, there was the need to build a new system of checks and

balances that would prevent at some point ICANN from going rogue and to start doing crazy things in the DNS.

So, to that end, this working group was created to design these new mechanisms, and the result of the first phase of our work was the Work Stream 1 recommendations in which we designed the Empowered Community model, in which now the community has certain powers to exercise and to keep the organization accountable to the different communities and constituencies that actually form and that do the work within ICANN.

So, that was concluded, and now we are looking into our second phase of work which we have labeled Work Stream 2. As you can see, we are very creative with names. Work Stream 1 for the first phase, Work Stream 2 for the second one.

And this work comprises a series of topics that were not essential for the transition to take place, but however they were – and they are still – very important to achieve this balance in keeping accountable the different organizations that form ICANN.

For example, we have topics like SO and AC accountability, who should the different SOs and ACs be accountable to. So far, the discussions have led us to –

OLIVIER CRÉPIN-LEBLOND: SOs and ACs?

LEÓN SANCHEZ:

Support Organizations and Advisory Committees. Have led the subgroup that is taking these discussions to state that Support Organizations and Advisory Committees should be accountable to their specific community that they are supposed to represent as per the Bylaws, but they should also remain transparent and open to everyone. So, this is accountability to your constituents but transparency to everyone.

We are also looking into staff accountability, we are also looking into diversity issues, we are looking into guidelines of good faith in the case of Board member removals. Now the community has the power to remove specific Board members or the whole Board in a single stroke, to put it some way. So, there are some guidelines of good faith that will help the community to being safe and not be held responsible in case of a lawsuit, should that Board member would like to fire back to the community.

We are developing those bases of good faith, those guidelines, and we are also speaking about the new role of the Ombudsman. There have been, of course, some comments about which role should the Ombudsman develop in this new ICANN phase.

So, as you see, we have many topics being discussed, and to that end, we held a face to face meeting a day before the official meetings started in ICANN. That was Friday, Saturday – I don't remember now, it seems like it's been too long. And in that face to face meeting, we reached important milestones. One of these is that we successfully

concluded the first reading of the SO/AC Accountability Subgroup recommendations.

What this means is that the methods that we have adopted within the CCWG state that each of the subgroups must present their conclusions to the Plenary, and the Plenary then goes through a two-reading process. This first reading can have as an outcome that the Plenary has suggestions to the subgroup to take back to the drawer and to continue modifying their recommendations, or the output could also be that the Plenary approves the first draft, and then it goes to a second reading just to see that or to verify that everyone in the Plenary agrees to what has been put into a certain document.

And after that, once we have a second reading, then we publish for public comment. And after this public comment is taken, we gather the comments that we get from everyone who has contributed to this effort, and we take them back to the subgroup, they evaluate the input received by the community, and if there are any modifications that needed to be made based on this feedback, they of course go through these modifications, and then we repeat the process of a first reading, a second reading, and sometimes we have gone to a second public comment. Or if it doesn't need to be run through a second public comment, then we declare this as a closed item.

So, what we did in this face-to-face meeting was to complete the first reading of the SO and AC Accountability draft recommendations. We also defined or continued the discussion on defining the scope and expectations for the subgroup on staff accountability. We also

discussed on how we would present these recommendations for approval of the different chartering organizations.

The CCWG is chartered by different Support Organizations and Advisory Committees, which once we have a final draft of recommendations are submitted to these chartering organizations so they can have a say and tell us whether they approve those recommendations or they don't. Usually, luckily, all the recommendations have been approved by each of the chartering organizations, and this is no magic, because each of the chartering organizations has members appointed to the CCWG, so of course, those members take care that their chartering organizations' interests are well represented and well taken into account when drafting the different recommendations.

So, what we concluded to this end was that we would release each of the draft recommendations from each of the subgroups once approved by the Plenary so that the chartering organizations could run their approval process in small bits of information, meaning one report after another, and not concentrate them as we did in Work Stream 1 into a single, very bulky and large document.

So, all we want to do is to optimize this process and have a lighter and more efficient process for the chartering organizations to approve these recommendations.

One last topic that we spoke about was timing. We have of course a timeline, and this timeline – as sometimes happens in ICANN – got derailed. So, we're behind schedule on many discussions, and this will

lead to having an extended timeline. We were originally planning to close the work of the CCWG by the end of Fiscal Year 17, which is by mid this calendar year, but we realized that we won't be able to actually achieve that goal.

So, what we begun discussing in this face-to-face meeting is how we are going to extend this timeline into Fiscal Year 18 and how we are going to deal with the budget issues. Luckily, in our first assessment of the situation, the budget that we have been assigned seems to be enough to carry out these works into Fiscal Year 18 so we won't be needing to apply for additional resources.

So, Olivier, this is a quick update on what we did on the face-to-face meeting. And of course, I am open to any questions that anyone may have.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, León, and whilst people start cooking up their questions for León, I wanted to do a little bit of housekeeping here. I wanted to ask in the audience sitting behind the table here, how many people are newcomers? The sort of first ICANN meeting.

Oh, there are quite a few. Okay, well, we have four spaces over on the table. The first four to make it to the table, please. We need to fill that table up, so four people move over to the table. We can try five or six, but it will be a little tight.

But please, get on the table. This thing is primarily for you to interact – and Glenn, no, you're not a newcomer. That's this first thing. The

second thing I wanted to say, there's also some food for the people taking part in this session, and newcomers are absolutely encouraged to finish the food. There's nothing worse than finishing a session and the food ends up in the bin, or worse still, what do you call it? These people who just come in and then steal the food and bring it back to the kitchen. Terrible. We have to use this food and so on, so please, food, drinks, everything. It's all for you. And coffee as well.

