
ABU DHABI – Joint Meeting ICANN Board & At-Large
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RINALIA ABDUL RAHIM: Hello, everyone. Let's get started. Good morning. This is the At Large meeting with the Board, and the CEO is disrupting the meeting.

GORAN MARBY: I'm saying good morning.

RINALIA ABDUL RAHIM: Yes, we've started. Can you please take a seat?

So, usually, the At-Large comes prepared with questions for the Board. Why don't we get started, Alan.

ALAN GREENBERG: Except we are -- we are starting with questions from the ALAC, not from the Board. Thank you very much.

The Board always asks -- am I on? Yeah. The Board always asks us for questions, and we sometimes fumble and don't quite have anything. A meeting or two, Rinalia came up with the best

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questions three days before the meeting, and we somehow adopted -- adapted to it, and we thanked her for it because they were good questions.

This time we actually did come up with some interesting -- we hope interesting topics, and we'll start off with a two-part question. The first part of the first question on geographic reasons and names will be presented by Olivier, who is somewhere here and not quite ready.

OLIVIER CREPIN-LEBLOND: He certainly is ready. Olivier Crepin-Leblond speaking, for the transcript.

So ICANN geographic regions were created at the sort of very beginning of ICANN and they did not follow any specific rules apart from the U.N. geographic names, regional geographic names.

The Regional Internet Registries have a slightly different alignment than the ALAC with the four regional At-Large organizations having been at the end of this meeting signing MOUs, Memorandum of Understanding, with their respective Regional Internet Registry.

There is somehow a misalignment of the two regions, and some of our At-Large structures -- should I say some of the countries in

which the regional At-Large structures are, are in different region depending on the Regional Internet Registries and the regional At-Large organizations. ICANN launched a process several years ago to look at the regional share of the whole world and decided after the working group looked at it to provide a chance for some of those countries to choose whether they would be in one region or another.

The question is where is that process now? And this -- I think the report was given -- was it in October 2015. It's been a couple of years. So we would humbly like to ask the Board where we are and if there's going to be movement on this.

Thank you.

RINALIA ABDUL RAHIM: Thank you, Olivier.

So, Board, who wishes to respond on this one?

CHRIS DISSPAIN: I think that's me.

RINALIA ABDUL RAHIM: Okay, Chris. Go.

CHRIS DISSPAIN:

Thanks.

Hi, Olivier, and thank you. And you and I have talked about this so we both kind of know where we are with this.

I think the answer is that the -- we just haven't focused on it, to be straight. We came at a time when we were stepping into the transition and stepping into a whole leap of other things and I just think it's got left. That said, I also think it's a tough issue because there are challenges that arise.

The ccNSO has kind of been through this itself because it had the issue of having -- has the issue of some of the islands in the Caribbean being British. In fact -- in fact, one of the first members of the ccNSO when we were required to have four from each region to launch the ccNSO, the fourth one we got from Europe was Cayman Islands, which is, as you know, an integral part of Europe.

It is challenging to solve within one SO. It's much more -- even more challenging to solve across the board.

Can you briefly remind us, what's the essence of the recommendation? Are you able to do that?

OLIVIER CREPIN-LEBLOND: Yeah, sure, Chris. Olivier Crepin-Leblond speaking.

So the essence of the recommendation -- there are several recommendations listed in there, but I think the most significant one is the one that mentions that a country might be able to choose which region they would like to be aligned in. And of course that's not a country in the middle of a region but a country that is at the limit between two different regions. That -- By "country," one means, of course, it would have to have the agreement of any GAC member, any country code operator, and also At-Large structures involved.

CHRIS DISSPAIN: Fine. Thanks. And if I understand -- If I remember correctly, we are obliged to review the regions every -- is it every five years? I can't remember.

ALAN GREENBERG: Three.

CHRIS DISSPAIN: Sorry?

ALAN GREENBERG: Three.

CHRIS DISSPAIN: Three. Thanks, Alan.

So we're about to start -- even if -- if we do nothing with this report, we're going to have another review without having dealt with the review before. So I acknowledge that, and I think we'll take that and get started on it.

Some stuff have happened; right? So the current situation is it's in my inbox, and Sam Eisner from Legal and I are supposed to be working through it and then coming to the Board. So I'll undertake to do that at some speed and get it to the Board as quickly as possible.

Thanks, Olivier.

RINALIA ABDUL RAHIM: Thanks, Chris.

Steve has a response and then Alan has a follow-up.

STEVE CROCKER: For the people who have not been following all of this closely, can someone provide a very terse, a very, very terse response to two questions. Why does it matter if the -- a country is in one region for one purpose and a different region for another? It might sound like a stupid question, but that's okay.

And the other is, are there any big issues with respect to a country choosing to be in one region or another? Is there any forcing function there that we care about?

RINALIA ABDUL RAHIM: Olivier?

OLIVIER CREPIN-LEBLOND: Yeah, thank you, Rinalia. Olivier Crepin-Leblond speaking.

So were does it matter? For example, this year or next year, the European dialogue on Internet governance, which is the EuroDIG, the European IGF, will take place in Georgia, and Georgia is currently aligned with the Asia-Pacific region whilst EuroDIG, of course, is the European dialogue. The problem we have, then, stems CROP, Community Regional Outreach Program, where travelers are not able to travel outside their region. So we would not be able to, as EURALO, would not be able to send anyone to the European IGF because of this. That's just an example among several.

The answer to your second question is rather political, so I'd rather not delve into.

STEVE CROCKER: A quick reaction. The first is who made up the rules on the CROP? Don't answer.

[Laughter]

CHRIS DISSPAIN: I think it's a little -- Sorry, Rinalia. If it's okay?

I think -- I acknowledge the example, Olivier, but I wouldn't want anyone to go away from this meeting imagining that -- that the years of work done on regions was done just so that people could travel on a travel budget because it's actually much, much deeper than that.

There are launch issues, there are some communities that consider themselves to be Latin American and not be in the Latin American region. There are outlying. There are islands in the Caribbean that would much prefer to be a part of that region, in fact, than not, and there are difficulties that arise in respect to that.

The real challenge is in -- in getting a ccTLD within the ccNSO to move is quite easy because you just get the government. The government says yes, the ccTLD says yes.

In ICANN regions, across the whole of ICANN, that involves, you know, asking more people and getting more consent. And,

frankly, if you manage to do that as a territory you really ought to be paid the respect of being able to move. It's a very high bar to get over so we just ought to get on with getting it reviewed and getting it sorted.

