

JOHANNESBURG – ALAC and Regional Leaders wrap up Part 2

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UNIDENTIFIED MALE: This is the ICANN59 ALAC and Regional Leaders Wrap-Up Part 2 on the 29th of June, 2017, from 1:30 to 3:00 in Ballroom 4.

UNIDENTIFIED FEMALE: Alan, I don't mean to rush you, but we have exactly 18 minutes. Alan, we have 18 minutes. Do you want to use it, or not?

ALAN GREENBERG: Ladies and gentlemen, please take your seats. We're starting 15 minutes late. The agenda is very full and we have to make up for the last session that ran over. We will go into the coffee break, I'm afraid, but we still have an absolute hard limit. Some of us must be at the geographic names cross-community group on time, so we have an absolute hard limit at that point. So, I would like to start right now.

We have Rinalia and León. We had half an hour allocated, I would like to cut that down slightly to 25 minutes. I'll turn the floor over to you. Can we please close the doors? Thank you. Lady and gentlemen.

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

RINALIA ABDUL RAHIM: Thank you, Alan. Hello, ALAC. It's nice to see you again. As I understand it, you would like to get an overview of topics that the Board is dealing with at the moment. I'll just give you a selective view that I think are important for you to know.

In terms of policy development and cross-community initiatives, there is a listing called the GDPR. You've seen sessions at the ICANN meeting. It's quite important. It's about the Data Protection Regulation that's coming out of the EU, and it's a pretty big deal for ICANN. It affects our contracted parties, and ICANN also has to consider the impact on the organization. So, this is a topic of priority. It's high on the Board agenda, it's high on the org agenda and also high on the community agenda. We can foresee continuous discussion on this.

Another topic that's high on the Board agenda right now is the horizon on the five-year strategic plan and the next planning cycle. We're in the midst of the current five-year plan. We need to look ahead in terms of how we do the next five-year plan and look at what adjustments we need to make for the remaining balance of the five-year plan.

Also, the Board looked at the fiscal year '18 budget. We had an intensive discussion on it in detail. It was a public session. After that, the Board had a meeting where we approved the budget.

We also discussed root zone issues. I don't know if you're aware, but the RSSAC is going through a very interesting discussion right now where they are looking at their evolution, their accountability and their continuity, and they're doing some remarkable work. We've just been exposed to their mind map on the process flow, etc. And when they're ready to share that for public comment, whatever it is, I think it'll be a fascinating thing for you to look at that.

One other thing that the Board has looked at is basically resources that have been allocated for community. This will come out at some point in time for community consultation and this will be a hot topic, I think, because you will see resource competition in the organization, and people will say, "Why is this part of the organization or the ICANN community getting more," or, "Why is this part getting less?" Is the principle moving forward a principle of fairness or equality? And this will affect the allocation for part of the community moving forward. I think this will be a topic that you would be very much interested in.

At the same time, there is also a history project going on right now because ICANN will be 20 next year. Also, Steve Crocker will be leaving the Board and also leaving as Chair of the Board. And it is a huge milestone for us, so there is a project to record the history of ICANN in terms of how it started from the perspectives

of those who were present and those who had a key part in making ICANN happen.

So, you will see, for example, on the ICANN website videos of people being interviewed, and the Board had a meeting – or lunch basically – with former Board Directors where they talked about their engagement and what happened. And in that, the At-Large figured quite significantly in the discussion in terms of how the At-Large was formed, how the structure was formed, what were the challenges in setting it up, what were the aspirations for it, and I think that was really fascinating.

For the rest of the week, basically the Board had committee meetings on various works. We met with various entities, the AFRINIC Board for example met with the GAC. The RSSAC, the SSAC. Some of these meetings are informal. And also there's the ASO review that my committee had to look into. We also attended some important cross-community sessions that are important, such as the Empowered Community session that's a first in ICANN history, and then the sessions on RDS, GDPR, geographic names, the operational side of ICANN, operations plan and budget which was really fascinating yesterday, and who sets ICANN priorities. So, that's generally what we've been looking at. Any questions or any discussion that you would like to have would be welcome. Thank you.

ALAN GREENBERG: Bastiaan?

BASTIAAN GOSLING: Yes, thank you very much for the update. I'm glad to hear that the GDPR is as you mentioned high on the agenda of both the Board and org, so staff, I assume. This is going to be effective as of May next year, so I guess there's no escaping it. Could you please elaborate a bit more on what that means on the agenda, what activities already have taken place and what are the next steps, both for the Board and .org?

ALAN GREENBERG: There will be a brief discussion on some of the issues on our next session after Rinalia and León also.

RINALIA ABDUL RAHIM: Essentially, ICANN organization has been tasked to look into what is the implication of this on ICANN. And also, our contracted parties have asked about, can there be support in terms of how they need to handle GDPR? So in terms of knowledge, content support, that's what the Board is overseeing. And so we're just waiting for the work to finish, and I think community will be briefed at the same time, so there's

nothing that the Board is going to see that's different from what you'll be seeing. Thank you.

ALAN GREENBERG: Javier?

JAVIER RUA JOVET: Hello, Rinalia. You mentioned yesterday's really fascinating session on priority setting. I want to get your sense on some things that happened there. I think Alan was there, and in an important way in the Chair, mentioned our ALAC realities. But I think a sense of that meeting was that there's a type of consensus building up that more early intercommunity communication must happen and for things to work better. And then Göran made up a proposal which I don't know if you can rephrase it for us here regarding things that can be done from ICANN org in order to help out in this intercommunity communication process.

TIJANI BEN JEMAA: Thank you. Rinalia?

RINALIA ABDUL RAHIM: Sorry. Okay. So, my understanding of the mechanism that Göran was proposing to support intercommunity coordination of

priority is to essentially use the SO/AC Chairs to meet with Göran to coordinate as what's the priority for ICANN as a whole, looking at what's required by the Bylaws, what's required by the strategic plans and operational budget. And I think personally that that is a good way of doing it. And also, I think that it's important for each stakeholder group and constituency to actually engage in their own annual planning, meaning that you get from ICANN organization what's the priority that's coming up for this year or next year, and then you sit down and you do the planning for your entity.

