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On page: http://gnso.icann.org/en/calendar/#feb

William Drake: All right. Good morning everyone. Sorry for the delayed start. We had a little technical problem with the Adobe. I hope that the people who are remote are able to get into the room okay. I see Joy and others that I know are not here in Singapore. So I'm assuming that's the case. This is the Non Commercial Users Constituency Meeting in Singapore at ICANN 52. I am Bill Drake. I am the Chair of NCUC.

We have a full and I think very interesting agenda for today. A lot of things to cover. Before we dive into it, I think we should begin with our customary tour of the tab of introductions just briefly stating who you are and what organization you're with, et cetera and if you're a newcomer - I see a number of people who were in the fellows meeting this morning that I spoke to. If you're not an NCUC member and you're new, just tell us that too so we know and we're happy to welcome everybody. So, I'm Bill Drake. I teach at the University of Zurich in Switzerland and I turn to this young man.

Walid Al-Saqaf: I'm Walid Al-Saqaf, currently the head of the membership affairs team at NCUC.

(Paul Sir):   Hello. This is (Paul Sir) from Bangladesh and (unintelligible).

Man: (Unintelligible) from Ghana and (unintelligible).

(Jow):   This is (Jow) from China and I just registered this morning on the fellowship.

Man: (Unintelligible) from (unintelligible).

Man: (Unintelligible), Professor at University of (unintelligible) and (unintelligible).

Woman: (Unintelligible) in Brazil.

Brenden Kuerbis: Brenden Keurbis, Syracuse University in the Internet Governance Project.

Man: (Unintelligible) from (unintelligible) fellowship.

(Navete):   This is (Navete). I'm an associate professor at (unintelligible) University (unintelligible) and I'm an NCUC member. I'm also a fellow.

((Crosstalk))

William Drake: There is room at the table isn't there?

Amr Elsadr: Yes. I'm just sitting and keeping (Mary) company. Hi. I'm Amr Elsadr from Egypt. I'm with the NCUC and NCSG and from the GNSO counsel.

Man: I'm the chair of the NCSG policy committee.

Kathy Kleinman: Kathy Kleinman. I'm an attorney with Fletcher, Heald and Hildreth in Arlington, Virginia, I practice free speech in Fairview.

(Ed Marks):   (Ed Marks) from the United Kingdom and NCSG and CSG and CUC GNSO counsel.

William Drake: And very well dressed.

(Ed Marks):   Thank you.

William Drake: Wow.

(Matthew Shares):(Matthew Shares) with the Center for Democracy and Technology.

(Anya Gangul):   Hello everyone. My name is (Anya Gangul). I am a fellow from (unintelligible), a newcomer. I am a lawyer working for an attorney in (unintelligible) and I also work for (unintelligible) which is an organization from states that has an office for Europe in (unintelligible) as the coordinator for (unintelligible) clinics.

Man: (Unintelligible) from the fellowship.

Milton Mueller: Milton Mueller. I'm a professor at Syracuse University in the United States and part of the Internet Governance Project, former NCUC chair and former counselor.

Robin Gross: Hi. My name is Robin Gross and I'm with IP Justice in San Francisco, former NCUC chair, former NCSG chair, former GNSO counselor.

Woman: Hello everyone. My name is (unintelligible) and I come from China. I'm a college student in (unintelligible) University. My major is communication and media. That's why I came here and learned something about internet governance.

William Drake: Welcome.

Woman: Hi everybody. I'm (unintelligible). I'm a first time fellow from Pakistan. I'm also a mainstream television journalist in the country. I've been with the state television for the last eight years and I'm also a practitioner. I was previously the vice president of public relations at (unintelligible). Thank you.

(Benjamin Ackmoid):   Hello. Good morning everyone. My name is (Benjamin Ackmoid) from (unintelligible), Nigeria, a former NCUC member. Good morning everybody.

William Drake: You are here as the first recipient of an NCUC travel award from our little piggyback.

(Benjamin Ackmoid):   Yes. So I think I'm an NCUC fellow.

William Drake: That's right.

((Crosstalk))

Woman: Hi everyone. I'm (unintelligible) from Africa. I'm also an ICANN fellow and I'm about to start a fellowship at (unintelligible) University.

Woman: Good morning My name is (unintelligible). I am from South Africa and a newcomer, fellow. I also am the head of the Africa Office for Consumer (unintelligible).

Woman: Good morning everyone. I'm (unintelligible). I'm a fellow from Bangladesh. This is my first time here. I'm getting these presentations this morning. I was a little bit confused about key entities like (NPAC) and NCUC and NCSG so I'm trying to figure out the functional differences between the organizations. So I hope - I'll try to get membership (unintelligible) with the NCUC. So thank you.

William Drake: We'll try again to clarify those relationships. It's not too complicated. NCUC and (NPAC) are constituencies within a larger structure which is NCSG. That's all there is to it. NCSG is a vehicle through which we participate in the GNSO policy process and here's the chair of the NCSG.

Man: So my name is (unintelligible) and I'm a member of NCSG but the chair of the noncommercial stakeholders.

Stephanie Perrin: My name is Stephanie Perrin and I'd like to apologize right off the bat for my very annoying cough. I'm going to try and stop coughing but if I interrupt what you're saying, I apologize already. I'm a PhD student at the University of Toronto studying why ICANN has no privacy. That's after retiring from the federal government in Canada where I spent 35 years doing information policy issues including, of course, privacy and I'm a GNSO counselor, newly elected.

Man: Good morning everybody. My name is (unintelligible). First time fellow from (Nagambia).

William Drake: Perfect.

Man: I'm glad to be here.

(Evan):   My name is (Evan). First time fellow (unintelligible).

(Esta Arkelo-Patricia):My name is (Esta Arkelo-Patricia), first time fellow from Uganda, member of the Internet Society and here to find out more about what NCUC does and trying to understand it's mandates.

William Drake: Thank you. Have we missed anybody? We also have various...

((Crosstalk))

David Cake: You and I haven't introduced ourselves.

William Drake: I did.

((Crosstalk))

David Cake: I haven't introduced myself. Anyway, I'm David Cake. I'm yet another former NCUC chair. I'm from Electronic Frontiers, Australia, currently one of the NCSG counselors and advice chair at the GNC and I'm controlling the remote participation on the screen so address any complaints to me.

William Drake: All right. We'll all complain to you. Who are you Adam?

Adam Peake: I'm Adam Peake and I'm a former NCUC member and used to run the membership in 1999 which was great fun and now I'm a member of ICANN staff responsible for the Enhancing Accountability Program and we very much welcome your advice and thoughts and contributions on that. The organization I used to work for is Japanese Research Institute and is still a member of the NCUC and we'll try and find you someone to represent it. So thank you very much.

William Drake: Okay. Is that everybody? Okay.

Woman: Are we introducing folks from the telephone as well?

((Crosstalk))

William Drake: ...people who are online. I see 16 people online, some of whom are in the room but many of whom are not and so those who are not, I welcome you. So today's agenda - first of all and again, very much a...

((Crosstalk))

Jordi Iparraguirre: Sorry Bill. It's Jordi Iparraguirre. Can you just let us introduce ourselves of those who are on the call?

William Drake: What we're going to do today is just cover briefly a little bit of organizational stuff about some internal aspects of NCUC and its relationship to some of the

larger processes going on in the ICANN environment and then we will have two sustentative sessions after the coffee break which is 10:30 to 11, the ICANN coffee break.

We will have a visit from Larry Strickling, Assistant Secretary of Commerce and Fiona Alexander, the Head of the International Affairs Department at the National Telecommunications Information Administration and the US Department of Commerce to talk about the IANA transition and accountability.

So we'll do that for an hour and Robin, should I - are you - yes? Joy is trying to speak. All right. I didn't know Joy was trying to speak. I'll finish my sentence though and then after that, we will turn to another fairly important and controversial within NCUC topic which is the notion of the public interest and how ICANN will be addressing it and to join us in that conversation, we will have two people, (Megan Richards), who's the lead person here from the European Commission and also Nora Abusitta who is the director of a division within the ICANN staff responsible for dealing with public interest issues. So we have quite a lot to do in the time and now, I was told - somebody came up and told me that Joy Liddicoat who is in New Zealand wanted to speak. Joy, are you able to?

Joy Liddicoat: Hi. Can you hear me?

William Drake: Can people hear her?

Joy Liddicoat: Hi. Can you hear me?

William Drake: Hi Joy. Yes, we can hear you. Go ahead.

Joy Liddicoat: Can you hear me?

William Drake: Yes we can.

Joy Liddicoat: Thanks. I'm just aware there are a couple of other people on the phone. Joy Liddicoat, a member of the NCSG policy committee and remoting in from New Zealand. Thanks.

(Gigi Johnson):   (Gigi Johnson) is also on the call. I apologize for not being bolder earlier. NCUC applicant brought in by (synimo) Ed Morris and from the (Merrimu) Institute and UCLA Center of Music Innovation in the United States.

William Drake: Fantastic. Sorry. I wasn't - I'm used to people remote who wish to - anybody else want to announce themselves? I can't tell when I look at the list who's in the room and who's not. Just go ahead if anybody else is online and would like to introduce themselves. Okay then. If not...

Woman: As somebody who's participating remotely, a special thank you to remote participants because they're coming in at odd times and they're own schedules. Thank you for participating remotely.

William Drake: Indeed. We appreciate your presence here. Okay. So any quick additions to the - we have a new person walking in here. Stefania, would you like to introduce yourself?

Stefania Milan: Hi. Good morning everyone. Sorry for the delay. Stefania Milan. (Unintelligible) NCUC (unintelligible) committees.

William Drake: Okay then and madam.

Avri Dori: Hi. I'm Avri Dori.

William Drake: She is indeed. Avri Dori who is...

Avri Dori: I'm a GNSO counselor and I live in the US.

William Drake: Yes sir. Back there. There's a mic. Isn't there a roaming mic? Here. We can probably just keep this off this table because there's no point for it.

((Crosstalk))

Man: Am I on?

William Drake: Yes. You're on.

Man: I am (unintelligible). I come fellowship from Sudan Civil Society about (unintelligible) Organization.

William Drake: Thank you. Okay. So with all that said, any additions to the agenda or comments or anything else before we get started? All right. Just briefly then, first, if you could...

((Crosstalk))

William Drake: We have another person coming in back there.

Woman: Hi. Good morning. (Unintelligible). I formerly very seriously involved with (NC and ACC) in the GNSO period but I'm more with ALAC these days and I'll be happy to attend this meeting today because I understand there are so many important agenda we are going to cover. Thank you Bill.

William Drake: Okay. All right.

(Ben Bentley): Hi. I'm (Ben Bentley). I'm from Amazon.

((Crosstalk))

William Drake: Welcome. Amazon had a very nice reception for us last night along with Twitter and we very much appreciated that. That was a lovely time. Okay.

The links are not working. I don't understand what the problem is. Thank you. It shouldn't be. All right. Well, anyway, I was just going to mention that we did have an election in December. We do have a new executive committee. Stefania is one of the members. We have four other representatives from the different regions as well and we'll be doing that again next December and I hope that people will begin to think about getting engagements more in leadership management of NCUC and get to know the people who are on the executive committee and responsible for outreach and so on within their respective regions and there's - so you see our new executive committee members and that's a very helpful thing to have in front of their faces.

Okay. So that was just to mention that. I also wanted to just flag some people -- particularly for the newcomers -- that there's a whole variety of very relevant events of interest to NCUC at this ICANN meeting. Obviously, there's many, many multiple meetings going on about the IANA transition and accountability about which we will be talking later with people from the US government and there was also - the acronyms are sometimes frightening and the first one there, SOACSGC. That's the - that is the acronym for the chairs of the various stakeholder groups and advisory committee's and supporting organizations and constituencies.

We had a meeting on Friday and we did a session yesterday. I don't know if anybody attended the high interest session that dealt with the question of in reach and engagement in the ICANN community and I simply wanted to flag that because we're going to talk a little bit more about that in the context of NCUC in a moment. There's a number of NCSG related meetings and GNSO overlay meetings that Rafik sent messages about to the NCSG membership list. So people should be aware of those. They're all on the schedule of course.

There's a very important meeting tomorrow about the GNSO review. There should be a presentation of the draft report that was done by consultants looking at the operations of the GNSO review and operations of the generic

name supporting organization and the counsel. We, in the non contracted party house -- both the NCSG people and the people from the commercial stakeholder group -- met in Washington, DC a couple of weeks ago and ended up writing a letter saying that there was a need to extend the review of the GNSO to include looking at the structures and trying to assess whether or not the structures that we have in place for organization of interest in the GNSO community are really appropriate enough and working. So I think that's an important session for people to check out if they've got time.

We also have an important session tomorrow, alas, at the same time on human rights which is an initiative that's been pushed by members of NCUC and CSG and partners from government and international organizations. The cross community working group and internet governance met yesterday and we will be doing a public session on Thursday on internet governance issues that will focus particularly in the (unintelligible) initiative which has been very controversial and I will be moderating that discussion. So I just wanted to flag. There's a whole bunch of things and this meeting is packed full of stuff that is very directly relevant to NCUC so I hope that people will have a look at some of those items.

Reflections on the Non Contracted Party House Meeting. I just wanted to ask if anybody who is here from at that meeting, would just like to say a word about what happened there for those who are not there? Would you present one? You wrote a black piece about it.

Woman: Yes. So perhaps we should start by telling what exactly it is.

William Drake: Yes.

Woman: So the Non Contracted Party is one of the two houses of the GNSO. So it's a (unintelligible). Please jump in and so what we did was to meet in small numbers, -- 40 people or something like that, 50 people -- in Washington in order to get to know each other more than anything because in the Non

Contracted Party House (unintelligible) just one of those which means that they have very different interests and so those two days were fundamental to try to understand each other's issues and also, why do we have certain positions as opposed to others? Start from (unintelligible).

