KOBE – At-Large Leadership Wrap Up
Wednesday, March 13, 2019 – 15:15 to 16:45 JST
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GISELLA GRUBER: Welcome to the At-Large Leadership Wrap-up Session. Just as a reminder, if you do have a question, please raise your tent cards. If you don't have a tent card, you can either raise your hand in the Adobe Connect, or here in person, in the room, and we will put you in the queue. Thank you very much, and over to you, Maureen and John.

MAUREEN HILYARD: Okay, have we had housekeeping yet, no?

UNIDENTIFIED MALE: We just did.

MAUREEN HILYARD: Okay, right, yeah, okay.

UNIDENTIFIED MALE: While you were talking.

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.

MAUREEN HILYARD:	Well, I had Alan in my ear. Okay, let's start, let's get this show on the road, then. Number one, what's that?
UNIDENTIFIED MALE:	That's number one.
UNIDENTIFIED MALE:	Yeah, that's number one.
MAUREEN HILYARD:	Alright, okay.
UNIDENTIFIED MALE:	You just can't read it.
MAUREEN HILYARD:	Right, that's the Joint LAC and GAC statement. We actually have to endorse it?
UNIDENTIFIED MALE:	Sorry?
MAUREEN HILYARD:	We have to endorse it?

UNIDENTIFIED MALE: Well, we have to endorse it, or a minor variation of it.

MAUREEN HILYARD: Okay, right, well, is there expected to be any minor variations of this then?

UNIDENTIFIED MALE: Any time we have the GAC working on it, there's maybe like a one-word change, or something.

MAUREEN HILYARD: Are we accepting this as it is? Do you want to make a comment on this Alan, before we actually take a vote, or whatever it is that we do? Come on it's the last –

ALAN GREENBERG: I'm just a humble plebeian, we'll do whatever the chair says.

UNIDENTIFIED MALE: [off mic].

UNIDENTIFIED MALE: Wow.

ALAN GREENBERG: There are people who tell me I'm three or four inches taller now because of the weight off my shoulders. Alright, there are two EPDP things that we would like to talk about but Hadia would like to talk first. No? Okay, I can't hear you.

MAUREEN HILYARD: She's going to comment on the statement.

ALAN GREENBERG: You have a comment on the statement. As soon as I introduce the statement, you can make a comment, okay? Since you're one of the prime authors, I think we'll allow you to make a comment. The suggestion was made a number of days ago, and presented to us by Yrjo, that the GAC, I think the GAC had suggested, initially, that we consider a joint statement. The GAC and the ALAC, although we're not 100-percent in agreement with each other on everything in the EPDP, there has been a great deal of agreement, and they thought it would be very effective if we could make a joint statement.

The GAC started with this and essentially did an outline of the statement. Hadia filled it in with all of the substance. It was then to a large – significant parts of it were rewritten by people in the GAC to male it sounds diplomatic, and it's gone through a couple of iterations since then. You all received a copy of an almost-final

draft a few hours ago. It will likely have some minor changes. There have been one or two changes from the version there.

For instance, in several places, it talks about personal data, and the word "personal" was removed because it is effectively redundant, since the GDPR is only talking about personal data, and other than that, there is a reference somewhere in there to the technical contact being used to contact owners of websites. It was generalized, being not only websites, because a domain name is not necessarily used for a website, but it's essentially largely unchanged from what you have received, and the question I hope the chair will be asking you is can we inform the GAC that the ALAC will be supporting this? Hadia would you like to make a comment?

HADIA EL MINIAWI: No thank you, you covered everything.

ALAN GREENBERG: Amazing, is someone volunteering to read it out loud, a two-page statement? We certainly can. Oh, can you take a minute to read it, certainly. Trusting me, Sebastien, bad move.

SEBASTIEN BACHOLLET: Even if it's the first time, my first – through completely.

ALAN GREENBERG: Even if it was sent by staff about three hours ago, I think. I think Evan sent it, but I'm not sure under – I'm not sure if it was from her, or from the staff, but one of those.

UNIDENTIFIED MALE: It's posted on the – or the – [mixed other voices off mic].

ALAN GREENBERG: Despite the fact that I may not be trustworthy, I can assure you that everything there is things that we have discussed enumerable times, and there has been little disagreement.

MAUREEN HILYARD: It meets with your approval, does it?

ALAN GREENBERG: Seun?

MIXED VOICES: [off mic].

SEUN OJEDEJI: Thank you, this is Seun for the record. I just would like to thank you for doing this, but what I wanted to mention is, the last

paragraph, which [inaudible] was referring to the alignment with SAC's position –

ALAN GREENBERG: It should be SSAC.

SEUN OJEDEJI: Yeah, of course, that's what I meant, so the SSAC position. Are we sure you want to write it like that? Do we really need to, do we really want to check with SSAC in case?

ALAN GREENBERG: Do you imagine that we haven't already?

SEUN OJEDEJI: Okay, have you?

ALAN GREENBERG: Yes.

SEUN OJEDEJI: Okay.

ALAN GREENBERG: Yes, the SSAC was asked to endorse the issue jointly. The SSAC's answer is that their working methods don't really allow that.

SEUN OJEDEJI: But they are fine with it.

ALAN GREENBERG: But they agree that the content is in alignment with what they're saying.

ANDREI KOLESNIKOV: Andrei Kolesnikov, yes.

ALAN GREENBERG: But we will add an extra "s" to it. I'll turn it over to Maureen to handle any formalities.

MAUREEN HILYARD: Yeah, are there any other, are there any further questions? Especially from the ALAC members?

UNIDENTIFIED MALE: I see no questions.

MAUREEN HILYARD: No questions. Can I therefore take it that there's a consensus vote that everyone is actually agreeable to this being accepted by the ALAC? Do I see lots of nods?

ALAN GREENBERG: I know 10 ALAC members in the room –

MAUREEN HILYARD: Oh, hang on, Marita has got something to say.

MARITA MOLL: Can we, can we just – there are two points in here about the importance of the technical contact field, and the other one, I'm not good at reading things quickly, but is the other one about legal, legal persons? Can you just give us a quick run through of the –

ALAN GREENBERG: Summarize? Sure, on the technical contact, if you go back to the history of WHOIS it was so that you could make contact in case there are problems. The recommendations of the EPDP are that the technical contact will be retained, street addresses being removed. Admin contacts are being removed. So, all, the whole field related to administration is gone. However, a registrar – the field, the technical contact field is optional. You do not have to fill

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it in as a registrant. The EPDP also said that it is optional for a registrar to offer it. So, your registrar may not even mention the existence of a technical contact. Therefore, you may not even know the option exists. Technical contacts tend to be used by large organizations where you want to send it to the 24/7 line instead of the lawyer's address, and it's also used very heavily by low-end users who have web service providers and the service provider is the technical contact.

So, they're saying that a registrar may choose not to even offer it. Conceivably, no registrars may choose to offer it, and the general feeling is that since this is an optional field, every registrar must at least say it's a field, do you want to fill it in, or not. That isn't what the EPDP said. In terms of legal-natural, the GDPR applies only to personal information. It does not apply to legal entities, corporations, companies.

Now, if that company happens to list a contact which is a person's name, that information is protected, but the information in general is not. So, the street address, the name of the corporation, all of that. Under GDPR there is no reason to redact under the temporary spec and the EPDP recommendations, contracted parties are free to redact everything, regardless of what class of registrant it is.

Now, in line with the statement where I asked the board, ICANN's intent was to be fully compliant with GDPR, but not over compliant, and this is one of those areas where the EPDP is very over compliant. Any other questions?

MAUREEN HILYARD: Okay, any other questions?

UNIDENTIFIED MALE: I see no questions on the floor.

MAUREEN HILYARD: Okay, all okay for endorsement, general consensus, consensus, consensus? Yes. Done.

ALAN GREENBERG: Okay, thank you. The second issue, very closely related but different, is whether we want to take this opportunity for the ALAC to give advice to the board. This is something that we have done. It is within our mandate. We do it very rarely. I can remember three or four cases in the last couple of years, and we are proposing that we do that in this case.