Thanks.

STEVE CROCKER: Ron.

RON DA SILVA: Thank you. I thought I'd share another perspective on this as well. I mean, there are certainly different ways to draw the regions, and in the ASO, there are, you know, different lines. For example, the Caribbean islands, the English speaking ones are part of North America as opposed to in the ICANN regional boundaries, it's all part of Latin America. And similarly here in RIPE, there are differences in what is part of the region for -- for the ASO as opposed to what is the region in ICANN.

So certainly different ways to draw it, and it's good to -- to look at that on a regular basis.

RINALIA ABDUL RAHIM: Okay. Alan, you have a follow-up question?

ALAN GREENBERG:

I do. A brief comment on that one but I will do a follow-up.

It is a hard bar to make, if we can get everyone to agree, but we've been talking about it for such a long time that either reject it or accept it.

We have chartered a Cross-Community Working Group but that comes to my question.

This group actually started its work effectively ten years ago. In the RD- -- in the review teams, the new bylaws say it must be done every five years and we seem to be taking it seriously. There is no wiggle room as there is, for instance, for the organizational reviews where there's an "if" statement there.

The statement on regions says it must be done every three years with no flexibility, and yet we're now into year 18 of ICANN or something like that, and we haven't done it yet. And I'm just wondering how the Board reconciles following one part of the rules and the bylaws religiously and essentially completely ignoring the other part.

You know, I have a problem accepting one decision when it's based on a rule such as we are given no choice, but ignoring another one. And, you know, I slip as many deadlines as anyone, so I understand being busy and having a lot of things on your plate, but.

I'm just interested in if there's any comment and is this a problem or is it something the Board feels it has discretion on?

STEVE CROCKER:

I don't think it's -- I don't think we explicitly and consciously choose which deadlines to observe and which ones not to. And I'm sure you didn't intend that we were deliberately doing this.

We obviously strive to be in conformance with every single one of the regulations. The number of regulations is increasing faster than we can keep with --- sort of a general task that is now in front of us, that this is now the time in which we take a look at what it takes to execute flawlessly and untangle or re-examine all the processes and understand the complexity.

We went through this massive process of adding a whole bunch of stuff to the bylaws. The bylaws are now almost Talmudic in there.

So we -- I think collectively, not just the board, not just the organization, but all parts of the community are going to have to work through what it takes to execute and in the process find the rough edges that need to be smoothed out, reviewing regions which don't move, don't change languages, and, you know, countries don't change. And doing that every three years because it says so seems to me a bit of a mismatch between

what the problem is and what the requirement is. And we can fix those things. And so I expect we will have a steady trickle of it doesn't make sense to do that. Let's take a more common-sense approach and still stay within the intent of what was intended. That's my --

ALAN GREENBERG: Thank you, Steve. You hit on the reason why I asked the question at the end. The bylaws say lots and lots of things. Some of them may have been drafted recently. Some of them may have been a little overzealous, and I think we need to not be afraid of going back and fixing that instead of just ignoring them. So, thank you.

RINALIA ABDUL RAHIM: Cherine.

CHERINE CHALABY: So I've noted here that this is now an item on the agenda when the board meets again. I'm going to propose that we have a discussion on that and seek some more in-depth direction rather than just a discussion. So thank you for raising it. We will take it on our agenda at next meeting seriously. Thank you.

ALAN GREENBERG: Thank you. There are, of course, other ones that are perhaps worthy of looking at.

RINALIA ABDUL RAHIM: Kaili.

CHRIS DISSPAIN: Do we have a roving mic or something for questions from the audience, please.

ALAN GREENBERG: Kaili, why don't you go to the one --

CHRIS DISSPAIN: It's coming. We're good.

KAILI KAN: Thank you, Rinalia. Yes, Kaili Kan speaking from ALAC.

And, also, just to call attention to APRALO, okay? APRALO has over half of the world's population as well as netizens. And, also, my understanding of having regions is to have all the different cultures well-represented while APRALO itself, my personal feeling and impression is that at least it has three different cultures: The Orient, the subcontinent, and the Middle East or you can say Arabic or something.

So APRALO is definitely the largest among all -- and also most diverse of all the RALOs. So just when we talk about regions and so forth, just to call attention to the distinct very different future of APRALO. Well, there's many some good reasons to have APRALO to be one region across all the way from Cook Islands to Georgia and Armenia and so forth with such a big time span. Thank you.

RINALIA ABDUL RAHIM: Thank you, Kaili.

Before Chris, can you give the microphone to Evan?

ALAN GREENBERG: If I may, I don't think we really want to have the debate whether the regions are correct right now. The review did spend ten years discussing that, so...

EVAN LEIBOVITCH: Thanks, Rinalia. Evan Leibovitch from NARALO. I guess, looking at this from a very comfortable distance, who's in what region and even the process aside, can somebody with any historical memory of this give me any idea from a technical coordination point of view why this isn't simply synced up with the RIR regions?

RINALIA ABDUL RAHIM: Is that in addition to Evan's point, Olivier? Yes, go ahead.

OLIVIER CREPIN-LEBLOND: Thank you very much, Rinalia.

Olivier Crepin-Leblond speaking. I can answer Evan's point.

I believe not all the RIRs were at the time created. And the RIPE region was actually serving Europe and the Middle East because there was no regional Internet registry that was based in that part of the world.

CHRIS DISSPAIN: And Africa.

OLIVIER CREPIN-LEBLOND: So that's why. And the simplest way to choose was then just to take the list of geographic regions as defined by the U.N., which does have some strange -- strange points in them. Thank you.

RINALIA ABDUL RAHIM: Thank you.

So, Chris, the last word on this.

CHRIS DISSPAIN:

A-ha, thanks. I just wanted to make the point, I think -- and Alan has kind of alluded to it just now. I think it's really important we keep a clear stream of decision-making here.

The crux of the report that we had on our desk for a while now is dealing with allowing territories to move regions. It's not dealing with what the makeup of the region should be or whether we should have more than five. So if you want, what we need to do is to concentrate on that report.

If we want to review the regions again, then that's, I would argue, a separate issue and we need to do that separately. I just don't want us to get too -- acknowledging completely what you said, Kaili, because Asia-Pacific region is bonkers as far as I'm concerned. It's a different point than the one we're dealing with. Thank you.