Glenn McKnight.

GLENN MCKNIGHT:

Thank you. León, I just wanted to ask you in terms of the scope of your project. And I know you've worked on what your deliverables are. I'm just curious, what accountability means to me is that you set benchmarks and you set roles and responsibilities. Is it in your remit about repercussions or if people are not accountable or staff or community is not accountable, is that something you actually deal with as well?

LEÓN SANCHEZ:

Thank you, Glenn. That is actually what we're discussing, which would be the consequences should, let's say, staff or anyone in any given SO or AC would need to be accountable, and what would happen if he or she wasn't accountable. So, that is exactly the core of the discussion that's being carried out at this point.

OLIVIER CRÉPIN-LEBLOND: Thanks for this. So, the lady who's here with the white shirt, please introduce yourself. I can't see your badge, unfortunately. That's fine, introduce yourself and fire off your question or comment.

CLAIRE CRAIG: Good afternoon, all. My name is Claire Craig. I am a newcomer to ICANN, and I'm also a Fellow.

My question is not specific to the ICANN Accountability, but I hope it's okay to ask it here. It's about the whole ALAC. One of the things that I like about ALAC is the whole multi-stakeholder approach. The thing about it is that you get an opportunity to bring various and differing points of view to the table. But at the end of the day, you have to end up with some kind of consensus.

The process that León spoke about seems to be very robust in terms of airing all the different issues and arriving at that kind of consensus. My concern however is, is there a possibility that because someone or some issue may not be vocal or because some issue may not have the kind of representative that it may need because ALAC is such a huge organization, that it may get buried and never get to the point where it goes out for public comment and stuff like that. How does the process mitigate that from happening?

OLIVIER CRÉPIN-LEBLOND: I'm going to give that to you, León. That is good practice. If you're not aware, León has been selected by this community, by the At-Large Advisory Committee and the regions to be our Board member I guess

selected by At-Large, starting from the annual General Meeting at the end of the year. So that's good practice for you, León. Go for it.

LEÓN SANCHEZ:

Thank you very much, Olivier. Claire, right? Thank you for your question. Sometimes, the inertia of the discussions might bury down some points, of course. The way we work within ICANN is through Policy Development Processes.

These Policy Development Processes have a path that they should follow in order to have a conclusion, and of course, an outcome. So, there are many stages throughout the Policy Development Process in which you can have your voice heard, in which you can have a voice to your thoughts.

Sometimes, some thoughts might not be successful in being reflected in a given policy process because of a series of circumstances. But rest assured that in my experience at least, all those who sit at the table and voice their thoughts are always heard.

Maybe not always in an optimal way in which you will be seeing your comment reflected effectively in the policy development process. Yesterday we were speaking about meaningful contributions. So, I guess it takes time. It takes time for you to get involved, to get to know where to properly influence the process in a good way and where to be able to contribute meaningfully to this process.

So yes, there might be a chance in which certain point might remain buried throughout the process, but however, as I told you yesterday,

you shouldn't feel discouraged, because you have many opportunities during a single Policy Development Process in which you can raise again your point, and sometimes it'll get traction and others will join you in trying to defend that point.

Sometimes, it will not. That is how the multi-stakeholder process actually works. Some points get traction, some others don't, but that doesn't mean that they are not heard. So, we need to build a case and be able to present the argument so that others will actually join us and defend our point together.

OLIVIER CRÉPIN-LEBLOND: Thanks, León. Julie Hammer is next.

JULIE HAMMER: Thanks very much, and Claire, I'd just like to add to some of the comments that León made to answer your question. León focused on participation in the Policy Development Process. I might just contextualize it specifically on this work in the CCWG Accountability.

The way in which people can participate is not just as representatives of SOs and ACs. There are official representatives to the working group, and they try and participate in each of the nine subgroups on specific topics. That's the way this has been set up.

But it's actually open to any member of the community at all to sign up to take an interest in any subgroup that they wish to. So, nobody is excluded, and voices are heard in all of those subgroups. As León said,

in a similar way to PDPs, it doesn't necessarily mean that everyone's view will result in the final decision, but all voices are heard and encouraged, and nobody is excluded from participating.

I think one of the challenges we have at this point in the process is that it's really been going on for quite a long time now, and a lot of people have put in a lot of energy. And people are getting a little bit tired, and some of the participation is dropping off. Sometimes, that's not the greatest way in which we'll achieve the best outcomes.

So, I think what we have to try and do is keep the energy going, get to a conclusion as quickly as we can without compromising the quality of that conclusion, and then get back to the real work of ICANN putting this in place. Thanks for your question, Claire.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Julie, for these further points that you've made. And you made a very valid thing regarding the people getting tired of some of these discussions because they've been in it for so long. Unfortunately, there's no renewal of volunteers in those groups, because of course, the longer a group has been talking about an issue, the more history there is to it.

So, in addition to the complexity of the discussion and the topic itself, there's all of the history of it, a year and a half of discussions. And one of the worst things is to say, "I've got a bright idea," and you go in the thing and come up with a bright idea, and everyone looks at you and goes, "Oh, God, we talked about this six months ago."

It's hard. It's really understandably hard to jump onto a train that's already moving at full – well, maybe not full speed, but still moving forward. We are very tight on time, but I'd like to take in another question perhaps from anyone around the table. Any newcomer around the table, or in the audience behind who might be – yes, please.

Just introduce yourself, and then you can ask your question.

[BERTHA RICHARDS]: Good afternoon to you. [Bertha Richards], Georgetown, Guiana, South America. The questions that I'm asking is from a Caribbean perspective because there's Latin America and the Caribbean LAC.