Next slide. Now, that's the question I asked the Board today and, unusually, instead of getting a 14-minute dialogue, the answer

was, yes. The Board still supports that statement which is the original intent.

UNIDENTIFIED MALE: Good job.

ALAN GREENBERG: There are three, next slide, please? There are three major areas, one of which we already just talked about, the legal-natural person differentiation, the geographic differentiation, that is a registrar, in Japan, with registrants only in Japan. Clearly, the GDPR does not apply, but under the EPDP recommendations and the temporary spec, GDPR can be applied to everything. So, everything can be redacted, and the thick WHOIS, which all TLDs, except .com, .net and .jobs, are thick WHOIS. That is, the registrar collects information and sends it into the registry. We had a PDP several years ago which looked at all of the implications, positive and negative, of the GDPR, of the thick WHOIS, and recommended that all registries be thick WHOIS. That is, the three remaining ones are not to be made thick.

Implementation proceeded until it was halted. We have just gotten legal advice from our legal counsel, the independent legal counsel of the EPDP, that is about as unequivocal as I have ever seen legal advice. Instead of saying, well, it depends, the answer

was, yes, it is fully compliant, there is no reason that it should not be acceptable by the data commissioners. The EPDP never discussed the issue. A number of contracted parties said it's not legal and so we said, okay, but it's not quite as simple as that.

The EPDP, in fact, allows recommendations to allow for thick WHOIS if the registry and every single registrar on the planet agrees. Not going to happen. So, we have a situation where the EPDP decided somewhat arbitrarily that it was not legal. Legal counsel has now given a very strong support that it is legal, and I believe that we should request that this be reopened.

Next slide. So, all of these things individually impact the ability to have access to data for those who legitimately and legally can have access, and the wording of this advice clearly is going to have to be refined, and we're not out of time yet. We don't have to approve the final wording today, but I would like to have approval so it's worth our time to try to reword the document, and the advice basically will be – the Board is likely to accept all of the recommendations. They're between a rock and a hard place, but there's nothing to stop the Board from instructing the GNSO to strongly reconsider some of these issues in Phase 2, and that's essentially what that says.

Now, two of these issues, thick WHOIS and geographic – the thick WHOIS is a settled issue that would have to be reopened. The

geographic, it depends who you talk to. The words say it is settled, we're not going to do geographic differentiation. If you go back to the transcripts, or the chair at the time, he says, no, we deferred it to Phase 2. So, the words don't, the words on the paper don't correspond to what we said. We won't go into why that is the case, and on the case of legal, legal versus natural, that is definitely on the table for Phase 2. Questions, comments?

We're not asking for approval of the formal advice. That will be done through normal ALAC practices, but if there is no strong opposition to it, then we will proceed to try to draft something. We have Marita and then John.

MARITA MOLL: Just a question on the legal advice. This is legal advice to us, legal advice to everyone, everyone has this advice?

ALAN GREENBERG: No. No, this is advice, this would be advice to the Board, nothing to do with legal. Did they – yeah, no I understand.

MARITA MOLL: No, I mean – alright, go ahead.

ALAN GREENBERG: But I just want to make sure there is no confusion.

MARITA MOLL: Yeah.

ALAN GREENBERG: The EPDP has independent legal counsel.

MARITA MOLL: Right.

ALAN GREENBERG: That we have hired an expert on GDPR, not connected with ICANN, to address questions that we pose, we the EPDP, pose to legal counsel. We have just received the response on is thick WHOIS legal or not, and as I said, it's about as unequivocal as I've ever seen legal advice.

MARITA MOLL: So, everyone has received this?

ALAN GREENBERG: It is received by the EPDP. It's publicly on the Wiki. Anyone can read it. We can point you to it, if you like.

MARITA MOLL: And this just happened?

ALAN GREENBERG: It happened about four or five days ago, I think.

MARITA MOLL: Oh, okay, alright, and your indication, or from people you've been speaking to, what is everyone else's feeling around this?

ALAN GREENBERG: Funny you should ask that. The GAC has not discussed it. So, I did as whether the GAC wanted to support this. They have not discussed it, so it's not clear what position they would take. The SSAC, on the other hand, has taken an exceedingly strong position over a long period of time that thick WHOIS is much better for the ecosystem than thin WHOIS. We happen to have an ASAC liaison, John, would you mind if Andrei is given a minute? He's got to leave for another meeting shortly.

ANDREI KOLESNIKOV: Thank you Alan. Andre Kolesnikov. Well, there is a basic document with a second version which is the SAC 101, version 2, just giving them more explanatory things about the importance of the WHOIS data for the various stakeholders. I have a question, one question, Alan. What does it mean, reopen?

ALAN GREENBERG: Well, it – sorry.

ANDREI KOLESNIKOV: The Phase 2, as far as I know, addresses some of the issues.

ALAN GREENBERG: Phase 2 definitely will address some of the legal-natural. It might address geographic. As I said, there is a difference of opinion. Staff claims it will not.

ANDREI KOLESNIKOV: Oh, okay.

ALAN GREENBERG: Some individuals, including the SSAC representatives on the EPDP seem to remember we decided something different.

ANDREI KOLESNIKOV: That's right.

ALAN GREENBERG: Such is life, and thick WHOIS is essentially a closed issue, so, yeah.

ANDREI KOLESNIKOV: Well, I think it will be wise to have this advice.

ALAN GREENBERG: Yeah, my understanding is the SSAC will be saying something very similar to this.

ANDREI KOLESNIKOV: Very similar.

ALAN GREENBERG: And I believe on the thick who is, it's not just 101. It goes way back.

ANDREI KOLESNIKOV: Yeah.

ALAN GREENBERG: Where the SSAC has made very strong statements on thick versus thin.

ANDREI KOLESNIKOV: Yes. I'm in support.

ALAN GREENBERG: Thank you, Andre. John?

JOHN: So, Alan, just to be clear, you and Hadia are asking for the sense of the ALAC to support going forward and drafting a formal comment.

ALAN GREENBERG: Exactly.

TIJANI BEN JEMAA: Thank you very much, Tijani, speaking. Anything which is closed, there is no need to include it in the advice because the result will be null. What is done to this, if it gets closed?

ALAN GREENBERG: The EPDP implicitly has said that anything decided in Phase 1 may be reopened in Phase 2, if necessary, and certainly could be reopened should the board request it and the GNSO decide to follow that request, but there are a number of things which were addressed as placeholders because we had to answer the question, but we knew it may change, based on Phase 2. So, it's there, but it could change.

SEBASTIEN BACHOLLET: Thank you very much, Sebastien speaking. Thank you, Chair. It's quite an interesting proposal, and I would like to suggest that it be in a multi-stakeholder, that we should work in a multi-stakeholder approach, we shouldn't ask the GNSO to open

something in their own community without having a multi-stakeholder model or approach. We need to participate to that. You might tell that anyway, it's not going to happen that way, but I think it should be in writing and we'll have to be clear about it. Thank you.

ALAN GREENBERG: None of these things have <u>not</u> been raised in the EPDP. They've all been raised. This is our opportunity, as the Board has to make a decision, but as we've seen with the CCT review, some Board decisions are more than just yes/no. There are words around it, and we're suggesting that the Board consider, in light of their own commitment on how the direction of GDPR implementation should go, that they may want to consider this. They, of course, are not [up late] –

SEBASTIAN BACHOLLET: Sorry, I guess, a language problem, always, but I suggest that we add that this work must be done in the multi-stakeholder environment, not just we ask the Board to ask the GNSO because the GNSO could decide that they are the working group just for the GNSO and we are not participating. I suggest that we add that to the document, in the sentence.

ALAN GREENBERG: I'm sorry. The work will be done under, would be done under Phase 2 of the EPDP. That was not drafted very carefully. There's no question. The EPDP is the only vehicle where this could be done. I may not be happy with it. You may not be happy, but that's where we are, yeah.

SEBASTIAN BACHOLLET: No, but that's okay. If it's, sorry, it's not written here.

ALAN GREENBERG: No.

SEBASTIAN BACHOLLET: The EPDP, or whatever, then it's what I said. You propose something, the way to write it, and I agree with that, no problem.

ALAN GREENBERG: Okay. Okay, thank you, sorry. This was drafted very hastily.