They're very useful when you operate together in the GNSO. So for me, for example, it was - I was (unintelligible) together with (Grace) with our representative from Africa which could not be here today. So if you want to also - actually, the (unintelligible) is not about that. It's not exactly about the meeting but there were a number of topics that we touched upon but mostly of interest for the working of the GNSO. I guess that's it.

William Drake: Thanks. The bottom line about this is we, for many years, had a somewhat difficult collaboration with our partners from the business community within the non contracted space, the people who represent users, not the contracted parties and the registries and the registrars but rather the intellectual property interest, the business constituency and the ISP's, internet service providers, and we've had meetings with them before to try to move closer together and this was an extremely productive, I think, and well spirited meeting that we had in DC.

Where we identified a number of common interests and I think we will be trying to regularize these meetings and trying to work on some common issues with them in the future and their developing a proposal that will be coming back to us to try and take that forward. So I certainly wanted to flag that we are hoping to expand our cooperation with relevant members of the business community and some important aspects of the GNSO's operations and I think that that would be very productive. I wanted to flag - yes. Kathy, please.

Kathy Kleinman: I just wanted to add, it was very well planned. So for all the people who are on phone calls constantly to plan it, thank you very much. It was a very, very well planned meeting. Much better than the meeting before.

William Drake: Yes. It's time but it worked out. Yes. Budgetary, I just wanted to flag to you that the submissions for budget support for the next fiscal year are due in a couple of weeks and we will be submitting budgetary requests for support as we've done in the past to organize events at the IGF Meeting, annual IGF Meeting, and also to do some other things and if there are members who would like to be party to the discussion around what items we might seek support for, I would simply urge you to be in touch with me about that. We have in the past received support to organize conferences and other things and we could consider doing that again in the next fiscal year.

I also wanted to flag on the next item. I had proposed to the Non Contracted Party House that we try to organize a conference at the next ICANN meeting on the Friday before the ICANN meeting in Buenos Ares in June and it seems that the people from the commercial stakeholder group like this idea. They all express support for it.

So we would need to organize a little bit of a planning committee to organize a session or two ourselves and I just want to put that on our agenda. The money is there. It's allocated in the budget. It's actually - the staff put budget support for organizing conferences into the annual budget based on the fact that NCUC had organized a series of very successful big meetings and they thought, well, let's do more of that.

So the resources are there and what I've suggested is let's do it together in a partnership basis with the whole Non Contracted Party House and I think there are some important issues that we can flag. So I hope people who are interested in doing that and are planning on coming to Buenos Ares or participating remotely will talk to me about that.

A next point I just wanted to flag real quickly. I added this item. Book possibility. Can you click on that. Does that come up? I just want to put this idea on your agenda. It came to me the other night and it occurred to me also

when I was doing this - oh my God. I don't understand what's wrong with these links.

David Cake: You made them mailed to me.

William Drake: I didn't make them mail to links. Well, they work on my Word document but anyway, okay. Be that as it may - okay. We had a meeting - I had a meeting this morning, a presentation to the fellows, and fellows often ask, how do we find out more about what NCUC's positions and activities have been on the various issues that you're covering and we often also have this issue that people outside the constituency and outside the stakeholder group don't have a clear enough conception of what some of our positions are on some of the various issues and the thought occurred to me, after the meeting that we had here last year, the conference, I ended up doing a quick edited book with 16 authors writing chapters on following up on the NetMundial Initiative roadmap of - boy David. I'm getting dizzy watching you.

That was assembled quite quickly and released at the Internet Governance Forum Meeting in Istanbul in September and subsequently, the University of Southern California Annenberg published it as an e-book which is now on Amazon for $2 --which is very cheap -- and I was talking with people at Annenberg and they said, if you ever want to do any other books like this, let us know and the fun occurred to me, would it be sensible for us to think about, perhaps, NCUC/NCSG doing something where we might have a series of short five page papers outlining positions and activities that we've been engaged in, in this environment as an outreach mechanism and as a means of stating our policy positions on a number of different issues and so on. This was just - It's just having the link there to show you.

I mean, you can do one of these things very easily. It costs like - Annenberg, I think they spent $4,000 to format it but it's now in format for iPads and Kindle's and things like that and we could easily do one like that, I think, as well if people are interested in something like that and my question was to

you, do you think it might be of value to have something like that? It strikes me that NCUC has quite a lot of people who have advocacy, writing, academic, other backgrounds who are used to writing up position statements and other kinds of things and we could, as a means of putting down a marker and showing what we're about, assemble something fairly easily.

I would think, where people develop an architecture of topics and we could just invite members to write stuff and if you're not printing it with a university press and paper and all that, you just really sync it as an e-book, it's very easy to assemble and we could do it, I think, relatively quickly and I just wanted to know whether anybody thought that could be a useful activity and they would be interested in participating in it? Robin, you're nodding. Would you like to say anything?

Robin Gross: Yes. No. I think that's a great idea and I'd love to help participate within that. You right. We've got so many members who have done a lot of writing, a lot of us have logs on circle ID. We do a lot of this writing. It would be great to pull some of it together as NCUC positions or NCUC writings and just so people can get more of an idea of where we're coming from and what are the issues that we care about. I'm imaging a little book like that would actually be very, very helpful in terms of getting people to understand what our issues are and what we're trying to achieve here. So I think that's a great idea.

Man: Yes. Totally I agree with that kind of idea but my own little challenge would be, how quickly updatable would this book be but I think it's a fantastic thing to do but if it's an e-book, I think you can always have passion one, passion two and (unintelligible), I can write something and people will help to edit it and make it presentable (unintelligible). Thank you.

William Drake: My point is with an e-book, you can really - I have variable formats, lengths. It can accommodate anything. It's not - I vetted a number of academic books where it's a big long pain to do all the copy editing and get everything into a very structured format, et cetera. We don't have to do that with this.

This could just simply be a collection of statements of varying lengths including from newer members and issues of interest to them categorized under major themes that we work on, freedom of expression, privacy, accountability, et cetera and just to give society in ICANN a little bit more of an identifiable, visible presence both within the ICANN setting and in the larger world. I think it would be very useful. I see a hand behind me. Are you waving? Yes please. Where's the mic? The roaming mic? Why does it keep ending up on this table? Can we keep it off the table please?

Man: I'm (unintelligible). I'm from Kenya (unintelligible). I'd like to bring an issue of (unintelligible). The issue of involving communities. (Unintelligible) here that (unintelligible) engage communities and with capacity. I think there isn't a way (unintelligible) behind is lack of capacity and there's not much sustained efforts to improve the process because we went out there and we found that most of the (unintelligible) actually (unintelligible) governance issues and they have been doing capacity building and they (unintelligible) having plenty of potential to engage and also take advantage of internet to do business but there is lack of opportunity (unintelligible) the internet industry. So I think we have an (unintelligible) but we did have the capacity to properly engage the people on the ground.

So I think we should consider that. Another thing I want to bring onto a point is that I did a (unintelligible) and we are doing some research online on privacy and protection and (unintelligible) most of the (unintelligible) online while from Europe and America (unintelligible). So most of the focus is in the developed world rather than the developing world. So (unintelligible) instead of reducing, it's increasing. Yes. So I think we should look at that as a (unintelligible). Thank you.

William Drake: Thank you very much for that. Okay. So yes. (Unintelligible).

Woman: I just want to go back to the book. My question is would this be - I don't know. I'm thinking of it more as a general or it's just a book where they could be open to writers outside of NCUC or it would be but still covering issues that NCUC is interested in or is this specifically a book on NCUC policies and position statements?

William Drake: It's not a fully formed idea. It's something that came to me laying in bed with sleep deprivation the other night because like everybody else, I had jet lag. So I have not elaborated but our priority and my thought was that we would do something that would be an outreach tool for the community that is here working in ICANN to show other parts of the ICANN community and the wider world what our concerns, what our issues are and so on but it's possible that we could do things that would bring on board other views as well.

Woman: I'm asking because I think it's actually a great idea but one of the things that as somebody who writes quite a bit, I find that there's very few outlets for writing on internet issues specifically in terms of subletting. So for example, I have an article coming out this month on women and financial services and this year, I'm looking to do something on African women and internet experiences but (unintelligible), I can - as an open society foundations (office) space general, I have not come across a general or a place, an outlet, that I would be able to even submit an abstract for that type of writing. So you said something just long-term to just think about in terms of encouraging other voices and people to contribute to the body of work and thoughts around internet issues specifically. Thanks.

William Drake: Okay. We can talk a little bit about that. I can actually think of some other places you might consider too as well. I'd like to call on Milton Mueller and then I also want to acknowledge that George Sadowsky from the board of directors of ICANN has joined us and I think George wanted to make a comment about something in a bit and then we're going to turn to (Alled) to talk a little bit about in reach and engagement but first, Milton.

Milton Mueller: Just a question about your book idea. Does it have to be a book? Is it really more of a pamphlet? Something a little more light weight that you're talking about?

William Drake: Well, I'm talking about an e-book so it's virtual.

Milton Mueller: Well, we want people to read it.

William Drake: Right and yes, that's a good idea and I think many people do read e-books. However, this goes back to budget. If people wanted to do this kind of activity, we could also put in a proposal to ICANN for budgetary support to print it in some format. I got a budgetary allocation a couple of years ago for print publications and the only thing we ended up doing with these brochures because when I tried to get members interested in writing issue briefs and things like that, it was hard to get people mobilized. ICANN is willing, I think, to provide support to help us get our visage out in a more visible manner.

Milton Mueller: As our treasurer, I can say we have own budget also.

William Drake: We also have our own resources.

Milton Mueller: But yes, I think the hard part is the production of the content. So once you have the content, you put it on the website, you put it in an e-book, you put it on a pamphlet and print it. The question is, who's going to do the content and what will its shelf life be? How long will it be relevant?

William Drake: It can also be revised as we go through. I mean, again, if you're not doing a standard university press book, these things could be cycled. It can be revised and updated, et cetera. So I simply wanted to put the idea on the table and I'll float it online for discussion further as well. I just wanted to get an initial read whether anybody thought that might be interesting. Okay. So George, would you like to say something now or would you like to wait until

we were going to talk a little bit about in reach and membership engagements? Ten minutes. Okay.

Well, then George, if you could - well, let's do it now. We welcome George as an old friend and it's been a very - for those who don't know him, he's been very active in development issues over the years, was 30 years and 25 years ago wiring up various developing countries to get them on the internet and has been engaged in many other things and is now an ICANN board member and he wanted to share a couple of thoughts about civil society I guess and...

George Sadowsky: Okay. Thank you. Can you hear me? I think you can. Thanks. So I want to tell you a story and the consequences that arose from it. I was here about two years ago in which I expressed some frustration to the group about your concentration. I don't remember exactly what I said and I probably should've looked it up on the transcript. I don't remember what I said exactly but what I remember is a concern about a strong focus on human rights and I may have lectured you on the perception of the rest of the other ICANN constituencies about this. I felt at the time that it wasn't particularly appropriate given some of the problems that we had. So I got some pushback. I got pushback immediately from Milton in the session. I can always depend upon Milton for pushback. We have an age old relationship of that.

William Drake: It would probably be helpful if you speak a little bit more loudly.

George Sadowsky: Loudly?

William Drake: Yes.

George Sadowsky: Okay. Thank you. This is better? Okay. So I got pushback also from Bill and somebody else, actually two other people, after the meeting. So I thought, am I right? So I went back and I read the transcript, the entire transcript of your meeting that year and I went and read how you presented yourself on your website and I went to the (NPAK) transcript and read that all

the way through and looked at how they were presenting themselves and it turns out that in fact, what you were doing is entirely consistent with what you say you are doing on the website and so I came here to apologize to say that I probably should not have said what I said and that you are faithful to your ambitions.

That raises some issues however and I wondered, why did this occur? Why did I misinterpret so much of what you were doing especially since I was part of you before I got on the board? Part of it is that there is a distance between constituencies and between groups in ICANN and it's unfortunate. We on the board sometimes tend to retreat into a silo mode and I don't know, maybe you feel that there are other silos in the ICANN structure. There certainly has been a concern about pollination or I think as Bill said, intergenerational or what do you call it? Any species communication. Exactly and that shows up.

That shows up on Tuesdays especially because it's cross constituency day and the board is treated to an eight one hour presentations by various constituencies and you come last and I know there's a concern here about your interaction with the board and you should know that there's a concern among a number of board members about the worthwhileness of the entire process. So the question is, how do we get better communication between the groups I a way that really is meaningful as opposed to just looks likes communication and is not? I'm practically swallowing this microphone. Okay.

So another issue that I thought is that how do we know what - on the board level, how do we know what NCSG is doing? You're output is not very visible and maybe that's - I don't know what that's the result of whether it's the result of your not having any output or whether your output is directed to inside GNSO targets that we don't see but if we were in the GNSO we would see or whether it's some other reason and I think that's unfortunate. No matter what your orientation is, you should be more visible.

Let me raise another issue. So I look at what you say you're doing and I look at what (NPAK) says it's doing and I'm still dissatisfied. There's something missing and it came up in a very concrete way with respect to an issue that is arising in a different arena now in ICANN and that is the issue of highly sensitive stings. The GAK has raised the issue that there are strings that are being applied for that are sensitive in the way - for example, dot health, dot doctor, dot pharmacy. Those are the poster children for this class and the debate is, should there be precertification in any way of people who are allowed to register as dot doctor and the more general question -- which I think has longer end policy implications -- is to what extent should ICANN, if at all in any way, be responsible for any of the issues emanating from the semantic content of the labels that are being applied for and are being put into effect?

Does ICANN have any responsibility at all for registers under dot doctor? Can I register if I'm a medical doctor? Can I register if I'm a PhD? Can I register if I'm someone who wants to pretend to be a doctor and perform illegal medical services? Can anybody register and to what extent is there trust at all in the labeling of these new GTLD's? Now, some people will argue, no. This is laisser-faire. If the registry wants to establish criteria for membership, that's fine. Other people will say, yes, ICANN both have a responsibility for that. It may transfer to the registry which may transfer that responsibility to the registrars but nevertheless, the responsibility is there and that's a debate that's going on right now.