Two questions. The first questions that I'd like to ask is, what sort of significant representation has the English Caribbean – as there's French, there's Spanish, but particularly, I'm concerned about the English Caribbean – received from the At-Large community? And how effective has that been in the At-Large community? Because I've not really heard much in that regard.

OLIVIER CRÉPIN-LEBLOND: Thanks for this question. It's challenging, because I have to think from memory regarding the accountability process, how many people have taken part. We had about 30 people I think who are in the various work streams. One of the problems is that this is a self-starter scenario.

We ask for volunteers, and if anybody wants to be in one Work Stream or another, we then say, “Well, if you’re the only person or there are two people, can you please be a rapporteur and come back to us and let us know what’s going on in that Work Stream?”

I don’t think from memory that we’ve had many people from the Caribbean, and especially the English speaking Caribbean volunteering to be in those Work Streams. So, there is certainly a lack of participation from people in the English-speaking Caribbean. I think it’s the same for the French-speaking Caribbean as well.

We have had some people from the Latin America and Caribbean region as a whole, as in from the Latin America parts of the region. But as I said, if nobody volunteers, we’re not going to go and pick people out and say, “You have to do it!” That’s not how it works. It’s bottom-up, and I think that if we started giving tasks to specific people, we would probably have people running away when they see us walking in the corridors. “Oh my God, it’s these people, please run, hide.”

But if you are interested in these issues and you’ve already caught on to them and so on, it would be great to have somebody from that region in the world be able to bring that perspective. Because the whole thing is also not only being able to bring your input as a person, but also your perspective, and we know that all of the different regions have different perspectives. So, it’s something that’s quite important.

One of the things we do do in At-Large is because we’ve got our five regions, we do have a wider perspective than most of the participants

in other constituencies which might be more polarized towards one specific type of perspective.

Although I know that Tatiana is going to say that the GNSO has got also many different perspectives, but I think on a different level. Less on a cultural level than At-Large.

TATIANA TROPINA: Not only GNSO, even civil society.

OLIVIER CRÉPIN-LEBLOND: Yes, civil society, ccNSO. But we're structured in a way that really tries to push different perspectives up. I see – I don't know who. Is that Alberto Soto who's put his thing – okay, could I first go to the newcomers, Alberto, before coming on to you? There's one person waving her hands and another person here.

TATIANA TROPINA: There was one – this person was waiting for a long time.

OLIVIER CRÉPIN-LEBLOND: Who? Oh, okay, so if you're in the [inaudible] get the other lady to – apparently she's been waiting for a super long time. But one after the other, yes. Introduce yourself and say your question.

[ASHANI]: Hello. I'm [Ashani] for the record. I'm also a newcomer. I was wondering since this Work Stream is mostly dedicated to the idea of accountability – this is more of a conceptual question – but how wide do you see accountability, and what do you exactly mean when you say it?

OLIVIER CRÉPIN-LEBLOND: I think that's a good – that's the Chair on accountability we'll need to ask on this one. León Sanchez.

LEÓN SANCHEZ: Thank you very much, Olivier. We think of accountability as in the scope and the remit of the ICANN mission, of course. We cannot have a very wide scope on accountability since we only influence what happens within ICANN.

So, the scope of the accountability issues that we are taking care of are of course within the remit and within the limited mission of ICANN. So, it is a long discussion that has been happening, and there are some issues that are not resolved still, as I was saying in my update.

For example, in the SO and AC accountability, we have defined the scope, but with the staff accountability issue, we have not defined yet the scope of the working group.

So, we still need to define – as you rightly point – which is the reach and the scope of this accountability exercise. But to provide you with a

short answer, it is within the actions that affect the ICANN's environment.

OLIVIER CRÉPIN-LEBLOND: Thank you, León, and thanks [Ashani] for the question. Let's have the next person, please.

ANJU MANGAL: Hi, my name is Anju and I'm a newcomer. I'm a Fellow, and I am from Fiji and I also work in an organization that represents 22 Pacific Island countries.

I'm talking about engagement. The word engagement is a two-way process, it's not just a one-way process. And some of us feel that it's a one-way process, because we always try to engage with you but you may not necessarily want to engage with us. That could be a situation in certain parts of the world.

But the one thing I wanted to ask, is there an engagement strategy, like an outreach engagement strategy that you guys are looking at or you have, something that may be applicable to the different regions?

Now, the regions are different. Pacific region, we tend to shy away sometimes. We don't really want to express ourselves. We are smart, we are talented like Caribbean and other regions, but we just don't want to – sometimes it's hard for us to come out here and speak openly.

So, I think it's very important that you need to look at the different regions differently and try to come up with engagement or some outreach process that is applicable to the different regions.

OLIVIER CRÉPIN-LEBLOND: Yes, thank you. Thank you, Anju, and the engagement strategy that we have starts with a picture. You will have seen that somebody just went and took your picture to start with. But no, it's more than that. Each one of the regions has a Vice President on Outreach, so each one of the regional At-Large organizations, the five component parts of At-Large work hand in hand with the Global Stakeholder Engagement Department and their Vice President, and devise every year an outreach and engagement plan, an outreach strategy.

They are on our wiki. It's a nightmare to find where they are, unfortunately, but if you go I think on the At-Large website, and you'll find out they're somewhere outreach plan or outreach strategy, and that's where the plan is.

UNIDENTIFIED FEMALE: [inaudible]

OLIVIER CRÉPIN-LEBLOND: That's correct, yes. So what Anju is saying is that we're talking about one person for a huge place with hundreds of islands in the Pacific, as we know. Is it thousands, maybe? Thousands – probably – of islands in

the Pacific, such a huge place. That's well understood, and that's why we need to have more people who are out there.