MAUREEN HILYARD: Marita and Hadia [inaudible].

MARITA MOLL: Marita Moll, speaking. I would certainly like to see this phrased in a way that says as a result of the recent legal information, we feel

that it would be a good idea to reopen the discussion. I'd like to see it framed that way.

ALAN GREENBERG: That's only on one of the three issues. On the, we did –

MARITA MOLL: I understand that.

ALAN GREENBERG: Yeah, we did also get – there was a question on geographic. The question was because ICANN has offices in Europe, does that mean that GDPR applies to everything we do? Because there was some concern in which case the whole question of geographic differentiation goes out the window. We got very definitive legal advice on that one too, saying the presence of our offices does not make us subject to GDPR globally. So, we did get legal – yes, noted, Marita, and this was drafted at 1:00 yesterday night, yeah. Yeah, so, to keep us honest.

MARITA MOLL: Yeah, I think it's important to say that we recently received some very firm legal advice on –

ALAN GREENBERG: On two of the issues.

MARITA MOLL: Yeah, that's right, and to reference it that way, as this is the reason why I feel that we need to bring it back.

ALAN GREENBERG: If we blow it, keep us honest.

MARITA MOLL: Alright, thank you.

MAUREEN HILYARD: Hadia?

HADIA EL MINIAWI: Hadia El Miniawi, for the record. I just would like to reiterate that this is actually not the wording that we are proposing. So, maybe we use the word "reopen" and maybe not, and also some of the subjects, like for example the geographic differentiation, some of us, some of the stakeholders, some of the parties, we considered that it was not actually closed, and one of the reasons also that we actually had an outstanding question to the legal advisor, on which we had not yet received an answer, when it was assumed that the whole topic was closed. So, and with regard, for example,

to the WHOIS thick and thin, it wasn't really discussed, and again there was a legal question posed to the legal counsel on which advice had not yet been received. So, the language that's in here, it's not what is actually going to be drafted or in the advice itself.

ALAN GREENBERG: To be clear, I'm known for curt, short statements. Advice to the Board will not done in probably less than 100 words. This was just an item to discuss here and get approval, and I'm not sure how much more time we have at this point.

HEIDI ULLRICH: We have some time. Cherine is supposed to be here at 4.

ALAN GREENBERG: I can't hear you.

HEIDI ULLRICH: We do, Göran is running late. This is Heidi for the record. Göran is running late at the moment and Cherine is due at 16:00, so you have more time.

ALAN GREENBERG: Alright, if necessary. We're, Madam Chair, where are we?

MAUREEN HILYARD: [Inaudible].

OLIVIER CREPIN-LEBLOND: Thank you very much, Madam Chair, and your magician to your left is prodding his wand towards me. I'm feeling some shocks. No, just laughing. Olivier Crepin-Leblond, for the transcript, and I do have one question with regards to the structural makeup of the Phase 2 part of the EPDP. Has that been confirmed as being the same as the first phase?

ALAN GREENBERG: The chair of the GNSO has said they have no intention of rewriting the charter.

OLIVIER CREPIN-LEBLOND: Okay, thank you.

MAUREEN HILYARD: Okay, so no further questions? Oh, now?

BASTIAAN GOSLINGS: Thank you, Bastiaan, speaking. First of all, an announcement. I just learned that I am going to be an alternate for ALAC with EPDP, but – thank you, that was not what I wanted to touch upon. If you can go back to the slide that lists these issues.

ALAN GREENBERG: One slide back.

BASTIAAN GOSLINGS: Yeah, while I think I'm not completely up to speed with regard to all the details that have been discussed within the EPDP and all of the – I haven't read, fully, the report that was published. I understand the argument with regard to distinguishing between legal and natural versions. I understand and agree with that. But, personally, with regard to geographical differentiation, while in a strict sense I think I can agree that the GDPR would indeed not imply, for instance to Japanese registrants who deal with the Japanese registry, I think that was the example you mentioned, but personally I do think that privacy principles apply globally, and from that perspective I personally think that we should not make the geographical distinction. That's at least where I am now.

ALAN GREENBERG: You're not the only one.

BASTIAAN GOSLINGS: And I also think, in terms of the human rights core values that will come into effect, that also refers to applicable laws, so I think we

could get away with it, but with regard to intent. Personally, I think privacy principles should apply globally, and therefore we should not make this distinction. Thank you.

ALAN GREENBERG: This is simply echoing what the ALAC has said several times in official statements. So, the ALAC certainly could change its mind on it, but at this point, this is the official party line.

BASTIAAN GOSLINGS: Yeah, but I personally don't agree, so just for the record.

RICARDO HOLMQUIST: I guess you all have your earphones in place because Sebastien is speaking in French, so I will speak in Spanish. I wanted to ask Alan and [inaudible] to see whether we could draft a graph which would somehow read this is what ALAC has requested in their recommendations, what GNSO has adopted and what somehow we want to ask from the board, as an advice piece, so as to – if those three things match, to see what we are asking and why, especially in the advice we are looking, or the public comment put forward, vis-à-vis what was approved or adopted by the GNSO to see the status in the EPDP 1, and the EPDP 2, as well.

ALAN GREENBERG: This is not the statement we will be supporting or submitting. This is simply an outline to get general agreement from the ALAC to proceed. All of us have busy schedules, and I really don't want to spend a lot of time drafting a statement that will then be rejected, categorically, because no one liked the idea. So, this is not the statement. The statement will make reference to previous ALAC positions. It will make reference to the EPDP recommendations.

MAUREEN HILYARD: Greg?

GREG SHATAN: Greg Shatan, for the record. I think with regard to the geographic differentiation issue, I understand there are a variety of positions that people might take on that as an issue of privacy principles. However, I think that we don't get there in considering this because I think we first need to look at the principle of mission creep. The EPDP was not put together as an omnibus WHOIS the privacy reconsideration working group. It was put together for a specific purpose, which was stated on the first slide. To start using a working group to accomplish things that are beyond its objectives sets a very bad precedent.

Some people might like the result, other people might not, but in the next time that a working group goes beyond its precedent,

there might be different people who like it and dislike it. It's much better to stay within the remit, whether you like it or not. Some day, maybe there will be a different group that will look at these issues, root and branch, but this is not that group. Thank you.

ALAN GREENBERG: To be clear, a vast amount, or a vast percentage of the DNS abuse comes from other parts of the world, and allowing redaction everywhere simply says we're sanctioning that with no ability to try to take action against it. However, that's not my call. Holly, or I think –

HOLLY RAICHE: Mostly, it was answered. I would say, with the problem of geographic, first of all, remember that the rules are always subject to privacy legislation in any country. So, if there's effective privacy legislation then that privacy legislation takes precedence over whatever it is that ICANN does anyway, so we're not negating privacy protection, where it's enforced. Probably, where it isn't enforced, this particular set of rules isn't going to be enforced anyway. That's not to say that I don't sort of sympathize with Bastian. I'm just not sure that, if we can preserve a certain amount of information, that it's useful for law enforcement agencies, widely defined. It might be a good thing. Thank you.

JONATHAN ZUCK: Yes, it's Jonathan Zuck, for the record, and I guess I sort of want to echo what Mr. Shatan was saying. It's as much a process question as it is a substantive one. In other words, ICANN hasn't gone through the process of identifying consensus policy on privacy. There was a privacy law that was imposed upon us, and we went through a consensus policy on how to adhere to it. So, it may well be worth the exercise to try and come up with consensus privacy policy and we may be prompted by this exercise to do that, but right now, there was just this specific law that we're just trying to comply with, and I think that's where the real distinction lies. It's not a substantive question about good, bad or ugly, but we don't have consensus policy, even if we believe that we ought to.

ALAN GREENBERG: I'm told the Chair of the Board is on his way.

BASTIAAN GOSLINGS: Thank you, I'll try to be brief. Bastiaan, speaking. Yeah, I'm aware of what triggered this, and in a strict sense that is, of course, what was the GDPR and still is the GDPR, if I'm not mistaken, in many places in the world, comparable privacy legislation is either in place or is being discussed and is on the horizon. Just, briefly, in

reply to Holly. I don't think I refer to information no longer being preserved, and from my perspective it would just not be public. If we're going to distinguish on a geographical basis, I wonder, are we also, are we going to do the same with regard to third parties? So, and then I think we need to be consequent, and then for nom u, or like following the GDPR, third parties who are, that it does not apply to, they would not get access to the data, which is not, I don't think that would be a good thing.