RINALIA ABDUL RAHIM:

Thank you, Chris.

So I just want to conclude that discussion on geographic regions and names with -- Cherine is going to be our incoming board chair. And he has given his commitment that it's going to go on the board agenda for discussion. And I think that is a fairly good outcome of this discussion, okay?

Let's move to the next topic.

ALAN GREENBERG: Which is also geographic regions.

[Laughter]

Or related to it.

I was accused in a meeting yesterday of being somewhat negative in relation to this item. And I, of course, am never negative.

[Laughter]

I'm waiting for various people in the room to roll their eyes.

[Laughter]

We are chartering work track 5 of the GNSO PDP on subsequent procedures to try to reconcile the views of all parts of ICANN with regard to using geographic names as top-level domains.

We are all going to work really hard in that group. And the ALAC certainly will be participating very actively.

What the prognosis is, is unclear. And it would appear that the result of it -- of that work track not coming out with something which totally meets everyone's needs is that the current rules will stand. That is the basis on which the entire GNSO PDP was constructed, and it is clear from the conditions that have been

put on participation in work track 5 that there is a belief that if we cannot come to closure, then the current rules will apply which, of course, puts any crucial decision using geographic names when there's a disagreement back on the board's agenda.

And I'm just wondering -- I guess I'll be blunt and say: How do you feel about that? And are we setting ourselves up for problems to continue again?

RINALIA ABDUL RAHIM: Chris.

CHRIS DISSPAIN: Thanks, Rinalia. So, Alan, I got two things -- two questions back to you, I suppose, for clarification. First of all, is it clear that that you just talked about the rules that have been put in place for whatever it's called, work team 5, mean that? Are those rules done already?

ALAN GREENBERG: Both the ccNSO and the GAC have set as conditions for participation the presumption --

CHRIS DISSPAIN: Yes.

ALAN GREENBERG: -- and their belief that if we cannot come to closure, then the existing applicant guidebook rules will apply.

CHRIS DISSPAIN: Right. Excellent. Thank you for that clarity.

So, to go then to the second part, if I understand you correctly, what you're saying is it's possible that the work team part of this PDP will not reach a consensus view to change what is currently the policy, which is set out in the applicant guidebook and that, therefore, the board will need to make the decision.

But I don't get that. It's a policy. If the GNSO comes to us with a policy that involves no change, then there's nothing for us to do because it comes to us as part of policy.

Why would we say, well, even though the GNSO says that the status quo should be maintained we're now going to interfere with that?

ALAN GREENBERG: Sorry. I apparently was not clear. I'm not worried about how you will handle the fact of the policy will come unchanged in this PDP. I'm looking a little bit further down the road that if we continue to use the set of rules we used in the first round, which

resulted in some direct conflict in the delegation of certain applied-for names -- I'm just going a little bit farther.

CHRIS DISSPAIN: Okay.

ALAN GREENBERG: -- and asking, can't we do something somehow better so we're not going to end up reliving those years again?

CHRIS DISSPAIN: So are you saying a lack of change to the current policy or a lack of clarification or more detail means that we could be faced again with a .AMAZON?

ALAN GREENBERG: I wasn't going to mention that name, but...

CHRIS DISSPAIN: Why not, everyone knows it's there.

I think Becky wants to say something.

BECKY BURR: We still have the possibility of finding different and better rules for resolving disputes, which I would think would be a primary goal of the subsequent procedures work.

ALAN GREENBERG: Good answer. Thank you.

RINALIA ABDUL RAHIM: Are there other questions related to this?

ALAN GREENBERG: None others related to geographic regions that I'm aware of.

RINALIA ABDUL RAHIM: Good. Let's go to the next topic.

ALAN GREENBERG: All right. The next one is a number of issues related to post- -- or the issue of post-transition ICANN. And I believe Sebastien is handling this one.

SEBASTIEN BACHOLLET: Ladies and gentlemen, since you're here, we're going to make you work a little bit. The question is a lot simpler -- my question

is simpler than the previous one. You will appreciate that this will be a more fun moment during the meeting.

You know, for a year now the transition has been made. I guess you all know. And we would like to know that since this transition a year ago, day to day, since the second series of work is also finished, we would like to know what the board think and we would like to have feedback on what worked well, on what did not work well, and on what could be enhanced.

After what happened during the meeting yesterday, during the public forum, we all know that there are some discussion items that are quite interesting, Rinalia.

RINALIA ABDUL RAHIM:

-- I would invite my board colleagues to do the same.

So I think you will remember before the transition and during the transition, ICANN was in a state of frenzy essentially. And we had continuous crisis points. I remember that as being my reality when I was on the ALAC and when I was on the board during the transition.

Now that we are post-transition, those spikes in crisis doesn't come often. And we've also hired a CEO who is meant to actually make ICANN more calm and more stable. And it fits with his disposition because he doesn't get excited very easily.

So in terms of what works and what doesn't, the exercise of community powers that happened when we had the first amendment to the bylaws, that was something that worked very well. It went very smoothly. It was almost a non-event. And it was actually a highlight. Of course, it was a noncontroversial issue because it was over the split of the Board Governance Committee and the establishment of the Board Accountability Mechanism Committee. Nonetheless, I think it is a success of post-transition ICANN.

In terms of one of the -- you could consider it as a crisis point, but I actually think it's a good focusing event that forces the system to learn to make the system more robust, is the issue of specific reviews. We have an issue right now regarding SSR2, which is the review on security and stability and resiliency of the DNS. And essentially the challenge comes from either a lack of clarity within the bylaws or rules within the bylaws that are not actually working when it comes to implementation or a lack of clarity.

Also, as part of the bylaws is that we're required to have operating standards to guide the conduct of the reviews; but the operating standards were not ready when we launched the reviews which we're required to with the time line that we are locked into with the new bylaws. So we -- our hands were tied to begin with.

So in moving forward, we've basically -- on the SSR, we've sounded the alarm and we've communicated with the SO/AC saying there's a problem here and it's not just on that specific review but specific reviews in general. We hope that the community would come together and figure out how to solve the problem.

And, if it requires changing the bylaws, then that is something that needs to be done. And you should be comfortable about requesting for it. And, on top of that, the timing of overall reviews is a challenge for everyone, including the Board. And, if it is reasonable to, basically, spread it out, you should feel empowered to come to the Board and say we think that we need to spread these reviews out more, not just specific reviews, but organizational reviews as well. And that would make our lives much easier.