We start with one. We're probably still at a very early stage. We need to be able to have more people sign up. We had a strategy in At-Large a few years ago which was one At-Large structure in every country. We're far from having covered that. In fact, I would say we probably failed to have reached this.

Let's go through the thing. Yesim Nazlar, and then I'll go through over to the table and go to Alberto Soto, and then Garth Bruen.

YESIM NAZLAR:

Thank you, Olivier. Actually, just a quick reminder to use the microphones, because we have interpretation and we have recording, plus we'll have our transcriptions. Thank you very much for your understanding on that.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Yesim. Yes, that's indeed something I forgot to mention. If you wish to speak French or Espanol, or – yes, I'm going to that – or if you want to listen to the discussion in French or in Espanol in addition to English, then of course, we have our interpreters. You've got headsets here, and also headsets at the entrance of this room.

Right, let's go through the list quickly. Next is Alberto Soto, and indeed you're going to be able to use your headsets for Alberto, because he

will be speaking in Spanish. Except of course if you're a Spanish speaker.

ALBERTO SOTO:

When there is interpretation, I do speak my native language. I think this is something that we have to use, all of us, any language that we speak. My comment will I think be good or be useful for many of the questions asked here.

With respect to participation and engagement, we're having a discussion with Lance Hinds yesterday from the Caribbean, and he said that there was very interesting participation from the Caribbean. So we said, "We're going to go look for them."

We mentioned a few names, and so Lance will bring some people from the Caribbean who were a bit far away, maybe. We have had some issues. We had a meeting recently in Los Angeles. We had a very good meeting in Los Angeles, actually.

Of that meeting, we are seeing a whole process emanating from it, and we believe it will be very successful, and we will start to work perfectly with the Caribbean.

We are already thinking about the Caribbean. The first tasks that we conducted a few years ago were targeting the Caribbean, to such an extent that we reached Haiti with the CROPP program and we got into the Dominican Republic.

Of that trip, we got a new ALS from Haiti and a new one from the Dominican Republic. They're both working right now. So, why did we mention Haiti first? Because Haiti is the country in the Caribbean with the lowest Internet penetration, and we do have to start working that way. We need to first bring them, and then look for solutions. We are actually working to try and see if we get connections with companies that have nonrenewable resources, in the whole of the Caribbean, not only in Haiti. And what we're offering in Haiti, be sure that we're going to offer also to the rest of the Caribbean islands. We do know they have lots of issues, and this is not just a lack of willing to participate and get involved. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alberto. And Humberto, is that just to add very quickly? Because we're quite late.

HUMBERTO CARRASCO: Thank you very much. I'm going to speak in Spanish as well. Just very briefly, complementing what Alberto is saying, we have asked the list of newcomers, and we want also for them to be from the Latin America and the Caribbean countries. And we hope you will authorize us to send them an e-mail so that we can invite them to participate in our Latin American and Caribbean community. So, you will very soon hear news about that. Thank you, and I need to leave now, Mr. Chair.

OLIVIER CRÉPIN-LEBLOND: Thank you, Humberto. And in fact, what I was going to ask is for a staff member to perhaps go around and see the newcomers and ask if they want to leave their e-mail address or contact details so we can pursue this discussion.

Garth Bruen, and then Satish Babu, and then we have to move over to the next topic on our agenda, which will be jurisdiction. So, Garth.

GARTH BRUEN: Garth Bruen, ALAC, North America. Thank you for having this session, Olivier, and thank you for all the work that you do, León. In terms of Internet users, I have to warn everybody, I think, that we have to be on alert. Because at the ALAC meeting with the ICANN Board, a Board member said that ICANN has no obligation to end users.

This isn't a new statement. Last year at the Helsinki meeting, at our meeting with a Board, a different Board member said ICANN has no obligation to the end users. So, why are we here? What's the point, if ICANN as a structure doesn't think that it has any obligations to the end user? We either need to change this thinking or come up with a new method of engagement. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Garth. And I hoped that you were going to give us an answer to the question you asked, but I guess it is a rhetorical question. So, I know you too well now. Let's go for Satish Babu.

SATISH BABU:

Thank you, Olivier. I'd just like to respond to the feedback from [Anju.] First of all, APRALO is very large, and we realize the limitations. But at the same time, our official motto is we celebrate diversity. We welcome diversity and we celebrate it.

Secondly, as far as the Pacific is concerned, currently we have three ALSes, and also a member on our ALAC. Even the previous ALAC had [inaudible] member. So, I think it is reasonably well represented, but we are aware of the limitations of engagement, and we welcome your feedback and continued engagement.

We can see how to work this out. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Satish. And just for the record, of course, you might not know them, but Satish is the Chair of the Asia Pacific and Pacific Islands. Asia, Australasia, and Pacific Islands Regional At-Large Organization. And Humberto Carrasco who spoke earlier is the Chair of the Latin America and Caribbean Regional At-Large Organization. So, you've got their commitment to work with you.

Right, let's move on. Let's go to diversity now, and for this, we have Tatiana – not diversity, jurisdiction. I'm losing my head. Tatiana Tropina, a very hard fought sub working group of ICANN Cross-Community Working Group on Accountability. What was that about?

TATIANA TROPINA:

Thank you very much. So, please don't be surprised that we are moving from the issues of engagement and regional strategies and involvement to the issue of jurisdiction. I understand that it might be probably a bit of a hardcore issue, so I'll try to explain it in the simplest way possible. I'll do my best.

So, first of all, why we felt that jurisdiction is important to cover in this session. We think there are so many misunderstandings around the issue of jurisdiction in the Accountability Working Group Work Stream 2. I have people asking questions like, "Is ICANN going to be relocated? Is ICANN going to have international immunities and privileges? What kind of role governments would have at ICANN if ICANN would be immune and privileged and so on?"