ALAN GREENBERG: The third-party issue, who gets access, is a completely different question, and let's be clear, ICANN, any contracted party must obey their own local laws. So, if there is privacy legislation somewhere that is more stringent than GDPR, less stringent than GDPR, people working within those jurisdictions have to obey it.

BASTIAAN GOSLINGS: I understand. Bastiaan speaking. So, that is the situation as it is now, as well, and people can apply for a waiver. Is that the same system we want to continue having in the future then?

ALAN GREENBERG: That's a much larger discussion about how contracted parties are going to be able to adapt to multiple laws which will have varying levels of detail in them. It's not obvious how one does that, but

it's also not obvious that you can do anything but do that because different jurisdictions may well have rules. Europe has a rule that if you have a commercial website, you must publish the address on the website. That doesn't apply to WHOIS, but it's just a comparable type of thing that some places may have jurisdiction that says you must do things, you must display or make things available.

I'm not trying to argue for it, please. This wasn't supposed to be a discussion on the root things. These are positions that ALAC has taken multiple times and I was suggesting, Hadia and I were suggesting that we use this as an opportunity for advice to the Board.

BASTIAAN GOSLINGS: Bastiaan speaking, I thank you very much, I think it's a great occasion, and I can offer my apologies for the fact if I've not more explicitly my concerns with regard to this topic in the past, but I'm doing it now, and if the majority of the ALAC think that is the way to go, that will just be something for me to consider, I will probably go along with it, and that will then be the ALAC position, but it's not my personal one. Thank you.

ALAN GREENBERG: Just as a sideline, as chair for four years, I have advocated many positions that were not my personal position because it was a decision of the ALAC. Such is life.

MARITA MOLL: Marita speaking. We seem to have agreement on two of the items, do you want to put on there, and non-agreement on the third? Could we just, no?

MAUREEN HILYARD: [off mic].

MARITA MOLL: No, but according to the discussion, the discussion says – I mean, we're discussing the addition of the geo, the lack of geo-differentiation, that's the one that seems to be in question here. Anyway, I'm just suggesting that maybe we could leave that one off the advice. I sort of have the same feeling as Bastiaan, but I could go along with it, but I'm not too happy.

ALAN GREENBERG: Clearly, we're not going to settle this, this very moment, because we have a guest. I think we're going to have to take this offline and try to figure out how to do it. I guess I have a problem with the ALAC changing its position in midstream.

MAUREEN HILYARD: I think we can continue this discussion after Cherine.

UNIDENTIFIED FEMALE: [off mic].

MAUREEN HILYARD: No, straight after Cherine leaves.

UNIDENTIFIED FEMALE: At 3:15 –

MAUREEN HILYARD: We'll see how it goes, thank you. Welcome, Cherine, are you ready? Whenever you're ready. We're very happy to have you here again. Great.

CHERINE CHALABY: Okay, thank you. I'm gathering my thoughts. That was, I was expecting to sit down, and you'd continued talking for a few minutes. Yeah, I'd be very happy to. Well, first of all, thank you for inviting me. It's always a real pleasure to come and speak to you and with you and engage. I was here in this room earlier, talking to the AFRALO and the African committee, and so I'm glad to be

back again, in the same room, only a couple of hours later. So, thank you very much.

And I have to say congratulations to Maureen for completing your first, was this your first meeting as the ALAC Chair? So, you have to, you have some big shoes to fill, right? So, what size shoes do you wear?

So, I really don't have, I hate formal prepared remarks, so I'd rather answer questions, but I think it's been a really busy week, and I hope some of you might have been at the opening ceremony and I spoke about the three plans and the direction of where we're going as an organization. And tomorrow, on Thursday, there's a good meeting on the effectiveness of our governance model, which is going to be facilitated by Brian Cute, a member of the community, and I hope many of you will be able to go there to express your views.

This is a good opportunity which we have not had for a long time, where we can actually open up the kimono a little bit about the efficiency of our model, and we're not talking about restructuring here because the restructuring or reviews are mandated by our bylaws, and so we are not going to say At-Large is to do this, or the GNSO needs to do this. That's not what we're looking for. We're looking at things that we can do as a community to improve the efficiency of our work, and it could be suggestions the Board

can do, suggestions ICANN org can do, suggestions the community could do, right?

And so, I think it's quite important, and I've already got quite a few suggestions from Jonathan, there, about the Board dealing with reviews. So, particularly, and a lot of his points are absolutely true, so we've learned a lesson there, and it's something that we – so, for example, one of the things we need to do, and actually quite good, is before the Board sees any recommendations, or at least a resolution recommendation, we need to be talking to the team itself and say this is what we need to do. So, that was a good lesson learned there. So, I really appreciate the input.

So, with that in mind, I'm going to sort of stop here and really engage in a discussion. Any questions, if I can't answer, I'll tell you I can't answer, but if I can, you can get my candid answer the way I see things.

MAUREEN HILYARD: Come on, I know you guys have got some questions to ask him. Oh, Sebastien has.

SEBASTIEN BACHOLLET: Maureen, thank you, Madam Chair, I will switch to French, if you allow me, and even if you don't, I will. Mr. Chair, even if it's

President Chair in French, you could say my dear friend, and it would be better to say my dear friend. Cherine would want me to say – now, you're moving to Cherine, that's great. The issue of the reviews, this is a really, really fundamental for me, very important, those reviews. It's lots of work for all of us, and I am not sure there are so interesting or substantive. There not that substantive, those reviews, and we have a review that is just starting. It might be quite important, more important than the others. This is the review of transparency in the organization, and the work is going to start pretty soon, and we're going to know more about it in one year, with some results before the end of Fiscal Year 2020. Regarding this controllability review, we're going to have to take into account what we don't know yet. The results of this review will be quite important, regarding transparency and so on, and how are we going to take that into account regarding the debate we have about strategy, ICANN finances, and other topics.

Secondly, I understand why we do that, but I'm a little bit tired that every time, every time there is a new proposal, the first answer in ICANN is dollars, dollars, dollars, and funding and financing. We are not for profit at ICANN and maybe there is another way of talking to one another, only talking about dollars on the table, because around this table we do not make many dollars by coming here. Thank you very much.

CHERINE CHALABY: Merci, Sebastien, so good point. We just, indeed, met with the SSR2 team because, obviously, with the issue concerning the CCT-RT that has rippled through, in some effect, across the various reviews, and they were concerned that, before the transition, and that's what we heard from them, before the transition, whenever reviews took place, and these are independent reviews, and members of the independent reviews are obliged to give their independent view of what they believe in. And they presented their recommendations and that, in general, the Board kind of reviewed and accepted the recommendations and passed them on to ICANN org to implement without discussion about budgets or money, or anything like that.

They were concerned that, has the Board now has different attitudes toward reviews? What's going on, right? And citing that, for example, look, SSR2 was stopped and we started, the CCT has come up with recommendations, you did a triage of the recommendations, and you said some of them would go here, and you accepted some and pending on others, and you didn't even talk to the team before you passed that resolution, I mean, at the final minute.

Is there a new intent here? I mean, what is going on, basically, and there's a concern, first of all, that the independence of the review is compromised in a way because people are, and secondly that the community volunteers spend a number of years working on something, really putting their heart out and volunteering for the good of the organization, and then the outcome they produce is questioned, per se. Some are thinking is money the only criteria? And Sebastien, you make an excellent point about the money side. So, that's one thing, that was one of the issues, the commitment of the Board regarding those recommendations when they come in.

The other thing they said was, okay, even if you want to look at the criteria and also the recommendations and you decide some you want more work and some – what are the criteria you are using? Okay, we don't know what criteria you are using. Secondly, if you told us what the cost is, what can we do with it? So, you come to our own recommendation and say this is going to cost $2 million. We're obliged as independent reviewers to tell you what we really think is best for the organization. We can't just let cost influence the quality of our recommendation or what we recommend to you.