So I will stop there and invite comments from other board colleagues. Who would like to speak? Cherine.

CHERINE CHALABY:

Thank you, Rinalia. One thing I think has changed from the Board perspective is how do we see our role? And I think now in this new world we see our role as the reliable partner of the community. We are not there in an ivory tower, and you're not there on another side. We are in there as your reliable partner.

What this means is we have to be in tune with the community at all times and our priorities align with the priorities of the community.

And you've seen we've issued a blog before becoming to say the things we're working on. And a lot of people responded and appreciated that transparency. And even some stakeholder groups said that is good, because now we can look at our own priorities and see what the Board priorities are and see if we are totally aligned.

And that transparency is increasing with the Board on a day-to-day basis. We want to be more and more transparent. Obviously, there are things that are sometimes confidential and cannot be discussed openly. But we try to be more transparent and more engaging with the community.

Not that we were not in the past, but we have to be more and more and more.

And we should not be afraid of making mistakes. Because that's the essence of partnership is that we can be open. We can make mistakes. You can tell us some of our priorities are not correct. We can change course. We can change direction. But I think there's a new way for us and for you to operate with the Board that we are in partnership together. And that's very important as we go forward.

RINALIA ABDUL RAHIM: Next I have Becky followed by Steve.

BECKY BURR: So, to follow up on what Cherine said, he did publish a very detailed blog about the Board's priorities. And part of each one talks about a sort of organizing principles that we've put in there. One of them is quite related to post-transition ICANN. And that is the Board has resolved to be -- to articulate, in connection with all of its actions, how we think what we're doing is consistent with and furthers the mission of the organization.

We are shortly going to call on the community formally to consider and adopt that practice as well in terms of when you provide advice or when there are policies. We'd like to encourage the SOs and ACs to also articulate clearly why you think this is consistent with and furthers ICANN's mission. I know that may sound trivial, but I think what we need to do is have a community-wide dialogue about what our mission is in the new -- under the new bylaws.

And I don't think that's entirely a black and white issue. And I'd like to encourage the community to discuss it directly.

RINALIA ABDUL RAHIM: Thank you, Becky. Steve?

STEVE CROCKER: Thank you. I appreciate the question, Sebastien, about what things are different.

One of the habits I have is looking sort of below the surface and sort of how things work sort of inside the machine, if you will. Comes out of my background as having spent a lot of time debugging software that has behavior that you sometimes don't expect.

One of the areas that I was particularly sensitive to had to do with the relationship with the U.S. government. Most of the people who spoke about that over time were concerned, principally, about the optics of apparent U.S. control over the Internet and so forth.

My focus was quite different. It was the impact inside of the organization. And I found, somewhat to my surprise, confusion in the case of some individuals in certain instances about who they were working for.

And I found equally some confusion, at least to my observation, on the part of some of the government employees as to what their job was versus what our job was.

It's the absence of the confusion that I think is a major improvement. And it's the kind of thing that, when it stops happening, you stop paying attention to it. And not unless you ask the question that you've asked, Sebastien, does it cause any of us to focus on what the problems were previously. And it's not as if, oh, things feel so good now. It's the fact that they stopped feeling so bad and you don't pay any attention to it.

So there's some number of things like that that I think are significantly better.

And there's also now, as we've commented several people have commented, trying to learn to understand what the impact is of all of the new rules and test whether or not they are working the way we expect, whether we've implemented the necessary procedures to accompany them. And I think that it's kind of like a digestion process after a large meal. And I think this is going to work itself out incrementally over the next few years. It's not going to be an overnight process.

The example of adjusting the Board Governance Committee's splitting it off -- splitting The Board Accountability Mechanisms Committee and realizing that required not only a change of bylaws but a change to a fundamental bylaw which was a more complicated and onerous task and having that executed pretty smoothly and, yet again, looking underneath the covers each of

the organizations involved found itself with a fresh question. We've never done this before. We don't know how to do it. We don't have a procedure. So there was a certain amount of scrambling to build those procedures in each of the organizations.

Not a terrible thing. Kind of a learning process. And I think that that kind of thing is what's going to go on incrementally over time.

RINALIA ABDUL RAHIM: I have in the queue Asha and Cherine.

ASHA HEMRAJANI: Thank you, Rinalia. So in regards to point number two, how we view the Work Stream 2 discussions -- how we view post-transition ICANN, I want to first give a big compliment to the community as to how Work Stream 2 work has been carried out.

There are about 10 groups. Some of them have already been completed. The rest of them are at least 70% done. I would like to see -- I mean, as a departing board member, I would love to see for all of that to be completed before the end of this year.

I'm also very pleased with the way the cost management have been done. This -- I'm very proud of the fact that we've worked

well together and that we've managed to collaborate and cooperate through the use of the project cost support team and work well and make sure that we don't have unnecessary expenditure and be as efficient as possible.

So this is something I'm very proud of and I'm very happy that we worked well on.

I just want to ask a question, revert the question, actually. How does ALAC feel about the new challenges unfolding? I'd really like to hear your perspectives. In the new ICANN in 2017 and 2018, how do you see things unfolding? Thank you.

RINALIA ABDUL RAHIM: I saw Sebastien's hand raised just now. I will let him go first and then give community members an opportunity before coming back to Cherine. Sebastien.

SEBASTIEN BACHOLLET: Sebastien Bachollet. Thank you for all your answers. I have one comment to make to Rinalia. You are the chair of a working group which is in charge of the follow up of all the reviews. And that is the best place to figure out that there are a lot of reviews going on. And they all work in parallel. Maybe you could do -- you could ask yourself the question of why the Board could -- maybe the Board could say that they could propose to us a plan

so the reviews could be more extended in time. Because it's difficult for you. It's difficult for us. And it's very difficult work for the staff. I know that we have gone from one world where everything was being done within the Board to a world where things are done outside of the Board. But we'd like to suggest that the Board could be a bit more directive and maybe ask for things more clearly.

And I'm not going to answer the question completely, the question Asha asked about when she asked -- the question she asked earlier.

But what I would like to see during the next steps is that there should be someone that would be responsible of simplifying all the processes of the process. All of us -- we have completed all the process of this organization. And at one point it will not work any more. So maybe the next step would be this one, how do we simplify everything. Thank you.