So, we thought that we might want to raise awareness among you what is actually being discussed at the Jurisdiction Subgroup. But let me start with a bit of history. León already said that there were two Work Streams. Work Stream 1 which was finished before ICANN transitioned from the U.S. government oversight, and now we have a Work Stream 2. And in Work Stream 1, it was decided that ICANN would be incorporated as nonprofit in California under Californian law, and all the community powers which will make ICANN accountable were tailored to the California law.

So, for example, how community is going to challenge the decisions of the ICANN Board or remove a Board member, or eject the budget. It is all tailored – the root is in the Californian law. So, it was decided that these didn't solve the question of jurisdiction fully, because some of

the questions still remained, like for example the applicable law for dispute resolution, which might influence anyhow ICANN accountability mechanisms. Because for example ICANN has hub offices, like in Istanbul or offices in Brussels, so this group, the Jurisdiction Subgroup was going to have a look at contractual obligations, choice of laws in different jurisdiction where ICANN has offices.

What happened at the end, or let's say in the beginning of this subgroup? Many of the participants of the subgroup considered this as a venue to bring the issue of relocating ICANN.

So, for many people – and I totally understand the reasoning behind this, the notion behind this – the fact that ICANN is incorporated in the U.S. still means a pain. They're still saying that ICANN is not immune enough, is not international enough as long as it remains in the U.S.

So, we have an issue at the jurisdiction subgroup with the scope of the work of the group, because what was supposed to be just the analysis of different layers of jurisdiction, contractual compliance and accountability with regard to maybe different offices and hubs, turned into kind of opening a Pandora's box.

Because the debate is now, what are we actually covering in this subgroup? Should we consider relocating ICANN if we find out that the U.S. jurisdiction is not going to work for accountability, if we analyze the situation and we say, "No, these mechanisms are not enough?"

So, many people are bringing these issues up. Some people are saying, “Well, you know what? We think that ICANN is not immune enough. If something happens, if someone will sue ICANN, it will influence the domain name system, it will influence users, it will influence Internet worldwide. So, we have to make ICANN immune and privileged organization.”

The argument against this is, like under the U.S. law or I don’t know, Swiss law where some people want ICANN to be relocated, to have immunities and privileges, you have to be a treaty-based organization where governments are participating.

And ICANN Bylaws are saying that ICANN is – and should remain to be – rooted in the private sector. So, we are now in a kind of deadlock in the subgroup, and honestly, I have lots of respect for the Chair of this subgroup, Greg Shatan, who is managing this Groundhog Day, because every call we have – and the calls are every week – the question of the scope of the work of this group and immunities and ICANN relocation is coming up all the time.

I’m really surprised that this group was actually able to move to where we are now, process-wise. The group sent out two questionnaires. The first questionnaire is to ICANN Legal to list jurisdictions where ICANN basically could enter litigations as defendant, and also some contractual issues.

The other questionnaire was for the community, and actually, if you have something to say – and I believe that many of you probably will

have something to say – is about how the U.S. jurisdiction can influence everything.

So, the question there, like question one, “Has your business, your privacy and your ability to use a purchased domain name been affected by ICANN jurisdiction in any way?”

The second question is, “Has ICANN jurisdiction affected any dispute resolution process or litigation related to domain names, if you have been involved in these?”

Question three asks for the evidence of all this, and question four was the favorite question of this group because it took ages to agree on this, because it is the question about ICANN relocation.

So, the question is, “Are you aware of any material, documented instances where ICANN has been unable to pursue its mission because of its jurisdiction?”

And the second part of this question is asking if there is any alternative jurisdiction where this could not have happened. What is expected now?

Because we sent questionnaire out, we expecting responses until April, so please comment, please provide your response if you have something to say. But the group is very cautious right now, because when you issue these questions, when you give it to the community, you want facts. You want evidence. Even anecdotes, but some fact-based information. What I’m dreading is that we will have just a bunch of opinions at the end, like, “It didn’t happen but I think it would.” So,

this would be another problem on top of everything that this group already has. So, it is a very interesting work right now, and for any newcomers, it is hardcore.

But if you really want to jump into this water with both feet, this is the group for you. Even listening to these calls, even participating a bit in the drafting and looking how people are working will give you the real sense of multi-stakeholder process, of negotiations, and about consensus, so how this actually works. Because this is where you can see all the mechanisms at their best. Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you, Tatiana. And I've heard that one of the potential solutions would be to put ICANN on a boat.

TATIANA TROPINA: Yes.

OLIVIER CRÉPIN-LEBLOND: I heard several people say, "And if ICANN goes rogue, all you need to do is sink the boat and that's it, problem solved." None of that years and years of work. Okay, the floor is open. Let's start with the lady here. You're not Judith Hellerstein. Okay. Alright, you wanted to add something, Tijani.

TIJANI BEN JEMAA: Yes, thank you very much, Tatiana and Olivier. The questionnaire to the community is still on, so please, take it. It's very important that everyone answers those questions, because things can change.

You see now with Trump and U.S., some of our community people couldn't come from America because they are afraid they cannot come back to their home in U.S.

So, please, answer those questions. Enlighten the working group so that the working group can reflect your point of view. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks, Tijani. So, let's start with the lady over on this side. Introduce yourself, please.

ELIZABETH OREMBO: I'm [Liza] Orembo from Kenya ICT Action Network, but not speaking on behalf of it. I'm speaking in my own personal capacity. Now, the issue of jurisdiction – this is a follow-up question to you, Tatiana – that I've been hearing about it since the transition started, and it's been like two years. So, I'm wondering, have we found any options in the period of those two years? What are those options here?