I know that the Registry Stakeholder Group is starting to do that next year and I would encourage the ALAC to do that as well because that will help you manage the workload that's coming up. Because there are certain things on the work agenda that you cannot say no to, and then your time is already portioned for that. And then the rest is actually up to you in terms of what you want to prioritize. That will be the smart way forward, in my mind.

TIJANI BEN JEMAA:

Thank you, Rinalia. Any other question for Rinalia? If not, we give the floor to León.

LEÓN SANCHEZ:

Thank you very much, Tijani. As you all know, I am going through my onboarding process in the Board, and I am officially not seated, of course, until the end of Abu Dhabi general meeting.

It's been quite an interesting journey so far. I have attended Geneva workshop, and of course, I have been hopping in and out between ALAC sessions and Board sessions here in Johannesburg. I can tell you that having the experience to jump into the Board environment is very revealing and very different from what it looks from the outside.

Rinalia – no, I'm telling you, Rinalia will be able to correct me if I'm wrong – but from the outside, it seems like the Board is this monolithic structure that has unified views and it would almost seem like the public Board meetings were staged. But I can assure you that they're not. Backstage, you'll see that there are very thorough and heated discussions in some subjects, and I'm quite impressed to see actually the quality of information that Board members get in their hands, how they go through it, they study it, they question things, they debate things, and in the end, this obviously goes into a single consolidated position, and that is why it might seem that it is monolithic. But I can assure you that within the Board's sessions, there are very interesting discussion and very well-informed decisions taken.

So, this is what I can tell you so far about my onboarding process. I am also beginning to see on which committees I might be sitting in. As you know, Rinalia is the Chair of the Organizational Effectiveness Committee, and I would be looking forward not to chairing that committee because I'm a just newbie in the Board, but I would pretty much look forward to actually be seated in that committee. And that is an important position for the ALAC and for the At-Large community, because the OEC will be in charge of actually reviewing the results of the At-Large review, and after that, evaluating them and implementing them so far as I understand. Is that right, Rinalia?

Okay. [OECN] implementation. So, of course, having a voice that is familiar with the At-Large community and the end users' interests and concerns should be useful for the At-Large community. So, rest assured that I will be working close with this committee to make sure that any changes that are determined to be implemented are implemented in the best way for both the organization and the At-Large organization. I'm happy to answer any questions you may have.

TIJANI BEN JEMAA:

Any question for León? Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Tijani. I actually have a question for both León and Rinalia on one topic which I wonder if the Board has already looked at, which is whether their relationship with the community or their standing in the community has changed with the new community powers, the fact that the one on the Board is on this ejector seat, should they not behave in a certain way or the whole Board is on an ejector seat. I'm paraphrasing, of course, and making fun, but the sort of powers which make the Board more accountable and make ICANN more accountable, and the Board more accountable to the community. Has there been any discussion on the Board about this and whether it changes the way that people behave, and whether that clashes with the Board needing to act in the best interests of ICANN the organization?

RINALIA ABDUL RAHIM: There was discussion about this throughout the transition process when the recommendation was put forward on the Empowered Community. The Legal department of ICANN basically made sure that the Board of Directors understand the implication of those changes. It was painstaking effort, and I think all of the Board members are aware and cognizant of their roles and responsibilities vis-à-vis the community. And I think also ICANN organization in particular is also very clear about their role in facilitating and supporting that, and also reminding

the Board about where community responsibility and powers are involved.

So, I don't see any problems there. I don't think the Board has an ego problem at all. I think the orientation right now – and this is my sense – that ICANN is in a much better position now than it was before. So, after the transition, we are actually starting to look at the gaps within the system and fixing it. We have a good CEO for doing that, he's very much process-oriented. We have a Board who wants to do good and do well, and we have a community that also wants to make sure that the shared powers are actually effected so that it's not just in name. So, in my view, the Board is aware. It's been discussed before, and they understand their responsibility.

OLIVIER CRÉPIN-LEBLOND: And just as a follow-up quickly, have you noticed any difference in your involvement and the Board's involvement in this meeting? Since it's the first meeting since the community powers have been fully implemented.

RINALIA ABDUL RAHIM: It's hard to say in terms of how it's behaving differently. I think because it's a policy meeting and a lot of their sessions are content oriented, and we tend to go to the sessions more in

listening mode rather than an interventionist one. So, I don't see a real change in terms of how the Board is behaving, but as I would say, I think they understand where the lines are. That's why I think that the community doesn't have to worry about that too much and we can really focus on the substance of the work of ICANN.

LEÓN SANCHEZ:

Yes. I'm going to speak in Spanish to be sure that I don't use bad choice of words. I believe in answering your question about a change in behaviors among Board members regarding their involvement with the community at large. I have seen an evolution process in the relationship between the Board and the community which started before the transition. I don't think this change was triggered by the transition per se. I believe it is an evolution process which started before the transition, and since I was in the CCWG, I can tell you that we fought or we struggled against the Board so that they won't get involved from the very beginning in the discussions so as to get their input, their feedback about what we were doing so that there wouldn't be any serious consequences regarding what was going to happen.

Looking back, I understand that of the Board, it was a huge challenge making a distinction between actively participating and be seen as somebody who is trying to interfere in the work

being done. I believe there is a thin line dividing this involvement that is participating on the one hand or trying to lead a process, trying to interfere on what was happening. There's a thin line dividing both positions.

I also believe it's important to understand that this line that divides this hypothetical them and us – that is the Board and the community – should ideally disappear, because the Board is made up by community members. We have some members who are appointed by the NomCom, but the remaining members come from the community itself. These are members who must remain committed to the community and related to it.