So, I think, I mean this is really an excellent, excellent discussion we're having at the moment. So, the answer to all of these was as follows. First of all, the Board today is not treating the

recommendation differently, at all, from what it was before. That, I can tell you that because I'm sitting on the Board and I know, even if the perception is different, even if the communication, particularly on the CCT-RT which was not good from the board, and I apologized to Jonathan, personally, that we didn't do a good job on that.

There's no intent, whatsoever, to not take the independent recommendation by the independent review seriously, according to our bylaws, and there is a presumption that you would. You know, if you take everyone seriously, and you adopt them, that has to be the presumption on that.

Having said that, the issue, Sebastien, is not about cost, mostly, but I think it is about prioritization and we don't have the answer yet. So, we don't have the answer of how we get the review teams to find some criteria by which they prioritize their recommendations because you would agree that, even though cost is not important, if we receive 37 recommendations from CCT, 112 recommendations from WS2, other recommendations would come from SSR2, policy recommendations, and the Board is sitting there and receiving all of those things – and let's say we say yes to all of those – even when we say that, we need to work with the community on finding a way of you can't implement all of them in one goal, on day one, so it's got to be some phasing, some order and some prioritization. How do we get to that point?

That is something that we need to work together to find a way of doing that prioritization so that we implement everything in a responsible way and in a digestible way to the community.

So, we're looking for ideas, but I want to reassure you that the board's intent, vis-à-vis the recommendations, has not changed prior to the IANA transition. It is true that, in the past, the budget never came into it, and the reason it never came into it, and this is true, is because the funding and the revenue was coming in, and growing every year, and you got the recommendation and you just passed them over, and you didn't even ask what the cost is.

I know you said you're tired from hearing you're tired from hearing cost as a reason. Cost is not a reason to accept or reject a recommendation, and it should never be a reason, but it could be a reason for doing a phase implementation, it could be a reason for prioritization. I don't know, but it's something that we need to work together and how could we help the reviews, and the community in putting prioritization into our thinking when we recommend things?

And with the SSR2 it became clear that this discussion has to take place. Sorry, and I'll just throw out one other thing why cost cannot be a criteria is that when you build your recommendation, you don't know what the recommendation is going to be at the

end, and so you can't cost it out until you have an idea of what is it you're going to recommend, okay? So, it is at this point some form of, and I keep using prioritization rather than cost, and it would be very helpful for implementing the recommendation. So, I'm going to stop here and then seek ideas and comments.

HOLLY RAICHE: I'm not following on it, it's a different question. Okay, Holly Raiche, for the transcript records. Following on from the question I asked this morning at the Board, which is with the growing use of, say, Facebook, Flickr, whatever, and the possibility of that detracting from the use of domain names, now, it's all to become, I suppose, and issue I've become aware of. I sat on the ccNSO on Saturday. They went through a poll, what do you want to talk about, and a lot of it was marketing, which says to me they're worrying about how they're selling a product, they're worrying about the popularity and the continuing popularity of country code domain names.

I'm just thinking, perhaps, that's a bigger issue, and are we going to start actually saying domain names are probably a safer and more private space than Google, Facebook, Amazon, or whatever? And, yes, money does come into it.

CHERINE CHALABY: But the discussion this morning was also, I mean, you brought a fresh angle on it. It was, with all this new technology coming through, how does it impact, and my answer was, well, we haven't got an answer yet, but it is one of the strategic objectives, one of the five, and we're going to be working with the community over the next few months in developing the operating plan which will show how we're going to address this issue. So, we don't have an answer, but I think we can't work in isolation, and we need to work with the community so that, by the end of this year we have an answer to that question.

MARITA MOLL: Thank you. Marita Moll for the record. This is on the strategic plan. I'm curious to know whether the strategic plan, the whole process is being managed in-house, to what extent are external experts being brought in, and the kinds of resources that are behind that. It's partly in my thinking around the question that we never did get to answer this morning, and it's like what can we contribute as a unique contribution to that? But part of that was around what kind of resources could be there in order for us to contribute. Because, you know, whatever we might do might entail some resource need. So, we have no idea about that, and so just a little input on that might be interesting.

CHERINE CHALABY: So, two or three things. One, is the work on the strategic plan started over a year ago, and we followed a very clear methodology, and that methodology, some people were not aware of that, and in fact we had a session on Monday where that specific question was answered about all the steps we took from identifying the trends that have an impact on us, all the way down to a SWOT analysis of the impact of those trends, and how from there we derived the objectives and what led to the vision statement that we made. So, that was about a 10- to 15-minute presentation. I do not want to – I apologize, but if you want, we can find time and I can go through it with you.

So, where we are on the strategic plan is that, after a year working with the community, the plan, a draft plan was posted for comments, last December, and we received a lot of comments. We spent, the Board met with the community on Monday. We went through all the comments, and we are going to incorporate a lot of the changes. Where we are is, we're at a point where we can finalize the strategic plan. I think the biggest effort now we need to do is to work on the implementation of it, the implementation plan. This is where the work needs to be done, and ICANN org, through your own leadership, is beginning to work on that.

So, there's going to be a small version of the plan, which is really the framework of it, and they're going to be putting it out for

comment in about a couple of months from now, in June, I think. I think, there, they're going to explain what is it, where we need to the input from the community on the work, and what are the major parts? I think from that, from that point onward, this is where the involvement of the community will be essential because, as I said before, having a strategic plan, a document like this, of 20 pages is not executable. I mean, you can't convert it and actually assign resources to it. You can assign resources to the implementation plan, and all the activities.

So, in the implementation plan, there will be five sub-plans, each one for the five objectives that are in the strategic plan, and your participation in that would be tremendous. One of them is the effectiveness of our stakeholder model, starting from tomorrow, with that session that we're going to hold. But I don't know the details of what is the amount of resources needed and contribution needed from At-Large. I do not know that. I think the [CO] would know. I would not know the answer this question, I'm sorry.

MARITA MOLL: Okay, thank you. I must have rephrased the question badly because I wasn't meaning that you should go back to what you had done a year ago, but you know where we're going on from now and how we can contribute from now and what we could use

to enable us to do that contribution. But I guess that's a question for the future. Thank you.

CHERINE CHALABY: But that's an essential question because we talked on Monday about the condition for success for each one of our plans. I don't think we will succeed, as a community, to implement our strategic plan, unless we all believe in it and are involved in it, right? And I think just providing public comments is not enough. So, something else needs to happen because it is a far-reaching plan, I'm afraid. It is the first time we're going to really – if you look at previous plans, they have been limited in their vision, in their thinking, but because of the challenges we are going to face in the next five years, they're really in my view much more than we've ever faced before, the plan is looking at what are we doing about security, what are we doing about governance, what are we doing about legislation, what are we doing about financials, what are we doing about technology, what about doing …?

So, we need all of us to be engaged in it, and it cannot be a paper exercise, and it cannot be an exercise where ICANN or does the work, you put in a comment, and you just comment on it, and we're done. So, there has to be an ongoing involvement with the community, and an ongoing belief so that we follow that

roadmap that's set up and implement it, together. Otherwise, it's just not going to happen.

MARITA MOLL: Thank you, I'm very happy to hear that because I agree that's the only way it will happen, and we all need to buy in, more, than outside of here, outside of these doors we need to buy in, so that's really where I was getting at. How are we going to do that? Thank you.

CHERINE CHALABY: Yeah, I don't know exactly, but I know it's an issue, it's a real issue, and it's an issue with the previous strategic plan, where if you ask anybody, right? How many times have you looked at the last strategic plan, in the last five years, and now may people remember what it is, not many people remember what the vision in it is, I mean, remembering the strategic objectives in it, right? How many times have we, as a community, revisited that plan and adjusted course? We haven't done it, not once, right?

So, I think with this one it's got to be different, although, yes, there is an operational plan that every year we subtract one year out of it, and we make a budget out of it, but the previous plan was never supported by a financial plan. When we produce it, we never know whether we can afford to implement it, but this time

it's different. For the first time ever we're going to have a strategic plan, supported by an operational plan, supported by a financial plan so that we, as a community, know what is the cost of implementing our strategy, and we're going to allow, at the end of the year, if we end up reducing the financial plan and it says we can't implement the strategy, there's a lot of things that have to be cut out.