TATIANA TROPINA: Thank you very much. The jurisdiction issue was actually multilayered in these two years. The first issue was if ICANN was going to transit from the U.S. government, what is the option for its location? Which

location gives the best mechanism to make ICANN accountable, transparent, and being able to function?

And the community has decided that ICANN for now will remain as a nonprofit Californian corporation, so in this way, maybe temporarily, this issue was solved. Now it went to another layer.

But in a way, what really strikes me – you’re right. The problem is that in these two years when the community was working on the accountability proposal, the deal on this fundamental question of jurisdiction was not really sealed.

It was always kind of, “Okay, we are incorporating it now, but then let’s see how it will go, because we have to transit first.” So, there was a good but quick solution, and right now if I take the hypothetical scenario – maybe not that hypothetical – of relocation, it would be another two or three years of redrafting the Bylaws, thinking of the new mechanisms, because what is going to work in California under Californian law is not going to work in, say, Switzerland under the Swiss law.

And you have to come up with the new mechanisms again, with the new community powers, or whatever organization is going to be. So yes, it’s like we are finding temporary answers to pressing needs and questions, but we just cannot find a final answer. And I don’t know where this group is going.

OLIVIER CRÉPIN-LEBLOND: Thanks for taking ten minutes to tell us, “I don’t know where this group is going.”

TATIANA TROPINA: Yes, because you never know if this is the light at the end of the tunnel, or is it a moving train.

OLIVIER CRÉPIN-LEBLOND: Welcome to ICANN, everyone. Let’s go for the next question.

GRACE LINDO: Hi, I’m Grace Lindo, a fellow from Jamaica, and I’m very happy that you brought up this issue, because I’ve always had concerns about jurisdiction. I’ve wanted to know whether ICANN is set in its way in terms of continuing to be a not-for-profit, or whether that is out of the question in terms of changing to be some sort of pseudo-IGO, intergovernmental organization.

And my second question is about your working group. I didn’t get the specific name on how you can join, the specifics, because I heard [the call] but I didn’t hear who should I contact. You?

OLIVIER CRÉPIN-LEBLOND: Tatiana.

TATIANA TROPINA:

Thank you. So, if you go to the webpage of CCWG, Cross-Community Working Group on Enhancing ICANN Accountability, on the left side you will see the Work Stream 2 topics. Then you go to Jurisdiction, and there are basically two ways to join.

You can join as an observer, just reading e-mails but you cannot reply. Or you can join as a participant, and this is probably the best way to do, because you can join the calls, you can reply the mailing lists, and you can just really follow.

And it is now in its best in terms of the discussions, and we do need helping hands because we will be getting responses to the questionnaires quite soon, and this is a good moment to join and follow because you will be working in a team of amazing people who are going to analyze the replies, and you're really going to get the best of it.

About nonprofit IGO and so on, my personal opinion that ICANN will remain nonprofit. ICANN should not be IGO, because it would be rather – I think it would be a violation of Bylaws. What do you think, Olivier?

OLIVIER CRÉPIN-LEBLOND:

Yes. It's not the Bylaws, but the transition. It was actually saying it shouldn't be a government-led solution. So, I think that the United States might kick a fuss if we say, "Yes, we've come up with a solution that's not government-led" and then change our minds two months after they've left.

Remember, they have nuclear weapons. We don't.

TATIANA TROPINA: Sorry, a quick follow-up. As I mentioned already, the whole accountability mechanisms, what really makes ICANN unique, what really makes ICANN avoid turning into FIFA, non-transparent, whatever, corrupted organization. I'm sorry if there's anyone from FIFA.

These mechanisms are tailored for nonprofit under Californian law. And I will say it again and again, because once you decide to go from the country or you decide to change the form of incorporation, it will be another few years of work of developing new mechanisms.

OLIVIER CRÉPIN-LEBLOND: Thank you, Tatiana. We'll have two more questions coming from the floor, and then afterwards we'll move on to diversity. So, let's have the next person, please.

ALPEREN EKEN: Hello. Is it working?

OLIVIER CRÉPIN-LEBLOND: Yes, it's working. You have to pull it up a little bit closer to your mouth in your direction.

ALPEREN EKEN:

Okay. Now I can hear. It is Alperen from Turkey. I am here as a Fellow, and it's my first meeting. I want to say some things on jurisdiction issue. I am a newcomer, but I was an intern at ICANN for five months in Istanbul office.

I want to say something about the organization, not the community. We are saying that ICANN has a couple of hundred staff in more than 30 countries, but there is this statistical thing that more than half of the staff is in United States, and they are citizens of United States.

And even our CEO went to United States after he became CEO. Most of the executive team is in United States, and it is like United States Organization, not really global organization if you ask me as a newcomer.

And secondly, if we need to make a tradeoff between the difficulty of creating or drafting all the Bylaws and having a better solution than being based in United States, I will choose drafting Bylaws.

OLIVIER CRÉPIN-LEBLOND:

Thank you for this. Tatiana, yes, I'm sure you have an answer.

TATIANA TROPINA:

I totally agree with you, and this is why this group asked finally the question about how jurisdiction can actually influence, and if there is any alternative, better solution. Because if we find out that being located in the U.S. gravely influences the DNS system or makes ICANN unable to do something, of course, the community would make this

tradeoff and choose drafting the new Bylaws and providing new mechanisms.

It just shouldn't be done just because of some capricious thing, because we don't like U.S.A. anymore.

OLIVIER CRÉPIN-LEBLOND: Has there been a discussion on staffing levels across the world?

TATIANA TROPINA: I'm not aware of it.

OLIVIER CRÉPIN-LEBLOND: That's interesting, because you would have thought that could be the first question to be discussed in saying, "Well, is ICANN a U.S. organization?" If 80% of its employees are based in the United States, it points in a certain direction.