RINALIA ABDUL RAHIM: The answer to the comment that you made was that I have actually requested for the organization and my committee to come forward with a proposal to the community in terms of a more spread out and equalized review.

And, if you would like to see it, we can have that shared with you when it is ready.

Because we've been aware of the problem. And we would like to be prepared for when we need to discuss it. So I personally prefer to be proactive. I would have loved to have the request come from the community so that we can be responsive to your needs. But, when our mutual needs are met, that's perfect.

So in the lineup, I have Siva and then Alan.

SIVASUBRAMANIAN MUTHUSAMY: I'm Sivasubramanian Muthusamy from APRALO and a participant of the accountability CCWG working group. As Asha said, the committee had done commendable work over the last two years, quite a lot of work looking at some of the accountability and transparency concerns post-transition, especially post-transition.

But then still there are some very large challenges which are beyond the work of the working group, like the jurisdictional issues have not come up with a concrete proposal. And certain very broad aspects like the bylaw changes and the mission of ICANN -- expanding the mission of ICANN could not be considered.

So I would like to suggest that the work be carried on in a different work stream in the next work stream, which is very, very carefully constituted, especially with the external advices. And the ICANN's plans to have six external advices was planned to some extent. But on this work stream the focus could be more on getting outside perspectives, broader perspectives to carry ICANN forward to its mission of being responsible for the whole DNS and not like a corporation. Thank you very much.

RINALIA ABDUL RAHIM: Thank you, Siva.

Alan.

ALAN GREENBERG: Thank you very much.

It's -- there's a problem with the interpretation. And the channels have flipped over or something. And, as a result, you couldn't be heard. Or the transcript didn't go out.

RINALIA ABDUL RAHIM: I think you probably need to start again.

ALAN GREENBERG: I'm not sure I can start again. Are things working properly now?
Yes.

Okay. Thank you.

What I said, in brief, is: I don't think the problems are all associated with the transition, although they triggered another timing problem.

We have a whole bunch of different cycles that came -- that are on different cycles but at this point suddenly coincided. It's the same sort of thing that creates a tsunami.

And that's where we are right now.

And I hope that the kind of review that Cherine was talking about in the future to maybe adjust the bylaws to make sure that this doesn't happen periodically -- I will be touching on that in the next item on the agenda. But it's a really complex set of situations that have put us where we are today. And I don't think we can blame it all on the transition, although it did a good job of making it worse.

RINALIA ABDUL RAHIM: I agree.

ALAN GREENBERG: For all of its benefits.

RINALIA ABDUL RAHIM: I agree. Cherine, are you ready?

CHERINE CHALABY: Yeah. So on the points that Sebastien has raised regarding the reviews and that Alan has mentioned, yes, you can't blame it on the transition. And I think we seriously recognize that this -- there are three issues with the reviews. One is the -- the timing of them. It seems to be a lot happening at the same time and the community is suffering from that. The second one is the actual scope of the individual reviews. And the third one is the effectiveness of the recommendations that come out and how relevant they are. So we recognize this. We have made this one of our top priorities this year, and we're going to issue a consultation paper with our views on how -- proposal of how this should go forward and receive your comments and try and get those as quick as possible and stop trying -- you know, stop this inefficiency in the system with your input, of course. But this is something very important and we recognize this is -- this is a priority for us, and priority for the community.

Regarding the point that the gentleman mentioned about jurisdiction and proposing probably another Work Stream 3, I think this is not a board call, I'm afraid. This has to be a community-driven request. Not the board is going to be

involved in setting that policy down. So let's see what the outcome of this WS2 is and let's see what the community wants to do next. But it is not something that the board is going to drive through.

RINALIA ABDUL RAHIM: Asha.

ASHA HEMRAJANI: Thank you, Rinalia. I just want to echo a little bit of what Alan said and what Cherine said and make it more explicit. Consider them my parting words, my part of my legacy. I would hope that going forward with the reviews that the entire community pays greater deal of attention to project management and to milestones and cost management. Have clear goals in mind, have a view in mind that we must complete the reviews as efficiently and as effectively as possible. That has to be the target for every review. I can't emphasize that enough. We have to try to be more efficient in the way we do things. So I hope this is something that everyone bears in mind, staff, board, and community. Thank you.

RINALIA ABDUL RAHIM: Thank you, Asha. Any other comments on this before we move on? Seeing none, Alan.

ALAN GREENBERG:

Thank you. The next item is partly on the At-Large review and partly, in fact, related to what we were just talking about. I believe -- I haven't counted, but I think we now have a majority of people on the ALAC and a majority of our staff members who have no memory of a time when the ALAC actually focused on what we're supposed to be doing here. We are now entering our fourth year of stuff starting with the IANA stewardship transition, going on to accountability and now going into our second year working on the At-Large review, all of which have essentially diverted focus from the policy work that we're actually supposed to be focusing on. We have working groups on gTLDs and ongoing issues associated with things like WHOIS that are close to defunct because -- that we now have to reactivate because this -- there would be no oxygen, no people to focus on them.

And that brings us to the At-Large review. It was deferred -- and we do have the flexibility in the bylaws to do that -- because of the transition and accountability. It kicked off about a year ago, a little bit over, and due to unfortunate issues about how the review was carried out -- that's a personal opinion -- we are now going into -- well into the second year on it. The Organizational Effectiveness Committee has started to deal with the review and the ALAC comments on it in what I would consider an inspired

way. There were significant problems, and Rinalia and her group have come up with -- thinking out of the box, I think is the expression, to try to address some issues that arose out of it. It has, however, now delayed that process by yet another three months or something like that, and the amount of work that the At-Large community -- and I don't say the ALAC, I say the At-Large community -- has put into this process is unbelievable. If anything, it demonstrated we can work all the way down to the grass-roots. So thank you for that. But I don't usually thank people for whipping me with a lash. That's sort of how I feel. But I do have one comment. The current process that has extended it yet again is the OEC has asked MSSSI staff to extract information from a number of documents they have, I guess I'll try to phrase it as a cohesive document with which to work and to pass on to the board. I do have a problem, however, in that this document is being created by staff and will be looked at initially by the OEC without us ever having seen it. And although I have complete faith it will then be bounced back to us to comment on, perhaps exhaustively or maybe just give a big tick mark saying great, I really don't think a board committee should be looking at a document about an advisory committee or an SO, for that matter, without that document having been seen at least by the organization that it's talking about. And I understand the rationale, and Rinalia and I and the ALAC have talked about this exhaustively, but I just wanted to go on record

to say I think it goes against the transparency that we worked for all along to have sort of a -- what at that point will be a secret document about a group without having an opportunity to have at least have commented on it. Thank you.