In my case, my commitment has been to keep in touch not only with the At-Large community which is the one that has taken me to the Board and the one I am most committed to, but also in my role of member of the Board, I believe it's my commitment to keep in touch and to be close with the remaining communities because this will enable me to have a wider viewpoint to understand the problems, issues, needs of the community and the organization, and I will be able to try and find those balance points that help us to use the inertia, the driving forces for the community and meeting the requirements of the Bylaws, of course.

ALAN GREENBERG: If there's any further very brief question, I will point out two things. Number one, I said we'd work into the coffee break. We cannot do that, because the interpreters got no break from the last meeting which ran significantly over. And accidentally, we double allocated in our agenda the first 30 minutes of this meeting to two different sessions. So, we are very far behind. So, one very brief question and a very brief answer. Garth, are you withdrawing? Then I thank you.

UNIDENTIFIED FEMALE: Thank you.

GARTH BRUEN: Thank you.

ALAN GREENBERG: Anyone who's looking at the agenda, the page on the wiki, if you refresh or look at the one on the screen, it has changed significantly. We have a whole large number of moderately small items. Excuse me, we'll wait for staff. Alright.

Several of these are for information and none of these are for decision at this point, but they're all things that are going to be coming up very quickly in the near future, and I want to make sure you're aware of them. We have had some decertifications

pending for a while. They haven't gone to the ALAC, they'd been posted on the various wiki pages.

You will be getting e-mails shortly pointing you to the wiki pages – I think again – and we will be starting decertification votes in the next little while. To remind you on decertification votes, they are normally open, public votes. If anyone has a particular reason why they want it to be a private, secret ballot, we can arrange that, but it requires a request.

I don't think there's anything else that needs to be said on that particular subject, unless there are any questions. In most of these cases, they're not controversial. They're ALSes that have ceased to exist, or the people have explicitly asked to be decertified.

Alright. The next item is on the Empowered Community approval of the fundamental Bylaw. Just to recap, we did have a statement to the public comment that was drafted and approved quite some time ago. The only issue that we raised in it was a concern that the charter of the new working group was not as clear as we wanted. Can we display the charter here?

What the change in the fundamental Bylaw was doing was for certain accountability measures, reconsideration in particular, the Bylaws did not simply say a Board Committee, but said the Board Governance Committee would do something. The Board

believes that this should be allocated to a different group of people, both for workload management and for conflict issues. And therefore, the Bylaw had to be changed. This is a fundamental Bylaw which has to be approved by the Empowered Community. At least three AC/SOs of the five must approve and not more than one must reject for it to pass.

We did request that a more detailed charter be produced. That was not done, and the public comment answer was a little bit paternalistic in that saying, “We’ll do it in due time.” But in all honesty, there is a charter produced and it is not an unreasonable charter. So, I'm not sure it’s a major issue.

Sébastien raised the issue at our opening meeting as to why this had to be done now as opposed to deferred to some later time. I think during the session on the Empowered Community, the community forum, Chris Disspain did give in my mind a pretty solid rationale for why it should not be deferred. And if nothing else, it does give a dry run on a relatively uncontroversial subject for the Empowered Community actions.

The community forum officially goes until midnight tonight, Johannesburg time, at which point we can then either enter into further discussion on whether we approve or not or simply start a vote. The vote does require two thirds of the full ALAC positive support. The question is, is there anyone here who believes we

need further discussion, or should we just enter into a vote roughly a week from now, or a few days from now once people get back? I hear no one saying that they want further discussion, therefore we will send out an announcement of a vote shortly. Thank you.

The next item you may recall earlier this week we talked about, I think it was in the At-Large review discussion that we put in a budget request this year to allow us to select active policy workers from our community – those who are not otherwise funded – to go to ICANN meetings. We were approved for two people as a pilot project for this fiscal year. I foolishly was thinking about it as this is for the upcoming ICANN year that is starting next March. Heidi reminded me that this is for the ICANN fiscal year starting in Dubai, therefore we are going to be asked within the next few weeks for the names of those two people.

The grant required us to set explicit criteria for how we will select them, and obviously, using a reasonably transparent process. Not necessarily a call for nominations, but an open process. And therefore, we have to set that criteria up almost immediately so we can exercise it in the next few weeks. So, I am going to be asking for a volunteer from each RALO to work with me to come up with the criteria. So, I'm asking the RALO Chairs to identify someone to work on this group so we can come up with some criteria pretty quickly. And if I can have an action item

from staff to formally send out a request – and I'd like that in less than a week, if possible. Questions?

This is a very encouraging thing that we were actually given approval, but now we have to demonstrate we can use it properly. And I will point out that this is for people who are active in real ICANN work, not At-Large work. So, not outreach, but PDPs, ICANN At-Large activities that are associated with the policy process and with the other things such as all of the things that we comment on. I see a hand there from Judith, I think.

JUDITH HELLERSTEIN.

Yes. I just had two questions. One is, when you ask for the volunteers, when do you need them to create this criteria?

And two is, I'm a little confused by when you're saying only ICANN work. In my mind, At-Large and the working groups, and even the At-Large outreach and engagement committee are real ICANN work. So, that's why I'm a little confused about that. Some of the CCWGs are not necessarily policy, but I consider them just as well ICANN work. So, I would like a better explanation.

ALAN GREENBERG:

I don't have the document in front of me, so I'm doing this from memory. The CCWGs are cross-community work which is clearly

ICANN work. There's no question about that. My recollection is we did make reference to people contributing to those kind of activities as opposed to outreach for instance which is really a mechanism for building our community, but not for doing the work that we're doing.

Now, I don't want to debate it right now. The job of this group is going to be to come up with the definitive things. You said what the timeline is for the RALOs. This is not a RALO activity, this is an ALAC activity, and I'm looking for a participant from each RALO to participate in it.

JUDITH HELLERSTEIN. Yes, that was clear, but the question I had is when the call is going out and when will the RALO representative be working with others in the community on that?

ALAN GREENBERG: Heidi, what's the deadline for [inaudible]

HEIDI ULLRICH: The deadline for ICANN60 travel is 20th of July, so the response would be ASAP.