I was in a session till almost midnight last night in which this was being explored and it was explored between the GAK, representatives, business constituency representative and the ALAC and the question I asked myself is, where is the NCSG? Aren't you guys supposed to be in some way of concern about issues with respect to users and how the policies of the GNSO impact those users? Is consumer trust or consumer confidence in a domain name, in a top level domain, of any importance, of any relevance to what you do and my answer is yes but you're not visible there and I'm wondering why.

So my concern is, is that based upon the reading of the transcripts and what you say you are? My sense is you're doing your job and my sense is that the (NPAK) is doing its job but within the entire NCSG space, there's no representation for an issue that I see is pretty critical to consumer confidence. What's wrong? Why do we have this vacuum? What do we do about it? Thank you.

William Drake: Thank you very much for that. You covered quite a few different things together and I think - did you want to say something Rafik? Rafik wanted to reply to you and then Avri also.

Rafik Dammak: I think - Rafik Dammak speaking. I think you're talking about the public interest commitment. We got approached by the (BCM) about that and we are discussing about this issue. It's not easy to find a common position. We think we agree in some aspects, we disagree on others but we are working on that. So when we reach a position, we will let you know about it. It doesn't mean it's not on our radar. We are taking care of that with other topics but I think maybe Avri wants to elaborate on that and to explain what kind of position we're discussing about this.

George Sadowsky: Okay. I hear what you say but the train has left the station.

Avri Dori: Hi. Avri speaking. First of all, I would probably contend that the train hasn't really left the station. The reports I've heard of that meeting last night, they did not come to any resolution on this issue. It's still an ongoing issue and speaking of the meeting, I decided to do an experimental thing. I tend to think of myself as research. So I went to the ALAC and board meeting this morning and I'll be at the NCSG board meeting this afternoon to see indeed how the temperature in the room and how the attitudes and chemistry are different because I'm curious about that because everybody presumes it's one way but I'm not sure.

On the other issue, just because we define ourselves as human rights oriented, we also find that there are many different views of the priorities and all human rights tend to be equal in terms of their importance but you'll find some people that take one right as predominating over another and vice versa. So many of the conversations we have, especially like an issue like this, we'll find that we have differences of views and that really it is difficult. Now, perhaps we could come up with a concerted paper that would say, on one hand and on the other hand, but that would not necessarily help the decision you've got but I think very often that's where we are and that the positions that come out are those where we can find a commonality.

It's like within the GNSO. When the GNSO speaks in one voice, that means that they were able to find a commonality. I think it's the same with NCUC, (NPAK) and NCSG that that commonality isn't always there on a lot of these - is it a freedom of speech issue? Is it a freedom of association issue? Is it a safety issue? Is it a whatever? We have varying views here. They're all human rights based but the which one is your particular focus? Is it privacy, is it speech, is it association can very much dictate a different perspective on a particular issue. So I think very often the assumption should be yes, we're talking about it but no, we haven't reached and so to get an idea of perhaps the various aspects of the discussion would be useful to talk to us and that's another part of it.

We don't always need to be the ones that come and say, hey, we have the solution or we have the point of view. It could be a thing to say, hey, we know those people talk about this stuff. Maybe we should go and find out what part of the (moustrum) they're in here and what the varying positions are. Thanks.

George Sadowsky: Great. Thanks. I appreciate that. Maybe I should say the train is leaving the station but I think that even if you have different points of view - I mean, if you have 17 different points of view, that's difficult for others to appreciate but if you have several points of view -- pro or con if I can simplify it -- then I think it's valuable to make those known because you're seen as not having a point

of view and you don't have to have a - I'm speaking. This is a personal thing. I'm speaking that I'd like you to contribute information views on both sides of the argument. It might help sharpen it.

William Drake: Thanks for that. David, did you want to - we do need to move - this was an unplanned discussion. It's a very useful discussion. I still want to have (Walleed) talk a little bit about our membership engagement efforts before we - we can cut into the coffee break. ICANN allows a half hour. We can allow 15 minutes but we do need to move it along. So anyway, David and then (Stephanie) and Kathy.

David Cake: First George, I'd like to - we skipped to your questions you raised at the end but I'd like to say, thank you for your apology. I think it was very gracious of you. I think the point about visibility is an interesting one. I'm speaking as one of the counselors. We are very busy in June. We do, do a lot of stuff in June and some stuff that is not visibly the work of the constituency but believe me, we are in there doing stuff quite hard and - I mean, a question on the strength, I mean, I don't believe we have consensus within NCUC on how to deal with that issue but I think you're right that we should be more vocal anyway.

Stephanie Perrin: I just wanted to say -- Stephanie Perrin for the record -- that I think the way we address these, what I would call, (unintelligible) is not maybe as good as it should be. This is an underlying question that I have had since I arrived at ICANN. Why on earth are we licensing speech the way we are and what's the process. And it seems to come up in several of the working group so those who are working on the working groups it'll come across your bows and you can't trace it down to its roots of when the policy decisions were made that first we will do this and then we will do that.

So I think it's great that the discussion is now addressing this at the heart. How do we get engaged? I didn't know anything about a meeting last night.

This is one of my questions that I have a burning interest in. How did I miss that?

George Sadowsky: You missed it because you were not a vocal party to the discussion in the first place.

Bill Drake: But that's not the way things should be done, George.

George Sadowsky: Maybe not but this is the real world.

Bill Drake: Well the real world - if we're going to have bottom up inclusive discussions needs to be calibrated a little bit differently on that point.

George Sadowsky: Slightly longer answer. The ALAC wrote a paper and presented it to the Board as a position paper on the subject. They saw it as important. You could have equally well written a position paper showing pros and cons and said this is important to discuss; we don't have a uniform view on what should happen.

Bill Drake: We could have, that's true. But we're also working on a lot of other things and we don't have ALAC staff. Yes, okay.

Kathy Kleinman: Okay, Kathy Kleinman. I wanted to say thank you. It's nice to be invited to the discussion. And it's important to know where we're being missed. And that's what George has done is to flag something important and that if we want to come in the train is leaving the station, we should be thinking about it which is great.

Also regarding the human rights presentation, George, we've done a lot of discussion about that too so I think you'll see the same issues perhaps presented a little differently because we learned a lot from that presentation too. But we're not giving up on human rights so we'll be coming back with lots of variations. But thank you for both discussions.

Bill Drake: And by the way, George, when NCSG meets with the Board later today one of the topics we want to talk about was the role of ICANN in content related kinds of questions so this is a discussion that we are merging into in a lot of different ways.

Okay any further on this? Then if not then - thank you very much, George. It was really nice of you to stop by and say that. And we take to heart the point - there's many things we should be covering more and we will certainly...

((Crosstalk))

Bill Drake: ...try and keep that in - okay. Can you go then to the - any of the links working? Can you get to the membership affairs team link? And - I didn't - I don't know what happened with all these links that they've turned into mail to links? Something goofed up. I don't know what I did. That's what happens when you're rushing.

So I mentioned before - and those of you who are on the NCUC mail list will know that we had a discussion recently with a number of our newer members particularly in developing countries, raising concerns about the problems of how do we get people more engaged in the actual work because there's like a - as we all know there's like a sort of circle of people who are very actively engaged in coming to ICANN meetings and participating in GNSO and working groups and various other kinds of activities and then we have a lot of other members who are less directly engaged. And the question becomes how to try to create more of a path to bring them further into the process and make it more attractive and accessible for people.

So this is the question really of in-reach; this is the question of not just getting people to join but once they join how they become productively and fully engaged in the work or, as somebody said the other day, moving from being lurkers to workers.

And so we tried previously to initiate some effort on this that didn't take but now we're doing it again. We've launched a new membership affairs team, which anybody can join - any members. This brings together people from the Executive Committee and regular members who share a concern with trying to figure out how to do this.

Walid volunteered to serve as the coordinator of this activity and has, as a starting point, developed a questionnaire that he wanted to share the draft of. And I wanted to get your feedback on whether - how you feel about that questionnaire, which we would then put out to all the members and so on. so, Walid, take it from here and - David, could you go to the link for his questionnaire please?

Walid Al-Saqaf: Walid Al-Saqaf for the record. I'm coordinated this - I'm coordinating this team in an effort, as Bill said, to bring feedback from the membership space. So the survey is right on the screen, as you can see. It has (unintelligible) optional questions, in fact I think there are more optional questions than required questions.

The idea was that if you weren't as a member comfortable in revealing you identity you can have it as anonymous and you can just put up whatever you think has been holding you back if you were, in fact, not as active.

The questions range from (unintelligible) what are you interested in and we are - the length of your membership, how long have you been a member and how often do you participate and you attend. And then there's the question about activity - how active you are.

And so the idea that - I mean, you can - for those required questions, you can just select anything. And so you can then look into the other questions that are required which are, for example, the rate of - I mean, how knowledgeable

you are or how active you are, I believe, this is the question, right? Can you go up a little bit, David? Yeah, the importance for you.

And so these are the questions that we think are important for us to understand because once we understand that you are interested more in this or that area we can make sure that we have let's say - I mean, especially if you have your email recorded then we can communicate with you. Otherwise we will at least understand what aspects you're interested in and how we can move forward with it.

I think I realize now that these are - some of them are required questions so maybe you can move forward until you fill them up. Sorry for that. Maybe you could do that quickly.

And then there's also the - there are some free text answers at the very end of the survey. And the idea behind that was perhaps as much as quantitative the study is we understand there may be things that we need to have as qualitative. And that's where these open questions are. I mean, there's the question about how active are you in following various working groups and discussions and initiatives. These are all there. They're taking from the official resources of the Website as well as the mailing lists that are available and accessible to all members, as you can see.

So, I mean, we'd like to understand the level of activity, your passions as members. And then towards the end of the survey, which is really the most critical part, is what is it that's holding you back? And this is where I'd like your input and understanding if these are the questions that we need to put forth so that members would be more willing to transparently and openly give us the feedback so we can move forward.

And then of course I think that it's important to have some supplementary method, for example, some sort of a focus group like activity perhaps or

somewhere where we can openly discuss things instead of having quantitative data.

So, I mean, as a researcher I understand how valuable it is sometimes to sit there and face to face and maybe via Skype or via a Webinar of some sort to get in touch with those people and know from them exactly how we can proceed.

So, yeah, I mean, basically these are - this is sum in a nutshell what we are trying to and what I'm trying to do. And I think it's an opportune moment for you to, you know, chime in and bring in your opinion especially if you are a member of the list or maybe not and tell us if this is the right approach. We are just at the very beginning of this so it's a good thing to get your feedback right early - early at this stage.

Bill Drake: Thank you, Walid. I think this is enormously helpful. I don't know if NCUC in your earlier years before I got involved ever did any kind of a survey of the membership of their views, their priorities, which issues they're most concerned about, which groups they're engaged in or not. Did - those of you who are more veteran than I was this ever done before? Kathy?

Kathy Kleinman: Of course it was done at the outset.

Bill Drake: At the outset.

Kathy Kleinman: That's how we kind of came up with the key priority which is that our role in ICANN is working with noncommercial speech, not just noncommercial users, which can be many, many types of trade associations and business associations. The International Trademark Association is a noncommercial user but we stick them in the Intellectual Property Constituency for good reason.

So we did a lot of this at the beginning. There was a lot of looking for ideas. Can I give a few comments on the survey, which I think is very, very good. And as you know, I've been pushing for the working groups to know who's involved in which working group so I really really love that section listing the current working groups and seeing who's interested and what their level of involvement is because there's some people who watch and some people who lead and participate actively.

Under the human rights I would break it out a little bit. There are a lot of different human rights issues. I would break out freedom of expression. I would break out fair use. We do a lot of intellectual property issues here, some of us work on a lot of intellectual property issues. And so it would be nice to know who's particularly interested in freedom of expression and fair use.

The other area is - and I'd like to know if other people think it's appropriate. We obviously want people with all sorts of experience and backgrounds. We want newcomers, we want those who are evolving - many of us entered this when we were young people. And we're not so young anymore.

But how about an area for expertise? You know, what type of expertise do you bring? Not that you're limited by it because this is where you try new things and learn new things. We've all - none of this existed; we were all new to it at the beginning. And so you're allowed to come in new but know where someone is coming from, what their deep expertise is could be very very useful. Thank you.

Bill Drake: That's really helpful, Kathy. Does anybody else - I mean, the whole point of having - aside from just letting you know that we're doing this while Walid wanted to get input, feedback from people as to how he might fine tune the questionnaire before sending it out to members. So I think that those points are good ones. Were there any other suggestions that we might want to make about this right now? Ben.

Ben Anderson: Okay, Walid, maybe I missed part of the question but I just want to mention on something I had Fadi talked about and I've also - I've been kind of talking about that too. Did you put anything there that probably asked if members would like to be mentored or defined that as a good option to get engaged?

Walid Al-Saqaf: Yes, Walid again. Yes indeed there is - part of it is about guidance. I believe one of the options of what do you think should be done for more engagement, was to actually have some sort of guidance - some personalized guidance. But, yeah, thank you for raising that; it emphasizes the point.

Bill Drake: And Grace is joining us from Kenya and she says, "Great presentation. Make sure that it's not too," Well somebody already - unfortunately I've lost track of her commentary. Yeah, she was commenting on length to make sure it's not too long so that - why am I not able to - all right anyway.

All right one more and then let's take a quick break and...

((Crosstalk))

Bill Drake: ...then Walid will conclude. Yes, Stephanie please.

Stephanie Perrin: Yes, Stephanie Perrin for the record. Thanks so much for doing this. I have a question, I was doing some research early this morning trying to pull together in response to the All Things Whois session we had yesterday trying to pull together all the documents, trying to sort out from the ICANN Website did anybody ever respond to the 2008 letter from the GAC to the Board? You know, these sorts of things. That's hard to do.