RINALIA ABDUL RAHIM:

Thank you, Alan. First, I want to say that we recognize the work that the At-Large community had to do to respond to the recommendations from the independent examiner from the At-Large review. And it's unfortunate that we are in this situation, but it's essentially a component of having independence for the independent reviewer to do their work. And that is the system that we've established. It's the same thing that applies for every organizational review within the ICANN system. Sometimes everything is aligned. Sometimes everything is not aligned. So we have a situation in the At-Large review where there's a difference of opinion between -- primarily between the independent examiners and the organization under review itself. And we are working on addressing that, in the best way possible.

So regarding the concern that Alan has voiced about the secret document, the document is not secret. It's actually an extraction of the document -- an extraction of information from the document that the At-Large submitted. The process point that we are insisting on in moving forward is that the

organization or MSSI has been requested to put the information together, and they need to seek confirmation from the OEC that this is actually the format in which we prefer to look at the information. And so it has to come to the -- to the committee to say yes, this is the format, and it needs to go to the At-Large for confirmation that the information embedded in that document accurately represents their response in the feasibility study and implementation plan. And if there are gaps in the document, then the At-Large then has the opportunity to plug those gaps. So in my view, you are not at all disadvantaged by this process and there is transparency. It's just that there is a procedural thing that we need to comply with to move the process along.

And so that is where we are. And I won't be here when this is done. And my colleague Khaled Koubaa will pick up the ball and move it along, and I have confidence that he and the new Organizational Effectiveness Committee members will do you justice. And that is how I view it. Alan.

ALAN GREENBERG:

Thank you. If the documents we had received had said what you just said, we would not be having this discussion. What they said is the documents will go to the OEC and if the OEC believes there are gaps, it will go to the ALAC. The first version also said the OEC will decide whether to act in this at that point or not. If

indeed this is going to the OEC for verifying format, which I don't think needs a formal OEC meeting to have done that, but that's beside the point, and then it will come to us before any action is taken on the content and the -- and the rules actually said that, we wouldn't be having this discussion, but that isn't what has been presented to us, which is why I raised it here.

RINALIA ABDUL RAHIM: Right.

ALAN GREENBERG: It really is a transparency situation, not anything else.

RINALIA ABDUL RAHIM: So is Khaled in the room? So he's not here. But George is here, and he's on my committee. So George, you are going to make sure that the OEC proceeds in the way that we have discussed because I think that is the best way forward, and I believe the committee is aligned with what we are doing right now. We'll have it minuted, and it's recorded and transcribed. Thank you. Are there other issues?

ALAN GREENBERG: Only that several people have their hands up.

RINALIA ABDUL RAHIM: Seun.

SEUN OJEDEJI: Yeah. Thank you. This is Seun, for the record. Just wanted to add that if we also have an idea of timeline because I think it's been -- there's a lot of work that was done to actually make the timeline of the board to actually get the documents ready for the OEC to look into. So I think if the community who are volunteers could spend that much time to get the document done, it would be good for us to understand how long it would take for the board to do their own part so that we can easily follow up. Thank you.

ALAN GREENBERG: Sorry. I'm not trying to answer substantially for the board. At this point we have 20 minutes left. We haven't addressed the board questions yet and we have a non-agenda item which will take five minutes at the end.

RINALIA ABDUL RAHIM: Okay. So my quick response to you is at this point in time I'm fairly sure that we don't have a clear idea of how long it would take. But when the November meeting of the OEC happens and they have sight of the document and they have a sense of how big a gap, then they should be able to come back to you with a

timeline. So wait for the next step and request for the timeline then. You should -- you should have better clarity then. Best I can do at this point, Seun. Okay. John has taken away his question. Any other comments or questions on this? None. Let's move forward to the questions from the board. What are the key issues or topics that you are currently working on? Boy, that's general. What's the answer, Allen?

ALAN GREENBERG: Since John didn't talk last time, John is taking the lead on this item.

JOHN LAPRISE: Thank you, Alan. John Laprise, for the record. Well, I guess to beat a dead horse, the At-Large review is sort of front and center on our agenda right now. We've been working on it for a while. It's absorbing many of our resources and will absorb resources going forward into the future. We still have many members, both in ALAC and in the community more broadly, who are involved in the CCWG accountability work. And that continues on. The geographic names and new gTLDs, the PDPs we have people involved in as well, and those are ongoing issues that are in discussion in ALAC meetings and on our lists. And as mentioned earlier in this meeting, we are concerned about both volunteer and member burnout. Because there has been a lot of

work, we feel there is a sense that we're not working on the policy that we really want to do, we're working on the process. And that's actually part of one of the critiques of the review, is that we -- too much process. But we're stuck in this rut right now where we have got to go through this process to get to do what we want to do. So those are the key things that ALAC is really focused on at this time.

RINALIA ABDUL RAHIM: Thank you, John. Other speakers on this from the ALAC? Okay. Responses or comments from the board? None? Sebastien?

SEBASTIEN BACHOLLET: Sorry, it was to answer your previous question, not your last one because I am not anymore board member. Thank you. Yeah, to add to what John is talking about, I think that there is one important issue and shorter issue, but you are aware -- are about it, GDPR and all the question about that. And I guess it's something we need to tackle, not just as a domain name taking care of but also I am sure that at the end of the day we will have to take care of what's happened with our ALCs, with the member of the ALCs in Europe, and therefore, all around the world. Therefore, we need also to tackle what it's done inside what you call the organization, what I call staff, and globally about what's happening in the community because we have always since a

question on how we use our own prior data in the work of ICANN. It's something I am not sure that many are taking care of, but we need to do it. Thank you.

RINALIA ABDUL RAHIM: Thank you, Sebastien.

Ron.

RON DA SILVA: I'd like to comment on the burnout. This is certainly something, Alan, I think you alluded to, and the amount of effort that was put in by ALAC in the transition and now Work Stream 2 and a lot of related things like the empowered community and a lot of other new initiatives that have happened in the last three or four years.

This is true across all the SOs and ACs, and we hear it from a number of different sources.