ALAN GREENBERG:

The answer is as soon as the people are named, and we're going to give four or five days for people to be named. No more than that, and the group will start immediately. Any further questions? It's unfortunate that I didn't realize – and I take full responsibility – that we were talking about as of the Abu Dhabi meeting. I was presuming the March meeting of next year, but that's not where the fiscal year concludes. So, my mistake.

Next issue is the GDPR, which is the European privacy legislation that goes along with legislation associated with privacy issues. The reason that everyone is suddenly worried even though much of these privacy laws have been in place for a long time is there are significant penalties associated with them now. Large penalties, and they're penalties that since ICANN plays a part in making the rules for how the data is used, the penalties are also upon us, not only on the contracted parties.

The first step that we're taking – ICANN is taking multiple steps to try to address this. One of the concepts is, does the privacy needs of individuals outweigh other needs that may warrant information being published? So, it's a balance. It's not an absolute issue. And one of the first things one has to do is take an inventory of what all the data items are, how they are used, so that one can try to put these things on a scale and balance them.

To this end, a group has been put together very quickly with representatives from essentially all groups that use WHOIS to try to put together the matrix of who uses which elements for what. Once I have the empty matrix, which I don't have yet, I will be sending it out to our community for people to provide input from the perspective of end users and gTLD registrants of how do you use – wearing each of those hats – WHOIS information. And to the extent possible, I will consolidate the inputs I get, and that will feed into that overall process. Two questions. Olivier and Holly.

HOLLY RAICHE:

My question is, I hope we're asking a broader question. Not only how do you use the information, but to what extent do you not want the information out there, so that in fact I think we have to ask ourselves the same balance that we're going to ask of others.

ALAN GREENBERG:

No, that is not the question I'm asking. The question I am asking is very much how do you as a user or as a registrant use the information?

HOLLY RAICHE: I appreciate that, but why are you not also asking us for our opinion as to whether we want our information public?

ALAN GREENBERG: Because the matrix that I'm helping to fill out is a use matrix. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Alan. A little bit earlier today, Bastiaan Goslings, Harold Arcos, Humberto Carrasco and I were attending a formal meeting that included the Council of Europe and the European Commission, registries, registrars, just a bunch of volunteers who got together to try and get a better idea of what things were like. Civil society was also represented.

I'm not quite sure I understand what the nature of the question is here. I hear that you're saying we need to start finding out what type of information we want public, what type of information we don't – I'm not quite sure. The GDPR is something which has now been set, which sets specific rules as to what information should be and what information should not be made available or shared globally.

Registries and registrars are under certain contractual rules with ICANN. The two are mutually exclusive. Either they will be out of compliance with the GDPR, in which case they will be fined a

percentage of their turnover, which will probably fold them, or they're out of compliance with the ICANN Compliance Department, in which case they will lose their license. It seems to me we're trying to reinvent the wheel by doing this and I'm not quite sure I understand. So, I'd appreciate some enlightenment on this, please.

ALAN GREENBERG:

I will try. The GDPR and the rules associated with it are not absolute. They do not say if it is personal information it may not be made available. As an example taken from the RDS PDP, which I don't want to repeat here, there are some people who claim the nameservers are personal information. But clearly, if you do not make them available, it defeats the purpose of having the Internet, because DNS will not work. Therefore, there are reasons, even if one considers it personal information, to publish it.

If there is an overriding public good associated which is deemed by the privacy commissioners to outweigh the rights of the individual, then that is a consideration. So, to allow an evaluation to be done of whether the information that is deemed to be personal information is something that must be protected or there are extenuating reasons why it should be made available, one has to create a use matrix of, for each

element, how is it used and by whom. That's one of the obligations that a company – and we're a company – that has data or is the data controller or data processor has to do. And we're trying to comply with that aspect of it.

Is that any clearer? That's as I understand it, and I had all of a 15-minute briefing.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. Your guess is as good as mine. I would have thought that it's the registries and registrars that would do this on how they use it. I'm not quite sure where ICANN comes into this, because they all operate in different fashions and different ways, they all have different database structures, they hold their information in different locations and they have different types of customers. So, I'm not quite sure where we fit in this.

ALAN GREENBERG: We fit in this because we're the ones telling them they must collect this data, therefore we have a part to play in this process. We're the cause. But you're right, they have to do the same thing, and there is a significant overlap. And they're working on this as well. It's not just users who are being asked. Registrars and registries are completing their elements of the matrix, as are

security cyberpeople and IPC, intellectual property people. We're all trying to fill in our columns.

HOLLY RAICHE: That's a repeat of the RDS.

ALAN GREENBERG: It's a repeat of some stuff that has been partially done by the RDS. The expert working group created a list, but that was three years ago. The elements have changed partially in that case, and they were not definitive enough. There's not a lot of point in debating whether we should do it. ICANN is doing it. People in this group can participate in it or not.

We have Javier and Humberto, and then I'm going to really close, because we have other items we do have to discuss. I'm happy to continue the discussion on the list.

JAVIER RUA JOVET: Just a quick question to understand. Is the new development here – and there is a question that ICANN itself will be possibly subject to fines as one of the parties that must comply with this legislation.

ALAN GREENBERG: I can't say whether what's got us moving is a lot of people finally talking about it, or people who have been sleeping for years woke up, or there's a threat of fines. I don't know what the rationale is and which is the prime one, and I don't think it really matters. We are finally awake after a bloody long time of pretending it didn't exist.

OLIVIER CRÉPIN-LEBLOND: Alan, the answer is yes. ICANN could receive fines.

ALAN GREENBERG: Oh, there's no question we could receive fines. He asked, is that the motivation? I don't know. I'm not going to answer that.

Humberto?

HUMBERTO CARRASCO: Thank you very much. I'm going to speak in Spanish.