And I've been living Whois for the last two years. And I do wonder - I'm just using that as an example - how do newcomers figure out what's happening here? We just heard George say we haven't been engaged in this. We have been. I call it a different name. As far as I'm concerned defining the

framework for the public interest that we discussed in Washington and we're going to discuss later, gets to this because the PICs are the public interest.

So - but we call things by different names. and I do wonder how newcomers, particularly those whose first language is not English, find things, sort through the documents, figure out how they cross reference. I'd really love to hear what can we do to make it easier? Because if it's hard for me, and I'm an English speaker, and I'm also pretty familiar with this field, relatively speaking as a newcomer coming to ICANN, how on earth do you manage? It's so bewildering.

Bill Drake: And this was the focus...

((Crosstalk))

Bill Drake: ...of the high interest session that we had yesterday and the chairs have an initiative where we're trying to develop an approach to information management and engagement and prioritization that takes into the fact - account - the fact that this is a problem for everybody in the community, not just us.

Everybody in the community is bewildered by access to information, the framing of information, how you find your way through the thicket and all these kinds of questions. So it's - this is a long term structural problem that ICANN has and we have it too.

So, Walid.

Walid Al-Saqaf: Yes, Walid again. I mean, thank you, Stephanie for raising this because in the high interest session I attended also we found out has perhaps this survey could serve as a pilot for others to also follow suit. I mean, who knows, maybe whatever we find here would be common all across the board. I mean, there may be some specificities also but overall maybe those could be then

presented to a higher levels in ICANN and seen as an example that could be followed.

Eventually - finally, I'd like to conclude that I'd love for you to fill the survey. All of you who have been members even for a few days, a week, would receive the survey so please double, I mean, try your best to fill the survey. I know it may be seem daunting at the beginning but many of the questions are optional so you can just skip through them. But, yes, it means a lot for us so that we can take the right steps forward.

And there - I wonder if there's some sort of incentive, should we try something like that, yeah, apart from a thank you note. We'll discuss what to do in terms of incentives, I think it's a good idea.

Bill Drake: All right, okay just quickly - all right, we have 10 minutes until the Assistant Secretary comes and people may want to at least have a bathroom break before even if you don't manage to get a coffee.

Woman: I just had a comment.

Bill Drake: So let's just take a couple of quick comments. Yes.

Woman: I just had a little feedback as a newcomer, I completely agree with what Stephanie said so I was, you know, (unintelligible) we're thinking about creating more content be it an e-book or a written book. I think you already have a lot of information and we get bogged down with that information.

                I think it would be perhaps a good idea if that expertise could be used in creating pictogram because what we saw yesterday's session I think DNS SEC really nailed it with their little skit because it really brought it down and it narrowed it and simplified it for us. So if things could be simplified.

Also for the engagement service if there could be more closed ended questions rather than responses so there's always an incentive to fill it out it would be quicker. Thanks.

Bill Drake: Great. Thanks. Somebody else had their - yes.

Woman: (Unintelligible).

Bill Drake: Wait just one second we'll get you the mic.

Woman: ...saying that - I don't know, yes, clarification. Who is supposed to fill in this questionnaire?

Bill Drake: (Unintelligible).

Walid Al-Saqaf: They're meant to be for members, it's an in-reach effort. So maybe that's another way to encourage you to become a member.

Bill Drake: Been waving at me for a couple of minutes, Ed.

Ed Morris: Thanks, Bill. This actually comes online from (Gigi Johnson) who asks whoever will be using the data just in aggregate form or whoever will use the individual survey results to get back to the members and try to involve them by using what they give us.

Walid Al-Saqaf: Yes, I mean, that's precisely what we planned to do.

Ed Morris: Aggregate or individualized.

Walid Al-Saqaf: No, it will be the aggregate first and then if there are some feedbacks that are qualitative in nature so that case by cases then we can use that as well in focus groups meetings later on with...

(Gigi Johnson):   Can I be heard? Can you guys hear me?

Bill Drake: Yes, hi. Who is this?

(Gigi Johnson):   It's cool I'm an echo. It's (Gigi Johnson) - the one who was typing the
                    question into the system. But part of the opportunity perhaps is to have a
                    question at the end instead of being then just something just in aggregate
                    because that's powerful but if people actually want someone to get back to
                    them to help them think through how to be more engaged that there would be
                    action steps from the survey.

Bill Drake: Oh sure, that's certainly the intention. Okay, just real quickly because people
                    I think desperately need to get up and then - we have to be - everybody has
                    to be here at 11 o'clock when the Assistant Secretary shows up so we start
                    promptly. Yes, please.

Ahmed Eisa: Yeah, Ahmed Eisa, Fellow Sudan. How long it takes to approve the
                    application? Yeah, membership.

Bill Drake: So you go to the link on the NCUC Website, you click, you join the
                    stakeholder group. You select NCUC as well if you want to be an NCUC
                    member. You can also join via the NCSG confluence page. And then it goes
                    to the NCSG Executive Committee which includes representatives from
                    NCUC and NPOC and NCSG. They meet once every month or two I think
                    and approve batches of members.

                    So it can take a month or two depending. It shouldn't be more. Rafik can
                    explain to you more. He's the chair.

Rafik Dammak: Yes should take a month, maximum two. So we are trying to review regularly
                    because we are getting many application and we have to do due diligence to
                    check and verify some information. So but anyway my contact is there so if
                    there is any question I can respond and clarify if there is an issue.

Bill Drake: Okay. I strongly suggest that we take a break very quickly now, we're running out of time.

Woman: Thank you, Walid. And, thank you everybody, online. And we're just going to break for like seven minutes and then the Secretary will be here and then we will start talking about the IANA transition and accountability.

((Crosstalk))

Woman: During today's break you will hear silence until the conference resumes. During today's break you will hear silence until the conference resumes. The conference should be resuming in about four minutes.

                 As a reminder during this time you will hear silence until the conference resumes. During today's break you will hear silence until the conference resumes. The conference should be resuming in about four minutes. Thank you for your patience.

Bill Drake: Are the remote - are we back online? Folks? Are we still recording? We're still recording and we're still - we're good to go. Remote people, greetings. We are back from a very brief break. Rushed as it was but that's okay. We are now going to be turning our attention to a matter that obviously has preoccupied a great deal of energy, not just at this meeting but in the run up to this meeting and will continue to be with us for some time and that is the IANA transition and the accountability - enhancing accountability initiative that's running in parallel with it.

                 And we're very pleased to welcome back for I believe the third time to NCUC, to talk with us about these matters, two people who are obviously very central to this whole discussion and that would be Larry Strickling, the Assistant Secretary of Commerce for Communications and Information at the National Telecommunications and Information Administration and the US Department

of Commerce; and Fiona Alexander who's the Associate Administrator and Head of Office for International Affairs at NTIA as well.

They have been quite visible throughout this meeting. You may have heard them in other contexts but here is an opportunity for us to talk with them in a more focused and intensive way about the concerns that people in the civil society community have around this set of issues.

I put on the agenda some links for people who don't have a lot of background - if there's anybody who doesn't have a lot of background, there are links to the materials on the ICANN Website pertaining to both of these two issues as well as a link to Larry's recent speech at the State of the Net conference in Washington DC which generated quite a lot of interest.

And I think he'll probably have some thoughts that build off of that presentation here. So if - Larry, you'd like to make a few comments and then however you guys would like to proceed. If Fiona wants to say anything otherwise we'll just open it up to a discussion with the group. Thanks again for coming.

Larry Strickling: Well thank you, Bill. And thanks for having us. And you're right, we have been visible. And maybe we should take that issue up right at the outset because I know there are folks, Milton in particular he's already tweeted about it, who are concerned that maybe we're talking too much. So, Milton, why don't you tell me what you're heartburn is about.

Milton Mueller: There's no heartburn, it's objective political analysis. So, yeah, it seems not so much that you shouldn't be talking; we appreciate your presence. And we appreciate your ability to clarify, you know, the criteria that you set forth. But we do get a sense that - and not directly from you but from other people who are trying to say what Larry will accept or what Larry will like, that - and we do get a sense sometimes that you are uncomfortable with external - so-called external solutions.

And we don't like to have a unclear or dishonest debate about that. If it's within the parameters of what you set down as the criteria then let's have the debate versus internal external probably we'll reach some kind of a compromise to keep both sides of this debate happy.

But on the other hand if you're tilting, you know, putting your finger on a scale behind the scenes or tipping off certain people that, you know, we'd prefer you to go this way then the whole thing becomes very distorted and polarized. So that's the heartburn so to speak. It's just can we - are we deciding this or not?

Larry Strickling: Well, yes you are deciding this. The community is deciding this. And as I've said before, I've been very cognizant about not making public judgments about the substance of the discussions and the outcomes. And it's not just me though that's going to be passing judgment on this; there will be the - we have Kate here from the Government Accounting Office. She's writing a report about all of this.

Congress is going to weigh in. And I think they're going to want to see the process has been open and transparent and inclusive process. And I think on that - on that particular criteria I think ICANN and the community are in very high marks so far.

But then I think as we get into the substance of the proposal there will be a lot of questions raised to demonstrate that it's been really well thought through and can answer the kinds of questions people are naturally going to have about this.

And so what I've been trying to do is as I see questions trying to get them out there so that hopefully the community will take them up and have a discussion on them. So I do think that the question about how long all of this would take under the different approaches is a very relevant criteria.

And I hadn't yet seen discussion about that and I thought it was important at least raise that to the community that it's not just how long it takes to get a proposal prepared and sent to us but the ultimate transition takes place in the contract would terminate at the - in my belief at the conclusion of the implementation of the plan not just when we say hey this looks good.

And so I do think that's a factor in terms of as you evaluate proposals that ought to be one of the criteria against which the plans are looked at because I think that the process is such that the plans that are the simplest, involve the least disruption, involve the least building new things quick to raise, on another dimension, its own set of accountability questions that need to be answered.

And I'm not saying they can't be answered, I'm just saying these are the kinds of questions people will ask. And so I'm trying to be - yeah, go ahead, please do.

Milton Mueller: So that's one of the things that kind of sense a jarring signal to us so when we say we want these plans to be simple and how long will it take to implement, one of the plans that's being proposed is simpler says okay we'll leave it in ICANN but then will fix accountability. And so what you're saying is, okay that looks simple until you get to the accountability part and that's done by another working group and it's down the road and it might be years before it's really implemented.

So it seems like a different standard is being applied. The external model kind of puts it all out on the table now and says here's what we do. The internal model says we won't do much in the short term but trust us to do a bunch of other stuff over the next three years that will fix things. Are you applying the same standards to both of those proposals?

Larry Strickling: I would expect to apply the same standard in terms of timeliness. I think the community has this choice between - and it's something people face every day with institutions which is when an institution is not working some responses are, well we need a new institution; other responses are, let's change the people.

And I do see that as a choice that's emerging from the discussion. And I see the CCWG may be leaning more towards looking at the people aspects of this, this escalation leading up to actually removing Board members. And I think the question for the community is which is, a surer way to proceed which is one that actually ensures that the community's views are going to be followed by the Board. And I think that's a discussion well worth having.

But again, you're trying to draw me into a discussion on the merits and I want to fight the impulse to do that as much as possible. But I do think there are these - some of these dimensions that I hope the community takes a look at as they look at these proposals.

I mean, I start from the notion and the report from the co-chairs of the a CWG that today the performance of the IANA functions is going well. I also start from the knowledge that NTIA's role in this process is extremely minimal.

We have a person part-time who actually just simply gets a chance to look at each update to the root zone file and as has been reported we do nothing with respect to the protocol parameters or the numbering resources. It's just this very limited role that we play in terms of being in the middle of requests to update or change the root zone file.

And that's really - at the root of it that's what this transition is about is how do you replace that function if at all, or do you handle it through - and we talked about this a year ago - the way to be able to handle it through more transparency, make it more machine to machine, things like that.

And I guess I'm not - to meet I don't see those discussions emerging from the papers that are coming out of the groups. Hopefully they're happening and the groups that - because I don't have time to monitor everything that's going on. But that really is the challenge and the focus of what the people were tasked to do.

Bill Drake: Yeah, Larry, so...

Larry Strickling: Go ahead, Bill.

Bill Drake: Well I was just going to say - we also have in the room, just so you know, a number of people who are new to ICANN and who are - this is their first meeting, and who might not have - we've deep dived into a soliloquy between you and Milton.

It might be helpful if we backed up one level and if you could just sort of perhaps lay out some of your baseline concerns and assessment of where we are now with the transition issues and the models that have been suggested and so one as a starting point so that people are all sort of on the same page here, if that's possible.

Larry Strickling: Okay so we'll reset here and go back to Square 1. So, I mean, what's all this is about of course is the announcement we made just about a year ago, 11 months ago, that the US government wanted to complete the privatization of the performance of the IANA functions.

And you heard Ira Magaziner talk about this yesterday and again on Sunday evening when he spoke about this in terms of the history of this and the fact that this has been envisioned from the start that it would be a temporary phenomenon to have the United States continuing to designate ICANN to perform these functions. The goal had always been from the start to have the community take this over. And so here we are now in 19 - 19 - it's 2015 hoping to complete that transition this year.

Obviously it's changed and people have valid concerns about the change. And so in that regard the community chose wisely I believe to try to separate the issues into the specific technical questions of no longer having any US stewardship of the IANA function, and as I've mentioned two out of the three, we play no day-to-day role in whatsoever. And the third is a very minimal role that I described.

And then the separate discussion was going to be well but the fact that there was a contract, the fact that the US had designated ICANN gave people some sense of comfort; it gave a lot of other people, particularly foreign governments, a lot of irritation that the US in effect was in a position to protect the domain name system from external threats.

And so the separate track of this has been the larger CCWG accountability group which is to try to evaluate, okay so what does that mean? If you don't have that contract relationship anymore does it now subject ICANN to external threats from capture from foreign governments, capture from venture capitalists or whatever people can dream of, and how do you protect against that.