We're going to allow for an iteration to go back and adjust, right? So, I think that iteration, and after this, on a yearly basis, or maybe a two-yearly basis in planning intervals, we collectively, and I think the Board has to take leadership in helping the community review where we are on the plan, give real assessments, right, where we are on the plan. Are we going in the right direction, are there new forces out there, new challenges that we need to change course or adjust course? And change that, that's going to be – it's not something we're used to doing as a community, right, but times have changed, and we need to do that. Thank you.

MAUREEN HILYARD: Thank you. We've got Alan and Jonathan, and because they've been waiting for a while, so we'll just add those two.

ALAN GREENBERG: Thank you. I'm taking off my At-Large hat and putting on the hat of the chair of the forgotten review team, RDS-WHOIS2. That report was supposed to be issued in the next couple of days. I've now had strong concern expressed by some of my team members, because of the CCT review, on a number of accounts. Number one, how are we going to be responded to, and were there things there that we were relying on that we didn't think that we had to worry about? We'll talk about that separately.

I disagree with you strongly that price should not be an issue. Price is one-half of an equation. The benefits that will come out of it is the other half. If you tell me that something is going to cost a million dollars, depending on what we're going to get out of it, I may say that's a really stupid idea, let's not do it. So, I think cost does matter and the benefits that come out of it matter, and you have to assess them. I know, for this review we are looking, we have looked at priority, and we are assigning priority, and we're also considering is this thing done by the same group within ICANN? Because some things are completely different groups, and saying one is higher priority than that doesn't really bear relevance on which to do first.

Lastly, if we had wanted costs of recommendations, after the recommendation is firm, I don't believe we could have gotten it, and I don't think we can even get cost of existing programs in many cases. So, I think cost is relevant. We're going to be in a

constrained environment, and somehow, we have to build that into the process. We can't just ignore it and pretend it's not an issue because I think it really is an issue, but we need mechanisms so the review teams can understand what the potential costs could be and know how to proceed forward. Thank you.

JONATHAN ZUCK: Can I jump in? Jonathan here.

CHERINE CHALABY: Yeah.

JONATHAN ZUCK: It's Jonathan Zuck, for the record. I actually want to follow on what Alan said. As is often the case in these kind of circumstances, the Board is kind of "on its heels," as we say because of the unexpected blowback, if you will, surrounding the CCT-RT, and I think that leads to a level of kind of absolutism that should really be avoided. In other words, I think it's completely wrong that the Board is somehow obligated to accept every recommendation. I don't think that makes sense. They are, in fact, recommendations and it is then in the board's purview, with justification, to reject them. I think that's okay, right?

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I think, as Alan said, I think cost can be an issue, as well, and that those were important considerations. The problem has to do with one of process, where if you come to one group and say we don't have money for what you want to do, and then a month later you're finding money out of nowhere for something that the community wasn't even expecting to have happen, it starts to beg credibility problems. And so, putting processes in place to evaluate these priorities, and I think even prioritization by a review team is going to be difficult. Instead, contextualization is what is going to be important, to Alan's point.

In other words, if this particular thing is important to you, then this recommendation is critical for that. If you decide this is not a priority, skip this recommendation. That's much more better than saying recommendation 3 is more important than recommendation 4.

So, I think there's a lot of thinking that needs to go into doing this, but let's not start from the position that A) you need to accept every recommendation, or the cost isn't a consideration because I think both of those things are true and that we need to be responsible and realistic about reform efforts that we take on, going forward. There were plenty of recommendations in ATRT1 that I would have rejected, out of hand, that were pretty stupid and ended up getting rolled back afterward.

So, feel free to reject, with cause, recommendations that come in, and let's have a broader conversation about what the best process is. That's all.

ALAN GREENBERG: Let's have that conversation, not unilateral.

CHERINE CHALABY: Can I ask a question, Jonathan, because I heard this a couple of days, that the board or the org starts projects that costs millions of dollars, and I – could you give me one example which is not in the budget because I'm actually failing to see where we started something that was not pre-signed in the budget.

JONATHAN ZUCK: Sorry, you're picking up on a detail, and I guess I don't want to lose the main point. We can have that conversation. NETmundial is something, for example, that people weren't expecting to have happen, and it cost a million dollars.

CHERINE CHALABY: At the time, we didn't even talk about finances. So, I agree with you on that one.

JONATHAN ZUCK: I understand. I'm just saying it happens, and in that environment, where people believe that it could happen – I mean, for example, something may come before the Board about freeing up funding to begin laying the groundwork for a new round of TLDs. That may come up before the board, and if that money is found, that may raise questions about why did you tell me that there isn't money for what I wanted to do, right?

So, without a process in place, it feels authoritarian instead of collaborative in making those priorities, but I think it's wrong-headed to say that the priorities don't need to be made. They do. I completely agree that there are some recommendations that may not make sense, given the priorities of the organization and the strategic plan that is in place, and that cost, and benefit does need to play into what reforms the organization should take on. We do have a fiscal responsibility in running the organization in a reasonable way, and just because we're all upset right now is not a reason to throw out that responsibility. Let's take a step back from that and remember there are real issues that you were dealing and that we just need to find a way to bring the community into play on it.

CHERINE CHALABY: So, I agree with that, and the issue about cost, which I was staring to make, Alan, it's not that cost is not important because I did

mention affordability. I was talking about, while the reviews are producing the recommendations. You can't give them cost estimates at the beginning, or at a certain time. You have to wait until those recommendations are formed to begin to inform them about costs. So, it was a timing issue, more than anything, and you cannot say – I mean, unless the community comes from the beginning and says, well, there's a budget for implementing this review, and it's going to be x, then you can't do that either.

So, this is, it has to be, we have to find the right process and the right iterative. It's almost an iterative environment where you work on recommendations, you take a review, you come up with your ideas and things, then we sit down together and say it's okay, so these are the recommendations you're coming with, right, and then we go into the contextual thing that you mentioned about, right? Are there more benefits from one, so cost benefit analysis on each one of them, and then the prioritization and then how are we going to go about it? And you're right, the board has the right and has the fiduciary right to study some of the recommendations and say, well, maybe not. But you have to give a rationale and be prepared to defend that and be prepared to discuss it openly.

So, that's, I think we are all in agreement. What we don't have now is that process, and we've never had it in the past. So, I think it is our responsibility to find that process, and I don't mean just

us. So, and I hope that part of the study we're going to do – because that's part of improving the efficiency of our model, in a way.

That's how I see it, right, and we should find a way of resolving this because, if we don't, it's going to be that the problem is only going to get bigger and bigger as we go forward. So, I think it's something that is – and in fact it's not a bad thing that what happened with the CCT review. I mean, I know it is bad, but it has resulted in us having this conversation that could help us, all of us, in the future, dealing with the issue in a much better way.

MAUREEN HILYARD: Thank you very much for the –

UNIDENTIFIED MALE: You should hug and tweet that, I understand that's a positive thing.

CHERINE CHALABY: I just want to make sure because you said I strongly disagree on cost. I don't think that we have a disagreement. My issue was a timing issue of how to make that process efficient.

ALAN GREENBERG: What I heard is the statement saying cost should not matter, and I believe it does matter.

CHERINE CHALABY: I did, did I say that?

ALAN GREENBERG: Yeah.

CHERINE CHALABY: Oh, well, I will –

ALAN GREENBERG: It doesn't matter.

CHERINE CHALABY: I mean, coming from a finance guy it's not, I'm not sure about the timing of it.

ALAN GREENBERG: No, you said, I think you said that cost shouldn't matter in the decision of whether to do something or not. If I heard wrong, I apologize.

CHERINE CHALABY: No, I was talking about – yes, I was talking about – no. No, I may have said it, but inadvertently. The issue was, while you're producing your recommendation, particularly, you're in the middle of them, and it's not possible, unless we find a way of costing it. So, that's my point, right? When you came up with your RDS thing, did you think of cost? No. When you came up with CCT review, did you think of cost? No. So, when WS2 came up, was implemented, did they think of cost? No.