But the good thing is with Work Stream 2 winding down, I think everybody is now beginning to ask, now that all this other work is beginning to end, what should we go back to? What are our roots? What are our priorities? What should we focus on? Where do we apply our resources? And how do we get, you know, kind of a focus of the community on what's important?

So this is actually a good beginning as we -- as we wind down things. And hopefully as a part of that reassessment and focus on how do we go forward, we take into consideration this risk of volunteer burnout across the community, because we can't have, you know, another four or five years of that type of pace and then maintain the same level of commitment, involvement of our volunteers in the community.

AKRAM ATALLAH:

Alan, you wanted to respond to Ron?

ALAN GREENBERG:

We're not really troubled by asking ourselves what do we do next. We already have a bunch of things on the burners. And I made reference to the two GNSO PDPs, and I made reference to the fact that our working groups that should be looking at them to a large extent are in a state of suspension, effectively. But that does yield another problem. It's not only an issue of burnout. It's an issue of how do we get the new people? And as I said, we have a whole -- a significant part of the ALAC that does not even remember us ever dealing with issues like that on a daily basis. And how do we get them up to speed?

And you will be hearing more from us soon on that. I'm not going to steal thunder at this point, but it is a really, really

significant issue. Part of the At-Large review said we're not making use of a lot of the people that we have in the periphery. We have At-Large structures that have members and they don't know how to spell ICANN. And it's a real problem. I'm not going to belabor it. But really getting all these new people involved, and even if they are interested, getting them up to speed is a really difficult issue that we will have to focus on. And I say "we." It's the larger community, not just At Large.

RINALIA ABDUL RAHIM: Shall we move to the next question? What are the concerns of your group regarding GDPR and how best to mitigate?

Alan.

ALAN GREENBERG: Okay. I'm not going to try to list what our concerns are. I don't think our concerns are particularly different from anyone else's. There is a significant amount of frustration in our community, certainly the part in Europe, about the fact that we have gotten to late 2017 and have been ignoring these issues, and I use a strong word, to a large extent.

You know, we could go around the table and everyone could express their angst and their frustration, but I think it's well understood.

There is a great deal of concern perhaps because there's not a lot of clarity as to what exactly ICANN is doing and what the plan is. We've heard a discussion of there will be three options, but when someone asks what the options are, we don't quite have answers.

A number of us feel that there are some solutions. Or am I missing something down there? Okay.

One of my frustrations is, like Steve, I've been involved in debugging code and writing code for a very long time, and I've watched methodologies come and go. And one of the things that the general wisdom is now is that you don't do things in a purely sequential step of let us design it to the "nth" degree and then start coding it, and then start testing it, and then let the user see it and have iteration cycles of years. We do things in a rather different way in most organizations these days, and I don't see that happening here.

There are a lot of things that will have to come together to allow us to respond to GDPR in a rational way, whether it's the final result or a stopgap that we have to put in place. There's a lot of, a lot of steps, and there can be a lot of parallelism, and I don't see that happening.

A number of us on the -- I won't say this is an ALAC position because we have not sufficiently discussed it and come to

closure, but certainly a number of us on the ALAC and a number of people I talk to in other parts of ICANN not only are rather frustrated but believe we have some -- some answers as to what ICANN can do, and we would like to see an opportunity to contribute that.

So, yes, there are people around within ALAC, within other places who do see opportunities to mitigate, not to fix. And we really need a mechanism by which we can present these. And we're not talking about let's have a public comment in six months. Our timeline has to be a lot shorter than that.

And, you know, if we can have agile programming in the technical world, we can do the same on the planning level.

Thank you.

And I and a number of others I can name would be delighted to sit down and talk.

Thank you.

RINALIA ABDUL RAHIM: Thank you, Alan. I'll let our resident top expert on GDPR respond to you.

Goran.

GORAN MARBY: Thank you. So if I understand correctly I have exactly three minutes.

ALAN GREENBERG: We end in -- at, according to my watch, about eight minutes, and we have a few minutes to devote to something else. So a little bit more than two, but less than eight.

GORAN MARBY: So I'm going to do short version of this.

First of all, there are two issues at the table. One of them, how to be compliant with the law, and the other one is our policies. And I have to say that because we always conflict them.

So what I'm going to talk about now is how we can be compliant to the law. And the reason I'm saying -- I'm so strong with that is because these are not about ordinary opinions. These are about legal opinions. And that's a difference.

The answer to the question where we are is that we don't know. So what the process is -- and I am the first one to agree with Alan that this is -- this work has been done a long time ago. I can point to the fact that ICANN doesn't have a policy for WHOIS as an example. And I understand that the discussion has been going along for a very long time.

So just step back for a couple of seconds. So there is already today a European data protection law. The -- the new law that comes in place also sharpen up some things but also adds fines. So I went out already in May, and I have been around -- you could have said I should have done this before but I came out in May the first time and said I think that we might have a problem with the WHOIS. And the first thing I asked for a little bit later was to have the user cases. Why are the user cases important? Because the law is set up in such a way that if you store any data and manage any data, you have to explain why you're doing that; therefore, the user cases. So that was the first interaction I had with the community about this.

The second thing I did was also send this information to all the DPAs around your and everyone else who liked them as well with a letter talking about it might be a problem.

The next phase we did that is we took in a law firm, an external law firm, to have a look at the legislation itself, and we actually choose someone who has not been in the system before because we wanted fresh eyes.

The next level of that is we now presented, it's called the Hamilton law firm's, their analysis of this, which we now sent it out a couple weeks ago, and I also asked for legal opinions on that. When we receive the legal opinions -- and in sequence

also, the GNSO requested -- did their own -- did their own analysis as well. At the same time the Dutch DPA also issued a guidance paper and the specific compliance.

So the next phase for this one is after we have had this legal analysis done, we will come up -- which we cannot do right now, because we haven't got the full legal analysis -- with models that -- because one thing that's important. The Dutch DPA in their paper, and we're analyzing that paper, together with the two legal advice we've seen so far, and I'm saying we don't know exactly how it's going to end but all three of them tells us their opinion is that we are some sort of data controller. If we are some sort of data controller, and it's a big if there because we couldn't know, we will then have to figure out a way how we can be compliant as ICANN. But we still want to have community input of that.

This is still not policy. This is still according to how we can do things within the policy.

We will go out with one or two or maybe three different models. And I know, for instance, that the contracted parties are also working on a model on the same basis. We will take them out for public consultation because we want to have legal input to them. We are talking about being compliant to the law.