And that's part of what the stress testing that Steve DelBianco has been putting a lot of energy into is intended to address. So, Avri, did you want to interrupt and ask a question or you just stretching? Okay, I mean, if you'd like to say something know, since authorities stopped I'll pause. Okay.

So I think everyone knows that there was something of an interesting start to both of these processes. The accountability one certainly lagged behind the other process to focus on the technical functions themselves. But I will say today looking at how both - the community has responded to both of these challenges and both of these tasks, I think it's been great.

The energy level, that discussions, and the ideas that are being generated I think it's been very good. I think it satisfies the concerns we had that it be open and transparent and inclusive. And so we want to continue to encourage that discussion.

I think if anything, my comments in the last few days have been to try to urge the community to be even more inquisitive and analytic about the way they're approaching this to make sure that they're able to satisfy anybody who might have a concern or question about this down the road.

We await receiving a proposal. There's been a lot of discussion here, and there has been for the last year about whether there is a deadline on this or not. And again, there is no legal deadline. The contract expires at the end of September but I said this going back to last March that there's an ability to extend the contract and we can give the community more time if it needs it.

But I am certainly balancing that against a sense that I've picked up from the community here that I think you do have a sense of urgency about this. And it is important to get the work completed because there are lots of other issues that ICANN needs to deal with.

And I think the idea of letting this thing drag on is going to create issues and will at some point start raising credibility among the skeptics of the multistakeholder model as to whether or not it really works or not. And I think that's something that the community has clearly in its sights and understand that you all are on a very public international stage here in terms of demonstrating the power of this process.

We believe in it in the United States government. I know you all believe in it. But now is the chance to really demonstrate it in your Super Bowl that you can bring this across the goal line and demonstrate the power of the process in a way that we think will strengthen the process here. It will be - it will serve

as a dramatic demonstration to the international community is about engaging in this process.

Hopefully it will serve as an example to other governments that are thinking about how do I incorporate these tools in the way we approach some of these issues. So in some sense you have a focus on a specific process and a specific set of questions here that you're really a demonstration project for the whole world in terms of how to approach these issues. And so far I think the community has responded quite responsibly to that challenge.

You want to add anything? Anything you think I've left out, Bill, you want me to come back on?

((Crosstalk))

Bill Drake: ...an excellent overview. Fiona, you want to add anything, otherwise I'll just go to the - okay so we had - we have a queue. So we've got Avri and somebody - Matt and then (Carlos).

Avri Doria: Thank you. Avri speaking. And I very much appreciate the chance that's been given on the multistakeholder - I wanted to bounce up and is level added just the ICANN operational community solution.

And one of the things that has worried me, and I want to find out whether, you know, my concern is misguided because there's always that possibility, is the approach that we're taking at the ICG level of there being three separate communities with a presumption that if they came to it that we needed three separate IANA functions that would be okay; that would not be any particular disaster.

Now I tend to look at IANA as the true root of the network, not just a particular, you know, route server as the root of the network. And so that general idea concerns me. But I've also gotten feedback from many people

that that's a silly concern and really shouldn't worry about it. And if we have a solution that ends up making three separate IANAs a probability, a possibility or whatever, that is not a problem.

And so, you know, and I'm not asking for specific, you know, judgment on particular solutions but I'm looking for some sort of feedback on whether the concern I'm bringing there that we could get a solution that gives us three IANAs is any real concern.

Larry Strickling: And could you tell me what you mean by three IANAs?

Avri Doria: Basically, you know, we have the notion now that if you look at numbers and you look at protocols and - well we don't have one to look at yet - that, well if we don't like the way it's going we can just leave. We can just go and move our directories, move our registries to some other provider.

And, you know, maybe we have a little bit of an intellectual property issue about who gets to keep, you know, IANA.com or Org, but who gets to keep IANA.org, that's really the only issue that if we want to have a separate IANA registry for numbers and a separate one for protocols and let the names people do whatever the names people want to do because they're still part of ICANN, that that's okay with us.

And that's a presumption that is very visible in the two proposals that have come through. There's a sort about everything is going fine, we're happy, you know, we've always been able to work it out before so we don't really need to get into any what is and case studies. But - and if it doesn't work out we'll leave.

Larry Strickling: I think that's what the ICG should be, once they get all three proposals, that's a great question to put to the ICG, which are what are the linkages, the interrelationships between having all this performed by a single company or single provider as opposed to the suitability or the desirability of splitting it up.

You know, you're into issues and the economics and efficiency questions that I don't have the competence to speak to today so I won't - and begin I don't want to be pulled into the merits of any of this. But it does seem you're raising an important question that ought to be discussed I would think at the ICG level when the proposals are there to talk about in terms of how do you coordinate the three of them.

Fiona Alexander: Yeah, I just want to add that how the ICG structured its work is really up to the group and however the wanted to do stuff. And, you know, getting input from all the different stakeholders there's lots of ways to have done it and we're not passing judgment on that particular part of the process.

But we did several years ago we did a notice of inquiry on the IANA contract, ask these questions. And there's a pretty - along in depth record of people responding to that. And maybe that might be something to look at. It doesn't mean people still feel the same way they did several years ago but we did, over the years, ask these questions several times.

Bill Drake: Matt.

Matthew Shears: Yes, Matthew Shears. Larry and Fiona, thanks very much for coming. So you touched a little bit on the timeline. I think that, you know, those who (unintelligible) committed to meeting the target date. But there's obviously a lot of talk about what happens if that slips.

You mentioned at the State of the Net that we have one chance to get this right.

Larry Strickling: You should think you have one chance...

((Crosstalk))

Matthew Shears: Okay. And, you know, Ira Magaziner talked about a window. And I think he said that. Maybe you could just elaborate a little bit on what you see as some of the challenges if there is a need to extend and what they might be both politically US and also internationally. Thanks.

Larry Strickling: Well I think an extension of the contract for a limited period of time does not, by itself, create any major new issues as long as it's because the community is working productively and just needs more time to have as well thought through a proposal as it needs to have. If it's an extension because everything is in shambles, that's a different question.

    If it's - if the community comes back and says, we need the full two years, I think that's an issue because then that gets into the question of casting some question about the credibility of the whole process that's being used here.

    So I think a lot of it depends on the circumstances in which the contract is extended. But I think if it's along the lines of we're making great progress but we need a little extra time to work through this issue or that issue or line everything up or stress test it I think that by itself doesn't present any real concerns for us.

Bill Drake: If I could just - two-finger on this one. I ran into the former CEO of ICANN a couple weeks ago...

Man: Which one?

Bill Drake: Rod. Who was absolutely convinced that if the deadline slips that China would split the root and all hell would break loose and we would immediately descend into massive chaos. I thought that maybe that was a little much.

    But at the same time I do wonder about the international political dimension of it with the WSIS plus 10 summit happening in the UN General Assembly Claire knowledge of the details of these things is not going to be very deep on

the ground, where the representatives from various governments that will be there are not necessarily in any way Internet governance experts, etcetera.

How do you - how do we manage - how will you manage - how does the community optimally hope to manage the narrative about an extension so that it doesn't get spun as, you know, this shows the process isn't working and we have to create some new other kind of things etcetera, etcetera, etcetera.

Larry Strickling: And again it really comes back to my answer to the last question, as long as it's because the process is working; as long as it's, you know, just the fact that the community wanted more time to have the best proposal possible, it's hard to see how people utilize that in these international fora.

But, you know, there have been countries who from the start said, oh the US isn't serious about this. At some point they'll change their mind or they'll come clean and not allow the transition to go forward. And, you know, and quite honestly some of the discussion in the US about - not so much from Congress but there's certainly commentators in the press that are saying this should never be allowed to go forward. That feeds that thread from - that some of these other countries are spinning.

But I think first off, most countries, and we saw this reflected in NETmundial last year, we saw it reflected in Bussan in Korea, they respect what the United States has done. They have come across and to become more in support of the multistakeholder model of Internet governance in large part because of the fact that we put this on the table and said the time is now for the US to step back from this historical role.

And I think as long as we are staying on that trend, as long as people here, you know, in their home countries are expressing that view point to their government officials, as long as the GAC is reporting back that way from their meetings here, I think we should be able to continue to make progress in

these international discussions like WSIS plus 10 that you're talking about which I think is December this year.

Bill Drake: Certainly hope you're right. (Carlos) and then - and Milton.

(Carlos): I read the discussion document of the CWG and I read the proposal by the numbers community. The numbers community seems to be happy with whatever happens. And if nothing happened they would be almost equally happy.

Now the naming is far more complex. And there are several models proposed. And I just did a search on the document of the CWG and the word "international" never shows up. It was not considered. So and the possibility of considering an external model - a scenario would be to create a sort of trust or Contract Co structure or organization which would be under the laws of the United States.

My question was - my worry is could this be an opportunity for the so called internationalization of the oversights which is impossible if everything stays with ICANN because it's - in my view at least it's impossible to internationalize ICANN the way it's - the complex way it is organized today. So the question also is would the United States government accept an international oversight if that would be a scenario that would be contemplated in this discussion.

Larry Strickling: Well again all that's on the table is transitioning - the final transition of the performance of the IANNA functions or the stewardship of the IANNA functions. It's - no one has yet explained to me where internationalization of that aspect of what ICANN does makes a difference. Hey I get it on the policy stuff but do you have a theory as to why it makes a difference in terms of whether or not a change is made in the root zone file as to which law applies to that? I haven't heard that I question whether there really is one because we're talking about basically a basic promise to perform a particular activity, a particular way.

You either did it or you didn't. I don't know that there's any detriment or benefit to having that done under U.S. law as opposed to any other law. And no one has yet expressed to me how internationalization improves that part of the process. So at least for what's in front of us right now, I'm just not sure. The case hasn't been made to me but if people want to make that case, you know, I'm happy to listen to it.

Bill Drake: Mr. Mueller.

Milton Mueller: Yes on the deadline and extensions I've been talking to people from countries like India and China and I didn't quite understand the extent to which that date was perceived as a deadline and the degree to which the missing of that date. Many people are assuming that the whole process simply by virtue of the fact of not hitting that date is troubled or problematic or even useless. So I've tried to counter that perception and I think on this issue you're talking to your friend here. You're - we are 100% behind the transition. We understand that you have to navigate U.S. Congress and the practicalities of making this transition.

And so I just want to express 100% support for that, at the same time emphasizing how that kind of solidarity would be undermined if - and this is what the concerns of the brick country people I've been talking to have is sort of like if we start tweaking things at the end there's the perception that it's the U.S. government controlling things again and it's not really the multi-stakeholder community and the multi-stakeholder model has been discredited because it couldn't deliver and it's really some kind of a deal between ICANN and the Commerce Department that's really - and maybe a few American big businesses that's driving the situation.

So you really have to avoid that perception. You really have to be even handed with the, you know, assessment of the models and the implementation of the models. Otherwise it could turn into a cacophony at the

end in which people are just assuming oh the U.S. is just controlling everything again.

Larry Strickling: Well I hear - take that comment. And that's one of the reasons why I felt it's been important to start asking questions now to avoid the misunderstanding that could occur if you wait until the end, lips sealed and then all of a sudden say well wait a second. What about these ten issues? I don't see how you've dealt with them. So as much as possible by putting questions out to the community through the process we hopefully won't get into the situation you described where it would be misunderstood.

Woman: I'll just add into this some clarity here. I don't think that we're anticipating any proposal that has - that's a model for us to assess especially with the process is supposed to be doing.

Man: Yes.

Woman: (Unintelligible) meeting model.

Larry Strickling: Yes, yes we're not. Yes I - we should be clear about that. People shouldn't present option A and option B and then say pick one. We're not in that game. We are going to measure the proposal against the four criteria we put out last year and I would hope again just as a - put it in the form of a question is wouldn't the community find it helpful to have addressed all four of those criteria in a very detailed and fulsome way in whatever proposal they send to us.

(Mavit): (Mavit) here. I just want to know what - from the use comment standpoint, what are kind of expectations to the process of this transition in terms of what is acceptable to them and what is not. I mean are you foreseeing kind of a U like model where the transformation or the transition would be from one to some of the middle stakeholders where they have some say in the process? Or it is entirely up to the community to come up with something? Thank you.

Larry Strickling: Yes. So that's the task the community has before it. There's - again there's a misunderstanding that somehow there's something we're going to convey to somebody or that we're expecting, you know, some place to send something like IANNA stewardship. It - that there isn't anything physical or anything legal about this. All that happened was in 1998 the United States government told ICANN start performing these functions. And then around that there's been a contract with certain performance measures in it. But if that contract expires as long as the community wants ICANN to keep performing those functions things go on.

There's nothing we're conveying. There's no secret intellectual property. There's no hardware. There's no - nothing to be conveyed in the sense of passing property from us to somebody else here. It's really just the designation of who performs that. And at the end of the day, you know, ICANN will perform this function as long as the community wants it to and that's basically the model we're trying to get to. (Matt)?

(Matt):   Actually two questions if I may. Yesterday I think Larry you expressed some concern and again I may not be phrasing it quite right. But you had expressed some concern that seemed to be a little bit overlap between the stewardship working group and the accountability working group in terms of accountability like issues. And I was wondering if you could address that. And the second one if I could just throw that in there is it might be useful for all of us, and certainly for me, if you could just indicate what the steps are that happen once you receive the proposal and what that timeframe is. I mean who does it have to go to? What's the process? Thanks.

Larry Strickling: Well we're still working on that and a lot of it will be dictated by the state in which we - and the facts that will support the proposal that comes to us. You know, the idea that we should have a public comment process ourselves after presumably this organization and the groups working in the transition will have presumably - the presumption is you all will have sought the input of

anybody and everybody who has interest in this. So why do we then go out and get a subset of those people to express views to us? So that's something we're wrestling with in our own mind in terms of what is the appropriate review mechanism if any that we engage in.