So, that's the point I'm saying. You've got to let the free mind work first, the independent review to do their job, and there comes a point where now we need to talk cost benefit analysis.

ALAN GREENBERG: Let's talk offline.

UNIDENTIFIED MALE: Maybe add that to the list of –

CHERINE CHALABY: Sorry? Okay.

MAUREEN HILYARD: Thank you. Thank you, Cherine. I cannot believe that you have been here for 30 minutes and been talking the whole time.

CHERINE CHALABY: But this is a very important point, you know? We have to sort this one out, right? And it's okay for us to make mistakes. I mean, as a Board, and I've told the Board, it is okay to make mistakes, right? What is not okay, what is not okay is to make mistakes and try and defend this. It's okay to make mistakes and say I made the mistake and learn and improve.

MAUREEN HILYARD: I'm really sorry. We've actually had the communications team waiting since – and Göran, do you have something that's really, really pressing that you would like to pass on to us? I mean, really.

GORAN MARBY: I actually haven't felt this disgruntled since I was in my high school ball, went up and asked if I could go, who would like to dance, and they looked at me and said hell no! But, you know, I can live with that. I just want to say, what I wanted to say, really, here is that – I said this to Maureen a couple of times that, and I really want you to know that, from the Board's perspective, and from org's perspective, my staff, the movement that is happening that is part of our ecosystem right now is really important and really, really good.

We also, which I shared before today, is that we, with respect to this part of the ecosystem here in ICANN, it is increasing very rapidly, and you can hear it. You're engaging in policy work, you're taking hard discussions, you hug the CO, you're doing – I mean, it's not only Jonathan, but you're bringing people in, which has a clear understanding how the processes work and being part of it, and I think what happens is important.

I said the first time I met you guys, back in America, and it was 200 years ago, I got a question from Alan who always puts me on the line, and he said what do you think about us? And I said that, for me, you represent sort of the answer in the riddle about the multi-stakeholder model and who represents the end-user. I know that there are many people who claim to do that, but you are sitting here to be able to do that, and through the way you do things.

But I've got to finish on one thing more, and we just came from a discussion that, as you know, we were talking about, in a transparent way, to work with governments, to prevent that some things that belong in the ICANN community are moved outside, to really make sure that the multi-stakeholder model of ICANN can continue to talk about the things because I happen to believe that the ICANN multi-stakeholder model is much better than many other places to solve issues.

And I came up with a charter, a stunning conversation, how do we do that within our – to avoid the NETmudials, to do that inside our books, without being political? And one of the things is that – so, we had a meeting and talked about this before. Where is the sort of point where we can reach that information? Because, regardless of what you think, we are not that many people inside ICANN org. You are, through your structures, extremely important to tell us about legislative proposals that can have an effect on ICANN's ability to make decisions or can actually break the Internet. We're going to be very reliant on you and your structures to help us with that information because you know in your countries much better than we do.

So, that notion came to us during the discussions, which I just came into with Leon, and we wanted to really figure out a way to work together on those as well. You, and I don't want to call you grassroots, because that's sort of condescending, but you are outreach and we have to utilize that in a better way. And I like the fact that you're working together with the GAC because in ICANN, to have the GAC, is a fairly unique thing. I think that we're the only international organization of our type, if there is anything like it, that has 170+ countries coming to our meetings.

The easiest way for us to engage through governments is you have to cross the hall. We don't have to go into other settings. We can actually go in and talk to them. We have to be better at this,

and you are important in that. So, thank you very much for existing, I think. Thank you, bye, and I love the disagreements here, and now I want to hear my dear friend Alan disagree with me on what I just said. Yes, this is tradition, Alan!

ALAN GREENBERG: I already did it yesterday. It's your turn now.

GORAN MALBY: You are wrong.

MAUREEN HILYARD: Thank you very much, Cherine and Göran, we really do appreciate that you took the time to come and talk to us.

SEBASTIEN BACHOLLET: Sorry, that's not possible to – you need to have somebody to disagree with you, and it's maybe not Alan, please? Because I don't know how you have done, but the three sentences, or the three ideas you put to the table, I strongly disagree. First of all – yeah, I'm sorry. First of all, I bring the question of the dollars, not to say that it's not important, but I want that we start to say that it's the first thing is to make a decision. That was my point.

The second is that I don't like when we stop a discussion and say, hey, we will discuss that outside. Because, if we discuss that

outside, it's outside of the model. It's a one-to-one discussion, and that means that we are not participating in the discussion, and that's something we need to avoid, as much as possible because it's collectively that we need to set up what we want to do.

Third point, NETmundial was the most important meeting in the Internet Governance of the last years. Fortunately, ICANN put money and effort in that, and I really, really think that if you think differently about that, it must be a discussion that we must open because the output of that was very useful for ICANN and the transition. Therefore, if you think that we have lost money in doing NETmundial, it's not fair for everybody, but it's not fair for us and the people who work on that.

And that last point, I would like to suggest that you tweak your annual sentence, and you say that we will be able to use your organization, your people, you, to accompany the government, and not the other way around, where you want to use us. No, we want to use you. Thank you.

GORAN MARBY: Could I, I mean, we can disagree on that one, yeah. I was working for the government for such a time and I know the reactions from the government after NETmundial, but I didn't talk about it. And the whole intention of what we're trying to do is to have – that's

why we have the charter. That's why we're looking for your input because what we want to do is to engage and have the conversation. And it's actually quite – what we're trying to do is to do it in a transparent way, where we can actually have the discussion within the community, and so that we are – because I don't ask you to give me the mandate to have political views because I don't know if I'm going to have any political views. But what we need to do is to avoid, for instance, legislation from other countries that can actually disconnect us from the Internet. We've seen those, and I want to set up something where I can talk to you about that, in a very transparent way.

I don't know if you heard a member from the European Commission saying that there will be official and unofficial discussions, and I said we are not going to do any unofficial discussions. Anything we do with any government or authority around the world has to be transparent and open, even if it's not good for our cause. So, I think what we're trying to do is actually doing something in an open – and we do a lot in government already, and if you want to see the evidence of that, you go to the CO report, where between every ICANN meeting, we actually go through all the things we do with governments, but I want to have the dialogue better.

And, yeah, maybe I've come up with the wrong suggestion. That's why I asked you to come in with comments to me, and I'm always

happy to disagree with you, you know that, but it's because that's ICANN. We do disagree, we find better solutions and we move on, but if we don't have, if we don't allow ourselves to have ideas and talk about them because we are afraid of having the discussion, then I don't think we're doing our job right.

We have the right to have our opinions. We have the right to share them according to the standards, and I really enjoy working with you guys because you always, they always end up giving me some notions to try to make my work better, and I mean that from my heart, and you know that. And now I've overstepped my time. I shouldn't have talked that much. See you in the bar later.

MAUREEN HILYARD: We're running really, really late, and I'm –

UNIDENTIFIED MALE: I'm sorry, I didn't talk. This is my first time in this meeting. I'm talking, and I'm going to talk. This is the first time that I'm going to talk in this meeting.

MAUREEN HILYARD: Hurry then.

UNIDENTIFIED MALE:	Okay, very short. We have a problem with the per diem in our Latin American countries. Some people cannot receive transfer because there is the issue, sometimes there is a delay, six months. Other times there is a high interest in the taxes, etcetera. So, I'm taking the opportunity to ask Göran and Cherine Chalaby, please, help these people, don't lose the money, and they can continue to come to these ICANN meetings.
GORAN MALBY:	First of all, I'm really respectful of this conversation, and the background of this is we are carrying, today, cash to people during an ICANN meeting, and that is a security risk, first off, and it's a security risk for everybody [inaudible]. So, we are working on a scheme to help to avoid that to the best capabilities, but of course we have to make, there are countries who have a million or something, and I'm not joking, I think, in South America, in the inflation, it could be – $5 million? Oh, yeah, even worse.

So, what we're doing now because this is the last meeting we will try, and we have a couple of months from the next meeting, so if we agree on the principle, we have to go away from carrying cash, and sometimes we do carry enormous amounts of cash.