On the other side of that, we will decide, we have to, how our compliance can be compliant with the law. And that's the one we also will use in relationship to the contracted parties. I will not -- I don't know the timeline for this, because we are waiting for the legal analysis. And we're getting a lot of questions from different sides, from civil society, intellectual property, also police forces and other ones with questions that we can go into the Hamilton law firm with.

The -- It's so easy to come up with a very simple solution to say we know how the law will act. We don't know that. We're trying to be as clear as possible.

In the end, it's the individual DPAs in Europe who makes that decision, and they -- if they find someone, that's going to probably end up in a European local court, then go through the system there, and then end up in Europe in court. That's what we know.

So we're engaging the community in several steps in this one under the umbrella of compliance.

The last thing we have to acknowledge as well is because the European laws are inactive in every country, if there is a contracted parties, because they are the ones who are also under the assumption of being data controller, we are looking into how we can use the normal processes to make sure that if

they have a good legal case, they can come to us and say according to the models we have today that they have to have another type of WHOIS.

So think about it from this is what we have today (indicating). This is no WHOIS (indicating). I think that we can fairly strongly think that the current WHOIS, which (indiscernible) will not stay the same. We can also say that there will be some sort of WHOIS. What we're trying to figure out now is where we are in between. And we have to be compliant with the law.

With that said, I also think it's important, because if we are going away from the current WHOIS, that means that we will not follow -- we will follow the policies, but the policies will not reflect the European contracted parties' way of doing it. So, therefore, I think it's important to the community continue the discussion about the balance between openness and privacy in the WHOIS system as a part of the policy discussion.

I want to -- These are -- Because it's a law, because they are -- the contracted parties or anyone that could perceive to be a data controller are liable under a law, which means that this is unfortunately or fortunately, depending how you see it, is something that has to have a lot of lawyers into it. And every time I have this discussion, I have J.J. sitting on my shoulder. Why is that important? Because I want to make sure that I don't

cause problem for anyone legally, neither for the organization I have to be responsible for together with my Board, but not also for anyone involved. So that's why it's two discussions, the compliance issues and how we can deal with the law -- and I think I've said the law five times now, and I try to lower my voice when I say "the law," and also the policy discussions.

So what we figured out was a way, or we're rolling forward is a way where we still in the compliance issue can have community input, because it's not at ease to say that if you go against the red light, you get a fine. It's much more complicated than that.

Thank you.

RINALIA ABDUL RAHIM: Thank you. So what you will realize is that when you encounter Goran talking about GDPR, he will keep saying the same thing over and over and over again. So I think in the end you should be able to get the point.

GORAN MARBY: I'm not under liberty to say anything else.

RINALIA ABDUL RAHIM: That's okay. And whenever we deal with a lot of lawyers, we lose a lot of money, especially since the transition. But anyway. But there are good lawyers around and we are happy to have them.

Over to you, Alan.

ALAN GREENBERG: I don't think this discussion is finished yet but we will not continue it in this session.

Holly has an opinion.

We really are out of time and there is an essential item that we must cover.

UNKNOWN SPEAKER: All right. Fine. Go ahead.

ALAN GREENBERG: No, no. I'm not quite in the position to cover it yet. Heidi? Am I going to be in a position to cover this next item? Thank you. Would anyone like to speak while things are being arranged?

Rinalia would like to speak. How could I stop you?

RINALIA ABDUL RAHIM: Sorry. So this is my last few days on the ICANN Board as your director, and I just have a few comments to make.

When I won the election in 2014, I didn't have 100% support from the At-Large. I won the election but it wasn't a hundred percent. Over the course of my term, some of those who didn't have confidence in me became my greatest champions and supporters, and that has made my -- I'm very gratified with that, actually. And your support has been extremely important to me, and I just wanted to thank you for that. And if there's any doubt about Leon's capabilities in coming onto the Board to be my successor, give him a chance and support him fully so that he can show you his full capabilities.

So once again, it has been my privilege, honor and pleasure to be the At-Large selected director.

Thank you so much.

[Applause]

ALAN GREENBERG: Stand up and take a bow.

Rinalia mentioned me didn't have the support of everyone in this election. She didn't -- In her election. She didn't have my support. I happened to be the opposition --

[Laughter]

-- and the other candidate so I was obliged to not support her. But I've known Rinalia now for close to 20 years, maybe over 20 years. I've lost track. She's one of the more capable people I've met in my life on many different levels, and I think you have done a superb job, and I thank you very much for that.

And as a very small token of our appreciation, I would like to present you with this. If I can grab it.

RINALIA ABDUL RAHIM: Thank you.

[Applause]

ALAN GREENBERG: I don't think I could summarize in any moderate amount of time how valuable your contributions have been and how valuable your friendship has been to many of us. And we have tried to solve the problem, as you've seen, with just a little -- I'll reveal what it is. This is a small diary -- not diary. A small book with comments from a number of people in our community and together they come close, perhaps, to identifying just how important you have been to this community and to many of us individually. And I thank very much on behalf of At Large and

the ALAC for everything you've done and hopefully what will continue to do in some way or another.

STEVE CROCKER: Thank you.

[Applause]

STEVE CROCKER: Alan, you're very kind. And echoing comments that were made before, you and I, and I want to include Rinalia and many others here, have enjoyed actually focusing on some real problems while controlling our emotions as we look at all of the process-driven stuff that we have to wade through around us. And let me also mention that I've had the good fortune not only to work with you but with Cheryl and with Olivier over time.

And as -- as I've said in previous times, I started out as chair of SSAC and watched both SSAC and ALAC grow and mature over time, and I learned many lessons from watching ALAC. I have been very impressed with the organization and with all of the people, and particularly with the leadership over time. So that's been part of what's made this a very positive experience for me.

Thank you.

CHERYL LANGDON ORR: Thank you, Steve.

[Applause]

ALAN GREENBERG: I'm told we do need a photo op, but before everyone disappears from the room, there's one more thing to say.

Leon? Leon? You're not getting away that easily.

[Laughter]

Leon I think has the -- takes the record of, certainly in recent decade, of coming on to the ALAC and starting to work and get involved in his very first meeting. None of this "I want to take time to understand what's going on." He just sort of assimilated he could quickly and started working and he hasn't stopped yet. And we expect the same of you on the Board. Looking forward to it.

[Applause]

[END OF TRANSCRIPTION]