Clearly we're going to have to make some assessment against the four criteria and that's why again I think to the extent the community can do that prior to sending a proposal in that helps a lot so that we don't have to go out and duplicate something the community can opt to do on its own. I am expecting that there will be a lot of congressional interest in this. They'll be calling Kate up and say where's your report. And so I'm sure we'll have some discussions on the record with the folks on Capitol Hill during that period as well. There will certainly be review it inside the U.S. government, you know, with among the other cabinet agencies that have equities here but they're monitoring this process. We're keeping them informed. Some of them are attending these meetings and regularly attend ICANN meetings. So it's not like there will be any surprise out of that either.

So on your other point, I've been chastised enough for having made that comment at the end of the session on Saturday. So I - to try to put it in context I would just say there really only ought to be one nuclear option here. And it seems like the CCWG in the questions they're asking where you might have a nuclear option for many different triggering events, certainly the CWG has one of those events within its brief but one might think gee can we just find a way to do that once. And I just asked that to the community as a question for you all to consider particularly since, you know, what I had been hearing before Saturday night or Sunday night was that the CWG was going to need a lot of additional time that might push the schedule way out.

I mean there were days - I mean I attended the ICG meeting on Friday and Saturday where there had been a straw man schedule that didn't get a proposal done until next March for example. And I think that that, you know, if you really need that much time okay but if it's because two different groups

are working on the same thing and there's a way to be more efficient I would just urge the community to consider that.

Bill Drake: Robin.

Robin Gross: Thank you. Robin Gross for the record. I have a question. I'm wondering about - you talked about some of the congressional effort and I know there's been some legislation that's already been proposed or that maybe even I think passed that deals with not being able to spend money on the transition. Could you just maybe explain that situation a little bit to us, that particular legislation and how that in fact impacts the situation?...

Larry Strickling: Sure. You - for yes I will do this I guess for the fourth time. Read my speech Robin. It's all there. It's like.

Robin Gross: Yes I know but for the record...

Larry Strickling: But it's just for the benefit of everyone else...

Robin Gross: For yes that's what I'm trying to get at.

Larry Strickling: So yes there was a rider attached into our budget in the budget bill last December that said that we can't spend appropriated dollars to complete transition before the end of next September. And so we have taken that seriously and I've reported out that there will not be a transition before next - the end of next September. At the same time though there was some commentators, not necessarily anybody with any expertise were saying ah this shuts down NTIA.

They have to sit on the sidelines and not do anything. You know, like our hands are tied. And so that concerned us. We didn't read the bill that way or the law that way and we've consulted with - informally with both the House

and the Senate, both Democrats and Republicans to get an understanding as to what exactly they intended.

So one of the things was even in the rider it said you must provide us regular reports and updates on how the transition is going. So they clearly intended us to do things like come to the ICANN meetings and watch and report back what's going on. We clearly are participating in the GAC and none of that affects that. And the only real issue was to what extent do we provide feedback during the process to the community.

And on that, you know, the assurances I got from most of the staff on the Hill was they didn't see any problem with that because we not - we want to protect the interests of the United States in all of this. And again I think in light of everything we've been talking about I think the process is furthered by us asking questions through the process as opposed to waiting until the end and all of a sudden having lots of concerns about what was going on. Avri. Oh I'm sorry wait. Ben. Ben and then Avri.

Ben Anderson   Well I'm just wondering about your situation right now that how are you able to - how do you manage first the American people and Congress and everyone that you're not giving up control or you - the Americans are not losing anything and then at the same time proving to the world over that your genuinely doing this whole thing transparently and truly you are committed to it. So I mean thinking of the controversies that have surrounded the announcement and from that time to this time the coming to the most stakeholder community too. How are you keeping the balance? I'm just wondering.

Larry Strickling: Welcome to my world. That's why they pay us the big bucks to do that. Okay. So then there's your answer. And Avri.

Avri Doria: Avri speaking again. I'm glad you went through on Robin's question for a fourth time because it wasn't until hearing it for the fourth time that I realized

how slow I was and had a question about it which is if you cannot make a decision until post, you know, September does that mean that there has to be an automatic extension of the contract? And it was just listening to you for the fourth time that all of a sudden if you can't make the decision until this contract would have ended, then is there a forced? Has Congress actually forced on you the need to do an extension?

Larry Strickling: So I'm not going to speculate. Get me a proposal and then we'll answer the question. It just may not be an issue depending on when the proposal gets to us.

Avri Doria: Can I follow up? But if you cannot make a decision on a proposal before - until after September, does it matter that you get it before?

Larry Strickling: Possibly but let's - but we're dealing now with the community. I'm not sure the community is prepared to deliver a proposal to us by the end of September. If it is we'll deal with that then.

Bill Drake: One does - I had the impression that you told me you could actually read a proposal.

Larry Strickling: Sure. I mean we'll read it. We'll start the evaluation of it if that's your question but I, you know, don't know at this point what the likelihood of that happening is any longer so. All right. If - do we have any other points we'd like to follow up on? Mr. Rafik would you like to? Yes. A few words.

Rafik Dammak: Hopefully with some (unintelligible) yes. Rafik Dammak speaking. Thanks Larry for coming here. I hope that after the IANNA transition - IANNA stewardship transition process end you will keep coming here. But okay. Probably we cannot help in how things are going in Congress. Basically for people here we don't - I mean we are outside the United States and probably our knowledge is coming from House of Cards. So but how we can help you. I mean we have people in the different - the working groups working on

different proposal - counter proposal solution. But how we can help you marginally into I mean about the (unintelligible) and so on. So if you have some expectation how we can help you as people presenting civil society here. We can liaise with other civil society organization not involved with ICANN.

Larry Strickling: Well I would - two things. First off, work as hard as you can to get the absolute best, most well thought through proposal through this process. At the end of the day this will be judged by how good a proposal the community prepares and submits. So that's where people really need to keep the focus. And then secondly I think those of you who particularly if you're not from the United States really need to keep emphasizing the importance of this process in the multi-stakeholder model more generally to your home governments because it's important again to continue to build the international support for this model. And that would be the second area in which people here could really help a lot. And I know you guys do a lot already in that regard but if you want to keep the focus on the two most important things I would say those are the two.

Bill Drake: Walid.

Walid Al-Saqaf: Yes Walid Al-Saqaf for the record. This may be an unrelated question but what's the position of the U.S. government concerning the IGF in itself as the platform for sustaining it for another period?

Larry Strickling: We're big supporters of IGF and want to see it extended, renewed yes. Yes? Matt.

Matthew Harris: Maybe - Matthew here. Maybe a little follow-up on that on the WSIS+10. Clearly the - we don't much about what the modalities will be for the WSIS+10. That's not going to kick off until the June, July timeframe. But can you give us a sense as to what your expectations are with that process and

any suggestions as to how we could be more involved in that process than we are at the moment which is pretty limited unfortunately?

Larry Strickling: So I'm going to let Fiona talk to that. I mean states running that (Vaster Sepulveda) out of his shop will be running that. But, you know, I'm so focused on this I haven't really engaged much on WSIS+10 yet. But Fiona and her staff probably have a little more up to date information.

Fiona Alexander: Yes. So I think we have a lot of the same questions you do because there's no clear preparatory process for this. And the current timeline doesn't really have that kicking off until June. And I'm not sure that that's actually in anyone's interest. So I mean I think to the extent and Matthew's also on the MAG with me. We talked about this a little bit the last MAG meeting with (unintelligible) who's the chair. To the extent people can start making the case to get involved now, make the case to like have a clear preparatory process, unlike the WSIS itself which started very inter-governmentally and over the five years process became much more open, we're kind of back a little bit where we're starting with a very closed process again. So for those of you that were involved in this process ten years ago maybe we can take the lessons from that and try to open it up a little bit earlier.

And I would encourage you guys to give some thought to that and maybe how to approach the different missions in New York and the different stakeholder groups that are involved and use those processes. I know we're talking about with the IGF And with the MAG Avri and others are also on, I think a MAG meeting in New York in September to maybe provide some kind of stakeholder input. So the more people can start talking about that and setting that as expectation of a work method, that might be a useful starting point.

Larry Strickling: May I ask you just a brief follow-up on that. We had a discussion about this yesterday in the (unintelligible) working group in internet governance and I raised the question about, you know, my - I have a real concern about

whether or not stakeholders are really going to get mobilized, organized and effectively weighing in in whatever window we're provided in this process. And I suggested that maybe those of us involved in the ICANN community might try to do so through that vehicle. And I had a business lobbyist from D.C. who you know quite well, who's prone to introducing herself quite a lot, tell me that this was strategically a ridiculous idea and that the ICANN community should not - that it would not go down well in the United Nations if the ICANN community were to try to weigh in in some manner.

I'm just curious whether you I mean to debate the particular individual but I'm just asking do you think that some sort of multi-stakeholder representation into this process would be useful in support interalia of this initiative and others?

Fiona Alexander: Well I'm going to say I think that's probably a smart idea. How you structure that and whether it's an ICANN cross community working group or you use the occasion of you all getting together, you know, at different meetings you had organized, I mean I think that would be a good exercise.

And again I mean I know as we're sort of sorting through internally in the U.S. what our preparatory process will be, we'll be looking to figure out how as we organize internally and how Danny does some of this how we engage stakeholders too. So we always have a very strong record of any of these kind of events as the U.S. government have always welcoming people in our delegation as a way to get stakeholder input.

So I have no reason to believe that we would not follow our long held tradition of doing so. That being said I think an ability for stakeholders to have their own input into the process and the agreement I understood from actually I don't know the exact words but it calls for some yet to be defined modalities of stakeholder input. Matthew may know the words better. Starting to flesh some of that out and presenting that to the folks at the U.N. might not be a

bad idea. And I think folks might actually be welcome to some of the suggestions and help.

Larry Strickling: Okay. All right so should we let these fine people move onto their next appointments? Do we have any last questions? If not I want to thank you both for coming again. I know that you're having a very densely packed schedule during this meeting and we really appreciate you taking the time to answer our various questions and share your views. Okay?

Man: Thanks a lot.

Larry Strickling: I built for you anything.

Man: Yes thanks Larry. Okay.

Bill Drake: Rafik is being silly next to me. Okay we can then move to our last segment which is to discuss the notion of the public interests in ICANN. And I'm not sure if we have - is Nora online here? Can somebody make room for (Megan) please here.

(Megan Richards):   Oh I can sit anywhere.

Bill Drake: No, no. (Megan) you should be up here. We're very pleased to have with us a very important person from the European commission. Well (Megan) is principle advisor of the Director General of VG Connect in the European Commission and she is somebody who has - what is going on at the south? And she is somebody who is dealing a lot with the governments in Europe who as you know have been expressing an increasing interest in the question of the public interest. And they have been using that language in some cases to explain positions they've taken in the GAC. So it's I think very relevant to hear from her whether it's your personal views or you want to reflect on views within the Union. However you'd like to do that. We also are supposed to have here Nora Abusitta online. Is Nora - are you?

Nora Abusitta: I am on Bill. Can you hear me?

Bill Drake: Oh cannot hear you very well.

Nora Abusitta: Oh I must be - is this better?...

Bill Drake: Can we just get technical people? Let me just give a piece of background
                   perhaps while we're getting this sorted out. The question of the nature of the
                   public interest has become an increasingly contested on I think in the ICANN
                   environment. We have had a number of efforts to raise this issue and say that
                   it has to be sorted through in a more coherent manner. And we've had a lot of
                   people who have questioned whether that's actually the case, whether it's
                   possible to talk about the public interest in any coherent manner that is
                   ultimately productive. But it is worth noting that nevertheless there's a
                   trajectory of work that's been established around this and which is highly
                   relevant. In light of the accountability transition and the transition and so on.

                   And Nora Abusitta is the head of the public responsibility division -- wait I'm -
                   I've lost track of the - here we go -- development and public responsibility
                   programs at ICANN, Vice President. And her program is taking the lead on
                   trying to raise these issues, building on work that was done in the strategy
                   panel and public responsibility frameworks and other things. And you will note
                   that the - as I have said in the agenda that ICANN draft five year operating
                   plan calls for an effort to develop and implement the global public interest
                   framework including the development of the common definition of the public
                   interest, which is of course a controversial topic.

                   So I thought we could start by perhaps having Nora just saying a little bit
                   about her division and what their activities will be in this regard. And then ask
                   (Megan) to share her thoughts from a European perspective and then open it
                   up because I know that we have had in this room some quite varying views

on this whole general question. Excuse me. I'm really losing my voice at this point now. So Nora can you - how's your - can we hear you now?

Nora Abusitta: Yes I can - I hope you can hear me through. Thank you Bill for the introduction. And so as you mentioned the work that we started really stemmed from community requests to define public interest and public responsibility and as we took it within the ICANN context. And so the strategy panel on public responsibility that was led by (Nee Quanar) really engaged with the community over several months to try and identify the areas where the community needed us to focus on most as well as to try and develop a definition for public interest and public responsibility within the framework of ICANN's work.

I will spare you all the details about the number of times that we have engaged with the community. This was an extensive exercise from which we concluded two things. Because public interest is such a broad term and it differs from culture to culture, individual to another sector to another, the panel quickly concluded that for us to be able to develop a tangible problem that has very concrete results we needed to focus at least from the operational side within ICANN on public responsibility programs as such. They did develop a very broad definition of public interest but their main recommendation was we need to focus on streams where we have tangible, deliverables that can help develop our community within the ICANN context.

So the panel defined the global public interest of the internet as ensuring that the internet becomes and continues to be healthy, open and accessible across the globe. So in a nutshell because this definition is so broad, what my department is doing right now is streamlining and formalizing the development and public responsibility efforts by collaborating within our regional teams. And so we work really through our regional teams and through other ICANN departments and some external organizations so that ICANN may better serve and broaden the community that it serves.