India, it was even more fun because when they decided to change the currency, do you know what? I have to tell you something. Take this as a – I've got a question if my team is committed. In

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Marrakesh, sorry, in India, we had, we assembled people, money from people working for ICANN so we can give cash. People gave private money because a lot of the cash disappeared, just to give you idea of the devotion of my team. I'm really proud of them.

So, the thing is, that between now and the next meeting, in good order, we're going to figure out something that works for everybody so we don't carry around a lot of cash because the security risk of that, and at the same time, we can make sure that the people who live in countries where there could be a physical problem on giving money to them, we sort that out. I don't have the absolute solution. It could be so do we do a combination of things, that those people that have those, we combine it another way, because it's ICANN wants to have people here.

I'm so close to saying we want to give money to people, but that wasn't my intention, but we do this program to make sure that people from those underfunded regions, with those problems, actually get here. Was that an answer to your question? Can I go now? Maureen, do you want to get rid of me? I'm out of here. Thank God! And thank God someone else has wanted to dance with me.

UNIDENTIFIED FEMALE: Introduce Carlos –

MAUREEN HILYARD: Yes, I'm really sorry, guys. We had invited the comms team to come to do, to give a presentation on some really important issues for us, and as they've seen, it was very difficult for us to intrude on our guests and the discussion that they were involved in. But we would like to meet with you, even if just to be introduced to you, if you wouldn't mind coming up and just letting us know who you are.

UNIDENTIFIED FEMALE: [off mic].

MAUREEN HILYARD: When is it? You mean as online?

UNIDENTIFIED MALE: Sorry, excuse me, Chair? Chair, excuse me? When do you intend to discuss the issue relating to ATLAS III?

UNIDENTIFIED MALE: Tomorrow.

UNIDENTIFIED MALE: Tomorrow, okay, thank you.

UNIDENTIFIED MALE: Yes, that was tomorrow, sorry.

MAUREEN HILYARD: Tomorrow.

CARLOS REYES: Hi, everyone. My name is Carlos Reyes. I am a member of the policy team, and one of my roles is to liaise with our comms colleagues. Today, with me here, we have Sally Newell-Cohen, who is the new senior vice president for communications. She started right before Barcelona, so you may have seen her in Barcelona. This is her second ICANN meeting. And Liana Teo, who is the comms liaison to the policy department. I'm happy to yield the floor, if you have any comments, but essentially, I know we're short on time, but what we're planning to do is work with the subcommittee on outreach and engagement on any comms needs that you have for the At-Large community. So, Maureen, I'll yield to you, and then maybe Sally and Liana have comments as well.

MAUREEN HILYARD: I do know that we have, there's actually an Outreach and Engagement meeting that's planned for some time in a couple of

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weeks. Would it be possible to have you presenting, doing a presentation there? And I'm so sorry that – you know, like that we had –

UNIDENTIFIED MALE: The 20th of April.

MAUREEN HILYARD: The 20th of April, the 20th of April? Okay, the 20th of April, the 20th of April. Okay, but if you want to introduce yourselves or do you have some –

SALLY NEWELL-COHEN: Hi there, I'm Sally Cohen. We are looking forward to spending time in the next session with you because we do want to get an understanding of what you need from a communications' perspective because I know there's a great need for looking at the volume of content that comes out, as well as the types of content to make sure it's being read and you're also getting your message out. So, the next time we're going to speak with you, we're going to actually ask you for some feedback on specifically what you need and the tools you need, and then between the policy team and the comms team, we'll develop likely a toolkit for you. That's something that will include some training and will include

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guidance on how to develop the materials and what the materials could be, if that's helpful.

MAUREEN HILYARD: I know that, working with the Outreach and Engagement, they're actually developing a strategy, a strategic plan for themselves too, with regards to – [yet, I can't just toss this] – and so it will be really good to sort of see how we can incorporate your work within their strategies as well.

JOHN LAPRISE: Thank you. John Laprise, for the record. So, I'm Social Media Working Group chair. We're very pleased to have a communication strategy team with ICANN to help us develop and work toward all things from editorial calendars and, yeah, we're completely on board and ready to sign up and get moving.

JOANNA KULESZA Thank you, John. Joanna Kulesza, for the record. I've been tasked with co-chairing the Capacity Building Working Group. We're working hard to meet the ATLAS III deadlines. I have a very specific and to the point question about copyrights. The Global Stakeholder Engagement Team was kind enough to offer sharing their resources with us. They're beautiful, they're informative, there is a rich variety of those. We agreed that they would be able

to make those available to us, to do At-Large outreach capacity building.

I wanted to make sure whether that is okay. Are there any copyright concerns? Can we take those, tweak those, use those? Do you want us to use any sort of copyright attribution? Do we need to get back to you for authorization? Do we, are those ready as-is, only to be used? Any practical guidance would be most appreciated that would get us working right away. Thank you.

SALLY NEWELL-COHEN: There are materials that you can use I know that the GSE team will give you. If you modify them, because they are trademarked, we would ask that you send a request to us, because if we don't protect the trademarks, of course, then we run into issues. Was there something you were going to add?

UNIDENTIFIED MALE: Daniel, Sergio and close the queue.

UNIDENTIFIED MALE: Just a quick, quick – I think it would be great if we encouraged our communications team to just create a license for this kind of material, so let's maybe think about that.

DANIEL NANGHAKA | Daniel, for the record. Thank you very much. I'm speaking in my respective capacity as the Outreach and Engagement Chair. I think we are beginning to speak a language where you can be able to understand us, as far as Outreach and Engagement is being concerned, and I'm very happy to have at least a team here because discussions have been going on, going on and going on.

This is something that is beginning to be happening [/feasible]. Despite the fact that there is – we haven't been able to come up with a real communication strategy, but at least some work has been going on, on how we can be able to enhance our outreach and engagement, especially through different communication tools.

At least in this joint meeting, I'm happy to share that, for example, Glenn and they already happened to come up with a blog, which in our Outreach and Engagement meeting they are meant to demo, and so far I don't know whether Glen has reciprocated back on the comments on the blog, but already there is some demonstration of content for that, and also, together with the Social Media Working Group, still, current measurements.

I don't know how the measurement of the respective Twitter and Twitter campaign is coming along, but there is this Twitter campaign that is happening. And I believe all of this is going to be able to enhance how we are going to be able to reach out to the

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communities and engage with the communities. Could I please borrow one minute please, or no? Thank you.

SERGIO SALINAS PORTO: This is Sergio Salinas Porto, I'm going to speak in Spanish, in English. Okay, Sally, thank you very much. Thank you very much for being here with us. I am the LACRALO chair. My name is Sergio Salinas Porto. We had some issues regarding our mailing list, and this has to do with translation. We, as you know, have many languages. We work in English and Spanish, and no translation is there, so our colleagues from the Caribbean region cannot read us, and we don't read what they write to us, and this creates some communication problems. So, I would like to know if there is any strategy implemented so that we can solve this issue, and if we can walk along the fluent internal communications pathway. Thank you.

SALLY NEWELL-COHEN: Okay. So my understanding, just the conversation at the table is that this is something that the engineering and IT team is working on now. So, and actually, you may have more information on this.

HEIDI ULLRICH: Yes, just very briefly. Sergio, this is Heidi. So, we are working with the engineering team on that. They are having this in hand. So, this is not, this is a different department for that, yeah.

CARLOS REYES: So, thank you everyone. I think what would help us is if you channel all of your input to perhaps the Subcommittee on Outreach and Engagement. That way Liana, Sally, and I can interface with them, and thank you very much for having us.

MAUREEN HILYARD: Thank you, Carlos. Thank you Sally and Liana. We're just very apologetic about taking up your time. It wasn't us. You saw that. Thank you very much. Hey, look, we're actually using some of your transition time. I think that Jonathan won't mind if we just have five minutes, max, and then you come back for the policy session, is that okay? Jonathan? Yeah.

JONATHAN ZUCK: Yeah, that's good.

MAUREEN HILYARD: Five minutes and then you've got to get back, right quick, smart! You get back and we'll let the interpreters have a bit of extra time, but getting you guys back will be hard enough.

EN

[END OF TRANSCRIPTION]

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