Anyway, let's then go to the next question.

OWEN DELONG: More of a comment than a question. Owen DeLong, Akamai Technologies speaking for myself. Be careful what you wish for. In terms of moving ICANN out of the United States, I'm all for that – even though I'm from America – if you can find a jurisdiction that will somehow better suit ICANN's purpose.

I am not aware of any. ICANN as a nonprofit versus an IGO, if you want to look at what this would look like if you had an IGO doing it, you need look no further than the ITU where each country gets one vote. If you want to talk about a way to disenfranchise and disempower the end users, there is no better mechanism available than converting ICANN to an NGO.

OLIVIER CRÉPIN-LEBLOND: To an IGO, I think you said. To an IGO, yes. I've heard this argument and I've heard this answer, and you've hit the nail squarely on the head. Let's go for Nenad.

NENAD MARINKOVIC: I have one question. Maybe –

OLIVIER CRÉPIN-LEBLOND: Nenad Marinkovic.

NENAD MARINKOVIC: Nenad Marinkovic from Serbia, yes, new Fellowship program here on ICANN this year. I have a question regarding jurisdiction, but not in the sense like we are talking now. But I heard a colleague that ICANN has nothing to do with the end users. And I ask myself if I'm using Internet on top gTLD like .com, is there any difference with user who is using a national Internet domain name? Because both are end users, and the jurisdiction here is I think ICANN or Afilias or Verisign or whatever but it

is U.S. and in the opposite case, it is some other country. Maybe something about that to clarify to everyone.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for mentioning this, Nenad. There's a very big difference indeed between country code top-level domains and generic top-level domains.

So, the country code top-level domains being .uk, .fr, .de, .dk for Denmark, and the .com, .net, .org and of course, all the new ones that have been created more recently.

The country code ones are in general – not 100% of the time, but in general – are subjected to the jurisdiction of the country itself that they denominate. And of course, that's very different, and ICANN in fact has absolutely no power over any of the actions of a country code top-level domain.

So if you have terrible rules and so on with regards to that top-level domain, it is down to that operator and they're completely independent of ICANN.

When it comes down to generic names, the jurisdiction in general, the jurisdiction of the company actually offering, so the registry offering that domain name has something to play, and there's also a component part regarding ICANN being in there because of the fact that they have a direct contract with ICANN. That's why they're called contracted parties in the Generic Name Support Organization.

So, it's something. It's a differentiation that so few people know about, especially since in some cases some country code top-level domains have marketed themselves as being generic top-level domains. I'm not going to give examples because I don't want to point a finger at any one of them, but there are a few that have done that in a certain way.

I think we need to move to the next part of our agenda, and that's going to be diversity, with Julie Hammer who's going to be speaking about this with us, and then we'll have a quick discussion and we'll have to close soon. Julie, you have the floor.

JULIE HAMMER:

Thank you, Olivier. I'd just like to give you a SITREP on where the Diversity Subgroup is in its work at the moment. We have taken a very broad view of diversity and how it ought to be thought about and applied within ICANN.

We're still partway through our work, but in thinking about diversity, we've realized that there are a lot of different elements of diversity that we should think about, and the subgroup at this stage have identified seven elements that we believe are important.

The first one being geographic or regional representation, secondly language diversity, thirdly gender diversity, fourthly age diversity, fifthly diversity of physical disability, sixthly diverse skills, the diversity of the skills that we're thinking about, and finally, the diversity of our stakeholder group or constituency.

And what the subgroup is going to try and do to help it come to some recommendations about where we should be heading with diversity in ICANN is seek further information from the various parts of ICANN to get some details about how different groups think about diversity within them.

So, we've put together a diversity questionnaire. It's not yet finalized, but it's going to be distributed to all of the SOs and ACs, and also to other parts of ICANN, for example the Board, the staff, the NomCom, the different groups within ICANN where we believe diversity is an important factor, and we're going to ask them what they think about these elements of diversity, how important are each of them to that group, and indeed, are there any other elements that your group considers to be important in diversity that have not been listed on that list of seven?

So, we're going to be doing some information gathering, not only about how other groups think about diversity but also about how they might promote diversity within their groups. So there are three questions about gathering data, about the actual characteristics of diversity, and then three questions about how diversity might be promoted through participation, through education and awareness or through policies and practices.

That's still got quite a way to go, but the other idea that the group has been talking about is, well, where do we go to once we've got that information? So, the group has realized that on an ongoing basis.

There's a function relating to diversity that we should keep our attention on within ICANN, and that function might end up being monitored in an office of diversity, or it might be just something that we recognize needs to be integrated within each SO and AC for them to monitor themselves, and perhaps with some staff assistance pull together facts and figures and progress.

But the sort of functions that the group believes need to be covered on an ongoing basis are really continuing to collect data, making sure that our description and definition of diversity keeps up with how the community is thinking, thinking about some strategies for diversity, about how we might in the longer term meet the goals that we believe need to be set, and publishing some annual facts and figures, publishing a report that brings together all of that information annually, and also continuing to make some concrete proposals to improve diversity.

So, the group is hoping within the next few weeks to get that questionnaire out. The questionnaire was considered by the plenary last Friday, and some excellent suggestions made to improve its current draft form.

That's being worked on very quickly by the group, so we're hoping that that will go to a second reading and then subsequently to the community quite soon.

And then the strawman paper that's being developed still has some way to go. We're still working on that, and of course, we need the

feedback from the community to be able to go into that before it can be finalized.

So, that's where we're at, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Julie. And of course, the responses and the involvement in the working group is exactly the same as with the Jurisdiction Working Group.