Our focus areas I'm going to go through them very quickly. I think many of you are aware of them in ICANN meetings. We support the next generation. So anything to do with the fellows, the newcomers, the next gen, this is what we really focus on. We also have a team that works on participating in global internet corporation development. And then lastly we work a lot on education and academic outreach. Up until a few months ago we were also overseeing the language inclusion. And so all the language services were under this department. But then it got to a level where it was functioning well enough for it to move under just communications and operations.

I'm happy to answer any questions. I just wanted to point out a couple of things about what we're doing next. As of January 2015, the Department for Development and Public Responsibility is reporting directly to the Office of the CEO noting the importance of the work that we're doing and addressing the global public interest. The public interest is now one of the top three priorities for the upcoming year and we will be working very closely with ICANN departments to make sure that the global public interest is reflected in all of our work. Thank you.

Bill Drake: Thank you Nora. I don't know whether you're on the Adobe or not. David's been scrolling through your slides. I don't know if there's any particular points from those slides you wanted to draw our attention to. But of course the key question I guess here is precisely what the - because I'm not clear. When you talk about what the department will be doing on defining or conceptualizing, operationalizing the public interest, how - the extent to which that is something that's being done, will be done in conjunction with the community. How is that going to be ramped up as an activity? You were talking about coordinating the staff at the regional level and so on but how will the community interface with what you're doing there?

Nora Abusitta: So there were two steps or two phases that especially what we wanted to do was at least establish core programs where we could see tangible results on development and inclusion. The second step is really to look more broadly at

public interest and how ICANN can function fully and do all its operations with public interest at the core of its work. And this is where we really now are looking into how we can involve the community in these activities. So this is really what we're looking at right now.

Bill Drake: Okay. Well we could put those slides on our web page for people to consult later if they have further questions because I know the slides cover not only your activity on the public interest but other activities that your department's engaged as well. And let me turn to (Megan) then and get her perspective on how these issues are being addressed in Europe or thought about by European governments. (Megan)?

(Megan Richards): Okay. Thanks a lot. So first I'm not going to give you my personal opinion which is of no interest whatsoever to any of you I'm sure and I'm here primarily to hear your views and to hear what else and more can be done. One of the issues that constantly comes up amongst the European Union member states and in the GAC as well is the importance of the public in everything that ICANN does. The articles of incorporation are quite clear that it's a non-profit organization corporation serving the public. Public interest is identified in many of the bylaws and the activities that take place.

Many of the actions and activities that ICANN carries out have implications for the public at large and more specifically in various different occasions and determinations. And those include and extend from respecting international law, respecting provisions relating to local law, general human rights, which also is included in, you know, to the extent possible international law, consumer protection, all the things that you think of that help to ensure that the internet is a safe, secure, reliable place for consumers and users.

So we in the European member states and the European Union as a whole are particularly concerned that everything that is done has the interests and concerns of individuals and citizens at its heart. So I'm quite pleased to hear Nora say that their next steps, although we think it should have been some

steps some time ago, are including ensuring that ICANN operations have the public interest at heart. And quite frankly whether and how you define this I think is like defining how many angels can dance on the head of a pin. It's usually pretty obviously in a particular circumstance or set of circumstances what public interest is. You don't have to define it and you don't have to have a general definition.

So in the context of the GAC in particular, one of the areas where public interest has come up and quite frequently is with respect to safeguards in the new GTLDs and particularly the GAC has provided a lot of consensus advice on what governments think because of the public policy implications should be introduced in particularly in highly regulated sectors to make sure that consumers are properly protected, that consumers know that if they go onto I don't know I take an example a doctor site they know that the people identified there are doctors and that there's some action taken to make sure that people can have some reasonable trust.

It doesn't mean it's perfect. Life is no perfect. You can go into a doctor's office down the street and he or she may be a fraud or a charlatan. Everything's but to the extent possible and within the realm of reasonableness we want to make sure that what can be done and has been done ensures the continued trust and expectations that one can rely on the internet.

So that's sort of the grande (lenia), the big picture from the perspective of the GAC as a whole because that's a GAC consensus position, particularly on validation and verification of those highly regulated strings. And the general European interest in making sure that the internet continues to be safe and secure and harm free to the extent possible. And we think that there's a particular responsibility and obligation on ICANN to take that seriously and go as far as it possibly can to ensure that that's carried out appropriately.

Bill Drake: (Megan) thank you. That's very helpful. I give - I'm struggling through jet lag here and I may not have understood something let - so just let me make sure

I do understand. Are you saying that your sense from the governments is that they are content to leave the question of trying to agree to some sort of bounded definition of the public interest alone and just operate on a general sense of what they think that means?

(Megan Richards):   From my perspective and the perspective of the discussions that we've had in Europe, we don't want to get involved in the definition of what public interest is. That doesn't mean everyone doesn't have an idea of what it is and how it applies and where it's appropriate. Because it really depends as in legislation if you have a piece of legislation -- I'm sorry to go back to legislation but it's what we do mostly in Europe -- if you go to a piece of legislation which is I don't know let's say data protection and it says X aspect of data protection in the public interest you know what it means in that particular context.

So I think that defining public interest writ large is not a particularly useful exercise. It's going to take you an awful long time. No one ever agrees. The point is to make sure that in the specific cases that you're looking at, for example safeguarding highly regulated sectors. What was the other case I just? I also am suffering from jet lag. I'm just trying to think of my other case I was thinking of. Well anyway that's one example. You know what you're talking - consumer protection. You know what you're talking about when you see it.

Bill Drake: You know that you - that view will resonate very strongly with a few people in this room. So let me turn now to opening the discussion up. And again I just want to point out before we do. The strategy panel that Nora referred to, this is one of the ones that Fadi held in 2013 tried to define the public interest as ICANN defines the global public interest in (unintelligible) of the internet as ensuring the internet becomes and continues to be stable, inclusive and accessible across the globe so all may enjoy the benefits of a single and open internet. So that's a pretty minimalist and general generic definition.

And as I noted, the draft strategic plan calls for an effort to come to a more common consensus based definition and Fadi encouraged us in Washington to try to help lead that conversation. So there's a lot of issues here. Let me start with was it Avri were you first and then Kathy and then Milton? Yes. Omar? I can't see Omar. Okay. Whoever is on there who's going first. Go.

Avri Doria: Thank you. Avri speaking. A couple things occurred to me. One of them is in coming up with a definition of public interest and this is something that came out in a conversation we had with Fadi in D.C. is and it also came out in the descriptions now is, you know, the role of human rights in that. Now one of the positions that some of us had taken there is that in a sense they're always at the core of the public interest no matter what your mission is. And, you know, I think very well of the ICANN mission. Now just having human rights at the core of public interest is critical and yet when we're discussing human rights there's also many different ways of interpreting which one as a priority.

And that's where I think that the multi-stakeholder and as one of the things you said that sort of made me perk up my ears was that the public interest is obvious or sometimes obvious. And I think that is one of the ones that I have sort of a problem with at times because to each of the stakeholders the public interest is obvious but what is obvious to me is definitely not obvious to Milton and it's therefore in the interplay between our various, you know, perceptions of the obvious that we actually find the sort of moving point of what is the public interest at a particular time and at a particular, you know, on a particular subject.

And so I'm wondering both with ICANN's perception of where does human rights fit into Nora's view of what we're building but also in terms of the general and terms of your view. Where does that multi-stakeholder process and its ability to come up with the public interest of a particular time and a particular point fit in? Thanks.

Bill Drake: So we need an inter-obvious framework here. Nora can you - I think there was a question in there to you and then to (Megan) as well? Nora are you still with us? (Megan) why don't you go ahead?

(Megan Richards):   Well the way in which we define public interest also includes human rights but human rights, even though they're writ large and generalized and top level if you like, sometimes apply in very specific - to very specific cases. And sometimes human rights are derived in the particular case of public interest (unintelligible) because it depends on the right. If (unintelligible) necessarily applicable in the states of public interest relating to consumer protection if you see what I mean. So I'm - none of us are saying that human rights are excluded from public interest, not at all. And I think within Europe the human rights aspect and element is particularly important. There's no question about it.

And if some group wants to come up with a definition, I mean the definition that I heard nothing to object to it, that I've seen so far the time spent on trying to find a definition which fits every single purpose and could be applied in all cases is perhaps a nice intellectual exercise but and if there's something that everyone agrees on by all means spend the time to do it. But it seems to us that there are a lot of public interest including often human rights aspect that need to be applied already now and let's get moving on them rather than waiting for a final agreed definition. So that's perhaps a bit glib or a bit non-specific for you but that's the reality. I don't know if Nora has a.

Bill Drake: Yes I don't - that was not glib at all (Megan). Nora can you - can we hear you now?

Nora Abusitta: Yes Bill. I - sorry I lost the line for a little bit. With regards to human rights, it is something that we're also looking more closely at because there have been many requests from the community around it. Now as the thing stands, you know, our mission and to promote the public interest and then we keep and

whenever possible we keep human rights - we uphold human rights if I may say at the utmost of importance.

But the problem is human rights is such a broad term and then you're looking at ICANN's mission. And what parts of the human rights aspect will fall into the mission. And so this is why it's very important to engage not just the community but, you know, ICANN staff in trying to, you know, make a decision on this whole discourse on human rights.

I mean as you've seen I think in the past couple - in the past two or three ICANN meetings, several sessions around human rights were held, all of which were very inclusive, where some people thought this is not within ICANN agreement. We shouldn't go into contents because human rights looks a lot at contents whereas others say no of course we should because human rights cover other areas. So moving forward I think in the next year this is one of the things that we need to be looking at very closely. And I think there is a solution more on the conversation we have not (unintelligible). Yes.

Bill Drake: Okay great. Thanks. Kathy?

Kathy Kleinman: First to Nora and then two questions to (Megan). Nora this is Kathy Kleinman. I've been involved in ICANN for a long time. To those who say human rights shouldn't be part of the discussion, I wanted to point out that in many cases they're the same people who say intellectual property rights must be part of the discussion. So the balance of intellectual property rights at least in the domain name system area, arena is freedom of expression. It's fair use. It's privacy.

It's freedom of association and it's due process among other things. But this is actually the question I was going to ask (Megan) is what aspects of public interest and human rights to the extent that they intersect or separately if they don't do you see as applying to the domain name system? I'm happy to take personal opinions on this because I know we're still all working through it.

And if we're not going to define public interest, is it worth providing some kind of framework of public interest? I've been a telecommunications attorney in the United States for 20 years and we operate - in the United States under law we operate the public airways through the Federal Communications Commission, which is the U.S. regulatory body in the public interest, convenience and necessity.

And we have a sense of what that means. We didn't define it in the act but we defined it over the years in different contexts, whether that context is television, broadcast or other things. So here when the EC has a public interest definition, when others do, when we're all coming from different places around the globe, can we at least provide a framework of what it might mean in the DNS? Sorry two complicated questions.

(Megan Richards):   No, no the question is excellent. But I think you gave the answer. I mean the answer is that it depends on each particular area. The domain name system itself I think I don't know what the specific answer is. I'm sure someone in the GAC or some of the member states have been looking at this and so I'm sorry I don't know what the specific and title, you know, lines would be. I'd have to go back and look at it.

But you probably know exactly what you would put in as human rights requirements in the DNS. I spoke about safeguards which were also particularly important in the highly regulated sectors, for example, and consumer protection. You know exactly what universal service means in the U.S. context. We know universal service means in our context as an example. So I mean I don't - is there a list for the DNS of what human rights are to be identified and added or considered at large?

Bill Drake: Well what's...

Kathy Kleinman: But should we be creating that list together? Because that's something that...

(Megan Richards):   Probably it's a good idea to create the list together. And then it depends on, yes. The idea I think is a good one for the DNS...

Kathy Kleinman: Not a definition but a framework.

(Megan Richards):   The framework, exactly.

Kathy Kleinman: Great.

Nora Abusitta: If I may Bill and Kathy, I mean this is specifically why the definition that the panel developed was very broad. It's very broad so that it can be inclusive. And they did attempt and I think very well to propose a framework where at least on an operational level for as a start we can focus on very specific things. So I urge everybody to take the suggestion by the panel and the framework that it sets as a key or starting point for the conversation to continue.

Bill Drake: Thanks Nora.

Kathy Kleinman: Can Nora send us the link to what she's referring to?

Bill Drake: Yes. It's in the Adobe. The report is in the - the link is in the Adobe and if you just go - scale back up. Okay and it's just been re-added by Lauren again...

Kathy Kleinman: Thank you.

Bill Drake: Okay Omar?

Omar Kaminski: Hello sorry. This is Omar and (Megan) I kind of liked how you started off by describe - by saying that defining the public interest might not particularly be useful. I kind of - you're going to learn that here in NCSG we have very diverse opinions on this topic specifically and we have been discussing it for

a considerable amount of time. So like I said I like the way you started off by saying that but then when you head into that direction of strings that relate to regulated industries and you kind of lost me there. Some might think that it is in the public interest to sort of have policies regulating those. Others may not.

And that's the point here is that when we - whether we're coming up with a framework of a list of things to include in what should be considered in the public interest or if we're trying to create a more concrete definition for it. I'm worried. I'm very concerned that what you actually will come up with is things that special interest groups are pushing forward and trying to use these special interests to build up what the public interest is supposed to be. But that's not actually what the public interest would be. It's just a correction of special interests. And to me the public interest is something subjective and it should stay that way, which is why it is not useful to define it.

If we - I think it's in the public interest to consider human rights. Others may disagree with me and I think they should disagree with me if they feel the need to. I think I should be able to disagree with someone who says it is in the public interest to enforce trademark laws but and in certain areas of the domain name system policies. And it becomes really complicated in ICANN because you have the public interest in the articles of incorporation and the bylaws and then you also have them - the public interest is mentioned in the registry agreement on their specification 11.