The truth is, this is a very interesting issue. I'm interested in this for academic reasons, but I'm also interested in this as end users. Of course, data privacy is an issue that is part and parcel of our interest. This is what we need to look after as At-Large.

But what I understood in the meeting that I attended this morning is that ICANN has not paid attention to the European

regulations on data protection, and actually, this issue can be analyzed from two points of view.

One is, what is the role of ICANN, and whether it is going to have a passive or an active [attitude] and our role as representing the interests of end users to protect data that may be sensitive or considered private in general. That's all. Thank you.

ALAN GREENBERG:

As I said, the exercise I'm talking about is not the whole picture. It is one aspect of it. And that's really all I'm concerned of trying to fulfill our need. Essentially, if ICANN wants to present something to the European Data Commissioners, it has to be done by late September if we expect an answer back, and we can take whatever action we need to for the May timeframe. So, we have a very tight window, and this use matrix is just part of the overall exercise, but it's a part that's mandatory. And to the extent that users or registrants use information in WHOIS, we need to try to enumerate it and explain why. And it's not sufficient to say, "I want it all just in case I need it."

Anything further? Thank you. You'll hear more from me on that.

Next item. This is a more pleasant one, I think. You're all aware that there's a Cross-Community Working Group on auction proceeds going on. This group will be setting the process by

which grants will be made from the auction proceeds that we have, which are currently sitting at about \$240 million. The money must be spent, must be used in ways that do not endanger the ICANN tax status. Therefore, it must be done in accordance with our mission and core values. Moreover, the current version of the mission makes it pretty strong that we can't do things outside of our mission and core values.

The charter was written in an interesting way that did not say it must be in accordance with the mission, but it said it must not be counter to the mission, which is perhaps a little bit more flexible. But it also says, “Has to be aligned with our core values,” and that makes it a little bit more general. However, there are parties within the CCWG that would like to see the usage restricted very, very heavily. They feel that if we fund a project in South America that is outside of our mission, someone will then say, “Let’s start doing operational things outside of our mission.” So, there's a great fear of things like that.

There are some of us who would like to make sure that we can use this money to do really good things for the Internet. The original concept was among other things to do good things for the Internet. Now, we don't have enough money to build networks around the world, but there's lots of opportunity for capacity building. There might be other interesting opportunities.

What I would like from people are examples of the types of projects you think someone might apply for and should get. Now, this could be something applied for by an ALS, but you can put on another hat and say if you're a university or something, how much you apply for money. I'm looking for use examples that you think would be reasonable, but it has to be within ICANN's mission and core values to pass the test.

So, all we're looking for now – none of these are going to be funded. I want to make sure I'm sending the right message. This isn't the request for money, this is just some use examples so we can start the discussion going within the CCWG of the kinds of projects which you would like to be able to fund and start having the discussion there of, “Are these within the right scope or not?”

We have two people, Harold and Alberto. If that microphone isn't working, Harold, if you could move to a different place, and Alberto speak first.

ALBERTO SOTO:

Thank you, Alan. I think that in order to propose, we're going to study a lot. I don't know which group was working on this. They talked about lobby and what ICANN can spend in lobbying. And there was a restriction, because if we go beyond a certain amount, then we would go against a certain specific regulation

in the state of California with respect to lobbying. So, I think we're going to have to study about this to make a proposal.

ALAN GREENBERG: [inaudible] being is that organizations that spend a fair amount of their money lobbying governments are not going to be recipients. I'm presuming no one is going to make a proposal to do lobbying as the proposal. If you do, it's not going to win.

So, you don't need to worry about who the organization is that is allowed to make the proposals. That will be discussed, but that's not what I'm asking right now. I'm asking for examples of what you think would be interesting projects. Now, we're talking about projects which might be only a few thousand dollars, or could be \$1 million. Big range. So, I'm just asking for innovative thinking.

ALBERTO SOTO: Thank you. Alan, what I gave is an example. I don't really know if there are other restrictions, but there are restrictions for lobbying. Perhaps there's a project that I want to be engaged in, and there is a prior restriction. But that doesn't really matter, I'm going to study that.

ALAN GREENBERG: Restriction is it has to be closely related with what ICANN does related to the DNS to names and numbers, security of the Internet. We all know the things that ICANN has a remit to do. It's got to be closely associated with those. Harold.

HAROLD ARCOS: Thank you, Alan. I'm going to speak in Spanish.

An example of these projects that I could remind you. Last year in ISOC, one of the ISOC Venezuela Chapter, Paola Pérez, one of the members, she won an award because she brought the Internet to a mountain area in the Venezuelan Andes. And this is a project that received its support from ISOC and all the people involved in these projects. And it's an example of the kind of projects that can be funded by these kinds of programs.

ALAN GREENBERG: Thank you for the examples today. We don't have the time. Number two, I would be very surprised if such a project would be eligible. It's a fine project for ISOC. Providing connectivity and access is not within ICANN's remit. So, I would be very surprised if that kind of project would be suitable for this. But I don't mind if you bring it up, and I will raise this with the CCWG. I can predict that one will be shot down very quickly.

So, that's why the issue of ICANN's scope comes into it. There are lots of good things we can do in the world which we won't be able to do with this money, sadly.

Seun.

SEUN OJEDEJI:

Thank you. I just thought it's perhaps important to clarify also that the work of the CCWG is in relation to the mechanisms, not necessarily on the projects per se. Well, maybe we can be thinking of projects, but I think it's premature for now to even talk about projects, because right now, the mechanisms are what we're looking at. And after we have the mechanism, that's when we kind of start thinking of which of the projects fits the mechanisms that may be in place. So, it may be good to give feedback on what mechanisms we should be looking at within the CCWG.

Thank you.

ALAN GREENBERG:

I beg to differ. We are at really very close to the point – and we had a very significant discussion on it in the face-to-face meeting the other day – on exactly what kinds of things, how wide or how narrow should the scope of projects be. And one of the things we discussed is perhaps we should look at specific examples. It's

easier to say yes or no to a specific example and to try to get a feel for what general words we should use, because defining the scope is the most critical part of what we're doing right now and certainly over the next N months. We can talk about that offline.