You go on the ICANN.org webpage, click on ICANN Accountability on the top right-hand corner, and you'll see Work Stream 1 Enhancing ICANN Accountability and you click on Work Stream 2 Wiki is available here. Click on that, and that will send you to the right pages where you see all the different Work Streams being listed and you can join them, etc., and of course contribute to any commenting that is being asked.

Any questions on accountability? I see someone over at the back first, and then we'll come over to the front.

FIORELLA BELCIU: Hello, I'm Fiorella Belciu first time Fellow. I was looking forward to this particular part of the meeting, and when you mentioned age, I instantly thought about young people. This is something that I brought also up in the public forum, and I was glad to see that it was something brought on also by other attendees at this meeting.

I was just wondering if there have been any particular discussions or policy recommendations in terms of diversity on how to bring young

people as a large number of end users, to get them more involved in ICANN discussions. Thank you.

OLIVIER CRÉPIN-LEBLOND: Julie?

JULIE HAMMER: Within the subgroup, we're not focusing on any particular constituency and how age might relate to it, but certainly, I know that the At-Large separately to this working group is very concerned at attracting younger people into its fold and making them aware of the issues that are being discussed, and certainly getting their input.

Because I think the Internet is really a young person's lifeblood, and it's really important to have that input. So, I think once this group is finished, I think each SO and AC will be encouraged to think about how age is relevant to their group and the sorts of strategies that they might pursue to optimize the benefits that having different age groups involved.

Olivier, you might want to add something there.

OLIVIER CRÉPIN-LEBLOND: Yes, and I think you've touched on it very well indeed. I'm just looking at the time, I'm looking we have less than five minutes left in this session, so let's plow through the questions. Next person, please.

ASHELL FORDE:

Hi, my name is Ashell Forde. I'm from Barbados. I'm a newcomer and an ICANN Fellow. As a person who kind of ticks quite a few of your diversity boxes, I'm curious as whether your working group sees themselves as kind of like a watchdog group within ICANN as it relates to diversity. Do you see a role as perhaps commenting on decisions that were made or issues that occur that you think may harm diversity or pushing maybe for certain policies that you think would increase diversity in the ICANN space?

JULIE HAMMER:

What this group is going to be trying to do, this group has an endpoint, and that is it's required to develop some recommendations. Now, what it might recommend is that something more permanent be put in place to achieve exactly that, but it wouldn't be this particular group to become the, if you like, the baton holders of diversity.

But certainly, that's an aim of where we might end up in some way, shape or form in a sensible, collaborative structure which might simply be a community structure where we get together, talk about strategy, talk about approaches that work and share successes so that we can all learn from each other.

It might be supported by some staff support which help with the recording of data and the recording of policies. It may in fact end up with some recommended policies for the ICANN Board to implement for the whole organizations. And that's what we're working on. But our task has a finite end to it, and that is those recommendations.

OLIVIER CRÉPIN-LEBLOND: There are two more, and I've got now two minutes and 23 seconds. Next question, please. And then you can of course get in touch and speak over to Julie afterwards, after the end of the session. Please, go ahead.

JAMIE BAXTER: Thank you. I'm Jamie Baxter, I'm with the community application for dotgay, and I appreciate that you listed out the different categories that you describe as diversity. I find that incredibly helpful, especially for those who perhaps don't have a tap on what diversity means.

I was first curious to know if inside of any of those groups you see a space for cultural diversity or interest groups, specifically in my case the gay community and how their voice actually gets inserted into some of the policy discussions that go on.

I know that there's a lot of LGBTQIA people here at the ICANN conference. There's not an organized voice necessarily, and that is in part the reason for our community application for dotgay is to create a space on the Internet that allows for policy that comes from those voices, and so I was curious to know if you see a space there or how you would address that.

JULIE HAMMER: Interestingly, we did discuss having cultural as one of the categories. It was a little bit difficult to define it in a meaningful way that would then

be universally understood and so that we had consistent responses to actually react to.

But what I think we've tried to do with our questionnaire is to say we don't see this as a definitive list. There could be other aspects of diversity that are important to some parts of the community, and we want you to tell us what they are and why they're important to your part of the community.

But in asking your question, you've actually raised a really good question in my mind. I was saying we're going to send this out to all the SOs and ACs, but we need to recognize that there could be groups in the community that are not formally constituted, and we should not close the opportunity to those groups to actually respond as a group to our survey.

So, I'll take that onboard and feed that back to our co-Chairs, and make sure that when we send out the questionnaire that it is available for any such group to respond, not just the formal groups.

JAMIE BAXTER:

Yes, I think the call to action to those groups is important because visibility is an issue, and without the understanding that their voice is accepted, it can be a challenge for those to communicate.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much. Okay, last question. We're on zero already. Alastair.

ALASTAIR STRACHAN: I'll be very quick. Alastair Stracken, first time Fellow, first ICANN meeting. I just was intrigued: how many languages is the questionnaire going out in? Or is it just one?

JULIE HAMMER: Wow, that's another good point. I'm going to take note of that. Thank you.

ALASTAIR STRACHAN: Did I just open Pandora's box?

JULIE HAMMER: Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Julie. Practice what you preach. Okay, well, thanks very much to everyone for having come to this meeting. Really sorry that we had to cut this short, but there's a meeting immediately afterwards. It doesn't stop you from stepping outside and discussing things with any of the people around the room.

Unfortunately, I have to run to chair another meeting at the other end of the conference center, but thanks very much, it's been a great session, and I hope that you will continue being involved with At-Large. There are brochures, so get your brochures, and I think we've

got your names as well. So please interact, and we look forward to see you again. This meeting is adjourned. Thank you.

[END OF TRANSCRIPTION]