I really have to call this one to a close. We have Olivier and Judith, and that's it. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. Before this session, there was a session of the AFRALO closing wrap-up, and there were tons of ideas for great projects. What I would suggest is that you ask the RALOs to ask their ALSes. That sounds like a good idea to ask.

ALAN GREENBERG: I'm asking the ALAC and regional leaders. Who they choose to ask is – I'm not restricting who you pass the request to. Judith?

JUDITH HELLERSTEIN: Yes. My thought would be the ICANN has been doing with the GAC a whole series of lectures on cybersecurity and cybercrime, and DNS issues. And I would think maybe something more along that line, a capacity building for different developing countries that could be done.

ALAN GREENBERG: This is not the meeting to provide the requests, but yes, that kind of thing would be interesting to hear.

JUDITH HELLERSTEIN: Okay. Thanks.

ALAN GREENBERG: We still have to do – the agenda has disappeared. We have one more item on our short agenda, and then a debrief of ICANN59, and we have about 22 minutes left, and I'm told Ariel needs one minute. Plus, we have some closing niceties.

So, the last item is on just a heads up on – you're all well aware of the ICANN process documentation initiative. You've seen these huge charts on the boards outside. One of them, as Javier pointed out, the ALAC development process was not posted initially. It is posted now.

Now, let me tell you a bit about the history of that. I first heard about this initiative in terms of documenting AC processes when I got a note from the Chair of SSAC saying he got a note from staff saying, "We have documented your process and we plan to discuss it at ICANN59." He looked at it and said, "That's not our process. You've missed some important parts of it, and we don't have the time to look at it, so you're not posting it and we'll do it sometime later."

I suspected that meant there was an ALAC one being discussed also, so I asked Heidi and she confirmed that yes, indeed the staff had developed an ALAC one and it was currently being reviewed by staff, and I would see it soon. I did see it within a few days. I did several revisions of it. Now, when I say I did several revisions of it, this is as I was about to board the plane and en route.

And what is posted is the version that staff did originally with several iterations. It still says draft. We will be distributing it for comments from within this group. I think it's close to what we're doing now, but I have no real belief I got it all right. I was focusing on a few other things at the time, and I have had zero time to consult or ask anyone else for their input.

So, just a heads up. It will be distributed to this group as soon as I get a machine readable of it. I don't have the current version. And we'll be looking at refining and trying to get it going better.

Sébastien, go ahead.

SÉLBASTIEN BACHOLLET: Thank you, Chair. Frankly, I don't know why you don't distribute it as soon as you get it. Collective intelligence is always better than one mind, even if it's yours. Thank you.

ALAN GREENBERG: I could have distributed the really rotten one, I suppose, that didn't really match to our process at all in several important ways. I probably should have distributed the final one that I said, “Okay, you can post.” I didn't. I'm sorry. It will be going out as soon as I get a current copy, which I don't have right now. So, I wish this whole thing had been done several weeks before, and us given a heads up to actually participate in the creation of this diagram. That isn't the way it was done. I have made some rather pointed comments about that, but I cannot change reality. And I apologize for not distributing it further at an earlier opportunity.

SÉBASTIEN BACHOLLET: I have made the same comment at the meeting this morning with the CEO. I think now that the staff produce something, bottom-up process could be very useful. Thank you.

ALAN GREENBERG: Which is why it still says “draft.” There were people who wanted this to be final. It isn't.

Any further comments? Then I think we have brought the miscellaneous item to a close. Ariel wants a minute to announce something that I couldn't quite understand from the note I got

placed in front of me, so I'll give the floor over to her and I'll be surprised with you. And then we'll go into the debriefing session.

ARIEL LIANG:

Just a quick reminder of a public comment that's closing on July the 7th. It's on the revised ICANN procedure for handling WHOIS conflicts with privacy law. We do have a draft statement on there, and we have a very long internal, At-Large community commenting period which I thought is closed. So, it's closed, but we haven't got a final draft yet. So, if you have any further input, please do take a look at the draft statement published on the wiki, and I'll put it in the Adobe Connect chat as well. And I will remind Christopher – I think he's the main penholder who drafted this statement – to produce a final draft.

And then just one question to Alan about the procedure. I guess we will just do the usual online ratification. I just wanted to clarify that.

ALAN GREENBERG:

What do you mean by the usual online ratification?

ARIEL LIANG:

Ideally, I thought we're going to have a face-to-face vote here, but I know the final draft is not published yet.

ALAN GREENBERG: Oh, okay. We will do a vote on it. Certainly based on the initial draft, it was controversial. I don't know what the final draft says. I haven't looked at it. But I think it's important to ratify it. Yes, a face-to-face vote would have been a nice thing and a discussion of it. Clearly, it's not going to happen.

Any comments for Ariel or on what I just said in response to Ariel? Nothing? Sébastien.

SÉBASTIEN BACHOLLET: When you will have Any Other Business, please.

ALAN GREENBERG: Go ahead. We're reducing the debriefing time, but please, go ahead.

SÉBASTIEN BACHOLLET: I just wanted to know where we are with the ALAC selection with the NomCom member for next year and the same about ATRT 3 Committee.

ALAN GREENBERG: ATRT 3 I will be convening the Selection Committee shortly. It was until just before we started travel that the list was finalized.

You may have noted that if you looked at the list of the applicants, there were a number of applicants who in specifying which AC or SO they were asking for endorsement said “Other.” The way the process works, by saying other would mean nobody is considering you. So, it was somewhat irrelevant. It was an error in how the call was put out. Those people have now been consulted and one of them has identified – and it’s not a secret, it’s on the wiki already – Jean-Jacques Subrenat has specified he is requesting ALAC endorsement. And it wasn’t until that process was completed that we could even consider starting it. And it’ll be starting sometime soon after we get back.

The other question was the NomCom appointees. The problematic part of the NomCom appointee was APRALO has identified four people, and we need a process by which APRALO or the individuals can provide enough information so the ALAC members can make a judgment, because we’re asking ALAC members to select which of those four people to select, and doing it simply blind by which name do you like the sound of, or if you happen to have met any of the people was not sufficient. And I just didn't have the time before the meeting to do that. It'll be done shortly after. There is no real time constraint other than making sure we get the names in time for the travel to Abu Dhabi. So, that will be done sometime over the next month.

Judith, go ahead.

JUDITH HELLERSTEIN: Yes. On Sébastien’s earlier question about the – and your comment about the [CCRT 3], is the Selection Evaluation Committee using the one that was convened last year to evaluate nominees for different positions, or are we convening a new Evaluation Selection Committee?

ALAN GREENBERG: We’re still in the same fiscal year as we were for the last selections. Not fiscal year, the same ICANN year. So, the committee stands unless someone is resigning or something like that.

JUDITH HELLERSTEIN: No, I just wanted to –

ALAN GREENBERG: No, we work from annual general meeting to annual general meeting, and the committee was confirmed by both the ALAC and the regions.

JUDITH HELLERSTEIN: Okay. That’s what I wanted for clarity’s sake.

ALAN GREENBERG: The only exception is if any of the members of the committee are applicants, then we have to factor that in in our deliberations. But we've done that before, and that's something we know how to do.

JUDITH HELLERSTEIN: Thank you.

ALAN GREENBERG: Alright. The last item on our agenda – or second to last item on the agenda following just thanks for everyone or to be – mouth is not working – is a debriefing on this meeting. We unfortunately only have about 10 minutes left, a little bit less.

Thoughts on how well this meeting has gone, both from an ICANN overall perspective and an ALAC perspective. Was this a good meeting, was this a bad meeting? Did we hit the right topics? Did we waste a lot of time? We tried very hard to not put administrative issues on our ALAC agenda, and we hope that between the sessions we had within our own bounds on specific subjects that you were available to go to the cross-community sessions, which I hope you got something out of.

There's the second half of the geographic one coming up right now. If you went to the first one, there were some real fireworks there. There are those who are predicting that we are in for what

is being referred to as a constitutional crisis within ICANN over trying to settle a geographic name issue, because we have three different groups, each with their different opinions, and it's not at all clear how we come to a closure on it. So, I would strongly suggest you want to go to that session. Some of these issues will come to the ALAC, and it's good to have input. And we have a whole bunch of people.

Lastly, Yrjö did want to have a short intervention as GAC liaison, which unfortunately we skipped at the last meeting and I will give him a moment at the end. But right now, any questions on this subject? Okay. Olivier first, and then there was somebody on this side. No? Then Yrjö. Olivier, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. I defer to Yrjö, I think this topic is extremely important regarding GAC. I'd rather have him introduce something, and then I have a few words to say on that and other things as well. Yrjö.

ALAN GREENBERG: I don't want to lose the overall debriefing of how well did this meeting go, but yes, go ahead, Yrjö.

YRJÖ LANSIPURO:

Yes. This is acute in a way that – about one hour ago, GAC asked for our help regarding the geographic names. They are going to suggest – or actually repeat the suggestion they made in the first geo meeting – that instead of having the GNSO handling the whole process of geographic names, that there would be some sort of either CCWG or at least some sort of balanced participation from all groups, all constituencies. So, they asked for our help, and personally, I would be very glad if some sort of indication would be given from our side that we would be willing to discuss the matter – which we haven't – and come to help in this matter.

Thank you.

ALAN GREENBERG:

Thank you. I'm not sure we're going to come to help the GAC in terms of necessarily agreeing with them, because I think there are going to be some mixed opinions within our group. But are we willing to participate in such a cross-community group? Of course. How we find the resources and the time is a different issue, but I can't imagine us saying no. So, I think we would support that. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Alan. I'm going to follow up quickly on what Yrjö has mentioned here. The question is quite a simple question in the clash of titans. Will the ALAC support a GNSO PDP on this topic, or will the ALAC support a Cross-Community Working Group? It's one or the other. That's what we're going to hear in the next few hours in the main room.

Now, I wanted to also touch on another topic, and that's to do with a potential action of community powers when it comes to the ICANN budget. A little bird – that shall remain nameless – has told me that there might be something going on with the ccNSO sending some kind of a message to the Board they wish to – well, there's contention where they're saying, “Oh, we want some of the budget items revised,” and that would require action under the community powers. Is the ALAC ready, and do we have our structure within the ALAC and At-Large ready to make a decision on these things, i.e., someone to sit on these community powers, etc.?

ALAN GREENBERG: Yes, we are ready.

OLIVIER CRÉPIN-LEBLOND: That was the two things that I took from this meeting.

ALAN GREENBERG: Sorry. We have rules in place. We would obviously have to have some interesting discussions on whether we support it, since one of the items I suspect might be on the target is the ICANN Board's decision to fund and support regional, national and global IGFs. I suspect we may come out on a different side than the ccNSO. Maybe.

OLIVIER CRÉPIN-LEBLOND: There's this, there are travel issues as to also the number of staff traveling as well. Various little points. But yes, thank you. I just thought I'd bring that up. Thank you.

ALAN GREENBERG: Thank you for the heads up. Holly?

HOLLY RAICHE: Just very briefly with supporting Yrjö. I think there's a larger issue here, and it's essentially questioning – you put something back into a PDP, and ultimately, it's decided by the GNSO Board. Now, the issues that are being raised in a number of areas – and this is one of them – are issues that are important to a number of constituencies. And what you've got is a process for settling. Unfortunately, yes, we can all participate and everyone can sit in the room, and we can all make waves or whatever we do, but ultimately, it goes back into a PDP, and ultimately it goes back

to the GNSO Board. So, I guess that's a larger question that I don't pretend to solve, I'm just asking.

ALAN GREENBERG: Yes. I presume you mean the GNSO Council.

HOLLY RAICHE: Yes, sorry.

ALAN GREENBERG: I could hazard a guess at what ALAC would do, but I'm going to ask for a straw poll of hands. How many in this room would prefer to see a GNSO internal process where we can sit in the room in the discussions, but they make the decisions versus a CCWG on this crucial issue? How many would prefer the GNSO? One?

SÉBASTIEN BACHOLLET: No.

ALAN GREENBERG: You want to speak. I understand, but I'm holding my straw poll first. We have Sébastien saying, "Stop this." If Sébastien wants to speak, he can speak.

SÉBASTIEN BACHOLLET: Sorry, Alan, but it may have a third solution or a third possibility on the table, that the ccNSO launch a PDP.

ALAN GREENBERG: Alright. I'll add a third one. How many would want to see this done as a ccNSO internal process?

OLIVIER CRÉPIN-LEBLOND: Alan, may I just please come in?

ALAN GREENBERG: We are running out of time. No one wants to answer the question. Go ahead, Olivier.

OLIVIER CRÉPIN-LEBLOND: Just to explain this, the ccNSO believes that because we're dealing with two- and three-character top-level domains, some of the three-character codes – they're all on the ISO 3166 list. Some in the GNSO are pointing to an RFC that says, “No, it's only two characters from the ISO 3166 list.” But that RFC is also obsolete in another part. So, is the whole RFC obsolete, or not? We don't know. It's a bit of a mess. I think one of our friends from the antipodes would call that a dog's breakfast.

ALAN GREENBERG: Yes. I agree. Aziz.

AZIZ HILALI: According to what Olivier said, it's not that we have to support the PDP of the ccNSO. Actually, I discussed with many people, and I know that it's a request from ALAC. And so ALAC gives its opinion. It's not necessarily that we have to support the PDP. I would like that we discuss this within ALAC, because we all come from different countries, and I wouldn't want to have the same problem that we had for all the country codes where many African countries have seen their code managed by people who are not from the country. If I understood right, there are two lists: two letters and three letters, and the three letters correspond to countries. These three letters until now were frozen, and there are problems.

I'll give you the problem for Indonesia, .ind. It designated Indonesia and a generic name as well. So, the problem is that GNSO pushes so that it will be considered a ccTLD so they could sell it in an easier manner. If someone wants to manage a three-letter code gTLD, does [he] have to ask for an authorization from the government? That is the question. This has to be discussed within ALAC, because I don't want to have this situation. A name that corresponds to a country will be managed by anyone. And that will be more of a problem.

ALAN GREENBERG: We're not discussing the subject here. The question raised is, would we be happier with a GNSO or a ccNSO PDP, or a cross-community group? That was the only question that I was asking. And we're not answering it definitively, so I'm withdrawing my straw poll.

UNIDENTIFIED MALE: Okay. I wanted to vote.

ALAN GREENBERG: Sorry. We'll vote some other time. There's just no more time. I personally would not want to see something that is clearly two different groups think they own decided by either one of them. Personally.

TIJANI BEN JEMAA: Me too.

ALAN GREENBERG: Okay. Olivier wants a final word, and it has to be real [fun]. He started discussion so – it's not on substance.

OLIVIER CRÉPIN-LEBLOND: It's not on substance. It's just to ask, why are you withdrawing this vote? I think it might be interesting to find out if we do want a Cross-Community Working Group or a GNSO PDP or a ccNSO PDP. It's only going to take a minute.

ALAN GREENBERG: I will reinstate the vote. The poll, it's not a vote, because everyone in the room, everyone around the table or in the room can vote. I don't care your status. Should we ask three questions, who would prefer A, B or C? Who would prefer a ccNSO PDP?

Who would prefer to see a cross-community effort? Somehow, I guessed that was going to be the outcome, that's why I wasn't particularly worried. It's amazing how much we can argue with each other when we all have the same opinion.

Alright. The meeting is almost over. We finished all of our items. I would like feedback which I didn't get yet at this point on was this a good meeting? Was our focus – was it that we had presentations that were different from normal? We targeted and identified specific other sessions people should go to, which I hope was a learning experience for many people. I'd like feedback on that.

The meeting I was at just before this was the initial planning meeting for ICANN60. The process started already. We will be asking for suggestions among other things on cross-community group meetings within the next week or so. So, feedback on this meeting, what you found satisfying, what you found really upsetting. Please, without the feedback, we're going to make the same mistakes again, or we'll take something you really liked and stop doing it. So, let's have some feedback.

I'd like to take this opportunity to thank everyone in this room. The participation in our meetings has been outstanding. The attendance, everyone as far as I can tell has been here, or somewhere important, for pretty much everything. We've worked really hard, and I thank you for all the work you've put into it. I thank staff for all the work they've put into it, and this was not an easy meeting for any of us.

I would like to especially thank our interpretation staff who we again have pushed beyond any reasonable limit in asking them to skip breaks and other things, and just keep on going continuously. So, thank you very much all.

Have safe travels back. There are still meetings for the rest of the day, this isn't the end of the day. And there should be some really interesting ones. And a reminder to the ALT, we meet tomorrow morning.

UNIDENTIFIED FEMALE: There is an ALAC dinner tonight.

ALAN GREENBERG: Pardon me?

UNIDENTIFIED FEMALE: There is an ALAC dinner tonight.

ALAN GREENBERG: And there's an ALAC dinner tonight. And I you said you're coming, please come. We need your money. No, honestly, if you're not coming and are cancelling last moment, please provide your money anyway, because we have to pay. So, enjoy all. And Javier really wants – even though we've now closed the meeting officially – Javier wants to say something.

JAVIER RUA JOVET: On a positive statement, I felt that I had time to go to other interesting meetings in terms of scheduling. I thought it was scheduled in a flexible way.

ALAN GREENBERG: You're saying you liked it. Thank you. Thank you to Gisella for the marvelous dance yesterday.

[END OF TRANSCRIPTION]