And you also have it in - we also have it in the new detailed application guidebook before and you had objections based on limited public interest issues and so if we somehow bring in different stakeholder groups, or different stakeholders with special interests, to negotiate a definition for public interest that will apply to all of these. This will have a very serious and possibly dangerous impact on how gTLD policy is developed and enforced through the contractual requirements registries have with ICANN. And I think this is a big problem, and I think that we should be aware of this moving

forward and we shouldn't create a monster out of what effectively shouldn't be, which is the public interest. Thanks.

Bill Drake: Omar can I just ask you to clarify something because I - this is a conversation we've been having -- and then I'll come back to the speakers. So I mean, it's clearly the case that the term is easily appropriated and abused by particular interests, particularistic interests.

That being the case, why is the best way of dealing with that abuse by leaving it completely elastic and vague and subjective? Because then, I mean, it seems to me that your solution simply invites the very problem you're outlining.

Omar Kaminski: The way I see it is that my solution actually gives me the opportunity on policy development process working groups to argue what is in the public interests, as opposed to having that defined and having someone raise the public's interest flag to basically shut me up when I'm try to make an argument because it is something that has already gone through a consensus process and been defined. That is why I think leaving it alone and having this broad interpretation of what public interest is -- or minimalist definition that has come out of the panel -- I think that's why it's important that we leave it at that.

Bill Drake: Ok. Just curious. (Megan) and then Nora?

(Megan Richards): Well, I appreciate your concerns and I would share them because I certainly wouldn't want special interest groups to be identifying what a public interest is, because I'm not sure they're the right forum or the right group to be identifying and interpreting what public interest is. It seems to me that public policy issues are generally speaking public interest issues as well, and governments and public entities usually have a lot of experience and just know what public interest is, know what human rights are.

We have all sorts of international conventions, for example, on human rights. They're pretty broadly defined, as an example. Obviously you don't want to get into such micro-discussions of what specific provisions relate to consumer protection in jurisdiction X or jurisdiction Y or jurisdiction Z because they probably have very different provisions on how to deal with them and which case and to what extent you have to label or identify, et cetera, et cetera. Those are really micro aspects.

On the other hand, at a high - top level, you must have some basic principles of what consumer protection is in the public interest at a higher level. And then in a specific case, you have to look - does it apply and should it be applied in a more detailed and specific case, in this particular aspect, or should it be broader here, et cetera.

And just to recall again, as you know all very well, in the Article of Incorporation -- or maybe it's in the bylaws. I haven't got them in front of me. Both probably -- it's not just the public interest; it's also the application of international law and -- or a respect of international law I think it says -- and local law as and where appropriate. So I mean, obviously you're not going to want to necessarily accept and protect -- perhaps a very special case -- go down and dive into the very nitty gritty of some very specific, very precise local law, but might often be very, very necessary.

Generally speaking, I think you would be able to have a higher level provision.

Bill Drake: Nora?

Nora Abusitta: Thanks, Bill. Listening to all of this and having listened to it several times I think first of all that the question around whether or not we should dis-line public interest is going to remain one of the reasons why, despite the efforts -- at least from an ICANN standpoint of you to define public interest -- but having that definition not completely adopted by, you know, certain groups, is

because we can't all agree on one, whether or not we should define it, and two, if we do define it, in whose interests do we define it?

So again, I go back to what we're doing on an operational level. Keep it broad. Add focus area to it by consulting with the community. The more we're listening to what they believe should be under that umbrella, the more useful it is. But I honestly worry about how much time we're wasting on the question of do we define or not, and if we do define, what is that definition?

Whereas clearly, you know, there was a group of people that got together and consulted with the community and did define it. And so rather than like trying to mince words, I honestly think the focus should be on ok, now so under that very broad umbrella are public interests within the ICANN complex. What do we focus on? At least that's -- from an operational level -- from something that we can tangibly measure. This is my personal view. This is what we should be focusing on.

Bill Drake: Thank you, Nora. I've got to queue David and then - I'm sorry. You were? I am very sorry, Milton. Milton was first and then David.

Milton Mueller: All right. I mean, speaking as somebody who does like political science, I find this discussion to be, you know, so disconnected from reality, it's maddening. All right? So, first of all, there was some very telling (SWIP) that you made in your introduction, which was you talked about ICANN as regulating the internet, in effect. Yes, you.

Woman: I said…

Milton Mueller: You said you wanted to make sure that the internet was operating according to the public interest -- the internet, ok? Now...

Nora Abusitta: I'm sorry can I just stop you on that?

Milton Mueller: Ok.

Nora Abusitta: I didn't say ICANN is doing that. I said we want, in Europe, to make sure that the internet is working...

Milton Mueller: Ok all right.

Nora Abusitta: ...properly, consumers have trust in us. That's what...

Milton Mueller: All right I want to make sure you understand that ICANN doesn't do the internet. It does domain names. If - could I speak? Ok thank you. All right, so this is the problem is that there, you know, a public interest regulator is essentially a mandate to do anything - to have the authority to do anything that anybody wants that can be construed as a public interest.

You've already admitted that there is no definition. Indeed, Nora is telling us to not even waste any more time talking about the definition. Now in some ways, that's ok because this is what the policy process is. You have a bottom up bunch of different multi-stakeholders getting together and saying, "I think this is better," and they say, "I think that is better," and they all reach some compromises and bargains. And that is - the process is what defines a public interest in the sense that this is what's acceptable to all of the members of the public who are participating in the process.

So that's a tautology, to say that, you know, ICANN - and either you have a substance of definition that guides your policy process or you're simply saying in any given problem we face, such as, you know, who is or registrar accreditation agreements, for any given policy we get into a negotiation with a bunch of different stakeholders with different perspectives and we put out something that we all agree is the best outcome, right?

So in that sense, the whole public interest business is useless in the sense that it, you know, we reach these compromises, we reach these case-by-case

determinations every time we do policy. But the reason I think it's dangerous is because of its implication for the scope of what ICANN does, the mission of what ICANN does. We want -- those of us who are concerned about this -- want ICANN to have a very narrow, limited scope, and we think that's in the public interest, because we think that limitations on authority allow for greater freedom, for greater self-governance of the people using the internet. So we don't want every decision or every action you take with internet resources or internet content to be subject to public scrutiny, you know?

I don't care if the public likes what I write on my blog. I don't think they have any business telling me not to write something. Whether it's in the public interest for me to publish an article is not the proper question to be asking. The question is, do I have a right to express my opinions online? That's the question. You know, and in the privacy realm, you know, it's an even tougher tradeoff. It's like, ok the law enforcement says it's in the public interest to be able to see what people do and have surveillance capabilities, and the privacy advocates say it's in the interest of individual rights to restrict and limit those capabilities for surveillance.

So again, what do you add to this by saying it's in the public interest? From our point of view, all you're doing is maybe tilting the playing field a little bit to say those rights don't matter. The public wants to surveil you because it can help with law enforcement, and we see this argument, you know, again and again.

So tell me what we are improving or adding to the policy making process by calling it public interest? I guess that's my question. It's just, given that we are going to hash out an acceptable compromise among multiple stakeholders as an inherent outcome of the policy process, wouldn't it be better to say ICANN has a very limited scope. It's supposed to do certain things within a framework of constraints regarding human rights and individual rights, and sure, it should optimize for the public within those constraints, but what about

the constraints? Are you forgetting about the constraints on the mission and scope of ICANN's power?

(Megan Richards):   Me? That question? Well first of all I couldn't agree more on limiting the scope and mission of ICANN. Everyone has said that. That's one of the standing provisions, certainly of the EU member states and also of the (unintelligible). ICANN should stick its remit and missions and work within its mission.

That doesn't mean though, that nothing in that mission has no implications on public interest or human rights or anything else. I think that is a real tautology. So all sorts of action within the scope of what ICANN is doing that have implications for human rights, that have implications for public interest, that have implications for consumer protection, et cetera.

And I never said that there's no such thing as a definition of public interest. I said -- at the very beginning -- that public interest is usually interpreted according to the specifics of specific legislation. (Cathy) just gave the case of the FCC interpretation. I mean, each case is specific to that particular element and that particular piece of legislation. I use legislation as an example, perhaps. Not very nice for some people, but.

So my argument was not that there is never any definition of public interest. It was in this context, I don't think it's useful for ICANN to say, the public interest for everything ICANN does is this, because you'll spend the next 20 years discussing that. My argument was that in applying its mandate and its activities, ICANN has to assess whether there are public interest implications -- which include human rights and international law implications -- in what it's doing. And my understanding of what Nora said was that is exactly what you're doing now in looking at ICANN operations to make sure that the public interest is reflected in its operation. Is that right or is that my correct interpretation of what you said? That's what I wrote down.

Nora Abusitta: Yes. For (F line) 16 we are looking at how a public interest can be reflected in the operations of ICANN within the ICANN remit. And again, back to the department that I run and I work in, this is why we decided to look at public responsibility programs rather than public interest programs because -- and again, we can have a long argument about, you know, why we use responsibility and not something else -- but what we thought -- at least to start with -- is to broaden and to support the community through very specific and measurable tracks because the danger is that this going to be an ongoing discussion. As you mentioned, it could go on forever. And depending on the interest group or on the background, the things that we included under the umbrella of public interest will be things that honestly shouldn't be a part of ICANN's remit.

And so yes, we are looking at reflecting public interest in all of what we do within the ICANN remit.

Man: If I can just jump in with one specific example. I think...

((Crosstalk))

Bill Drake   We have a queue so.

Man: I know just an example of the safeguards in the new gTLDs, right. You're talking about consumer protection. Why are you proposing this at the ICANN level? If the word doctor is being used fraudulently, every country in the world -- every advanced country -- has consumer fraud regulations that they could apply to a domain that is doing that. Why are you asking ICANN to make blanket, you know, exclusions or judgments about how TLD should be run. This is about the scope and mission creep aspect of the public interest.

(Megan Richards):   First of all, no one has ever asked ICANN to make blanket, sweeping provisions on doctor or anything -- never. No, no. I'm sorry that's - but this is not the place to discuss that specific case. I used the safeguards as one

example of an area where consumer protection is particularly important and highly regulated. But unfortunately, we also have to get going. So I don't know Bill how you want to (unintelligible). You want to continue with the rest of the questions? I'm willing to - my other colleague continue with the other meeting I'm supposed to be at and I'll stay on a bit longer.

Bill Drake: (Megan) however you want to do it. You're very nice to come and visit with us. If you need to go, you can do that. If you want to stay a little longer, you can do it. However you want to handle it.

(Megan Richards): Well to the extent also I'd like to hear the other questions because I'd...

Bill Drake: Ok.

(Megan Richards): ...to take them back to...

Bill Drake: Great.

(Megan Richards): ...not only the European member states but also the GAC.

Bill Drake: Ok. I really appreciate that. So then, how about we do this. Can we go through the queue and just ask quick, concise questions that (Megan) can kind of take back with her? That would be really helpful. And then we'll launch into a degree of discussion after that.

So the queue that I had was David and then I'm sorry, right. And then Rafik, (Merillia), Stephanie.

David Cake: Ok well my question was really about the way in which this idea of there being a public interest concern to enter consumer protection is sort of translated into the, you know, GAC advice or whatever or other policy stuff at the ICANN level because it seems to be that we have sort of, in particular, is there - are there sort of attempts to, for example, harmonize, you know, to

sort of have that GAC advice sort of reflect the legislative position of, you know, states or something like that.

And I ask because particularly about this regulated strings example, the sensitive strings it seems to have gone - there seems to be a real disconnect there. There's the regulated industries that they associated with, but they're not in fact regulated stings often, and if they are regulated strings, they're not regulated the same way - anything like the same way that the advice would suggest. I mean, two examples -- a bank, yes. Australia like most - where I'm from. I happen to know Australia has good legislation that says you can't fraudulently represent yourself as a financial institution, but when you call yourself a food bank or a seed bank, they don't - that is not considered, you know?

And similarly with doctor, you know, yes it's sort of related to the health thing, but doctor is - it's not the - calling yourself a doctor is not in any way controlled. You can't call yourself a medical professional, but of course you can call yourself a doctor for many things and it's not considered to have any connection, you know, not always considered to have a connection to the health industry. You know, Milton can - is entitled to call himself doctor, but - and he gives wonderful advice about political science, but not about health.

Milton Mueller: (Unintelligible) about political science.

David Cake: Well, whatever. I trust you more for questions of political science than I do about health. The translation between the initial sort of feeling there seems to have - to enter what - how - what's said to be of public interest case at ICANN into a very different path to national legislation. And you know, and in doing that seems to have gone somewhere which looks a lot like a serious overreach. So, that's sort of my question -- how do we - how does this public interest determination take into account national legislation and so on?

Bill Drake: That was very interesting but not concise, David.

(Megan Richards):   Yes if you don't mind, I'm going to take that as a comment...

David Cake: Yes, yes.

(Megan Richards):   ...and your observation and not as a question.

David Cake: Ok.

Man: Yes please. (unintelligible).

Woman: I apologize for my English. But I want to reflect about ICANN, why you're presenting the corporation's strategic plan said one of the goals to be achieved is cultivate, develop, and implement a global public interest framework bounded by ICANN's mission. However, after attending various meetings -- especially the one that dealt with the IANA Stewardship regarding the transition -- it was possible to see that the IANA transition is well underway and running off and parallel with discussion about what the public interest is and its relation to human rights.

So when - so if I'm right in understand this situation, what position should be adopted by the NCUC and other groups, except that we are lost and powerless to influence and further discuss bureaucratic and operational

Why GNSO meetings have spent hours discussing the procedures for using guidelines to instruct the transition process, or how the group should relate to that, for example. I can advance their (unintelligible) acknowledging issues related to human rights and public interests, consumer's protections, intellectual property and privacy, for example. And more quickly face against one of the principles of IANA separation of policy development and operational roles with endorsement of the operational communities and its object intellectual property and privacy and consumer's protections are issues linked with public policies.

So when - so if I'm right in understand this situation, what position should be adopted by the NCUC and other groups, except that we are lost and powerless to influence and further discuss bureaucratic and operational

issues. It seems that we are hiding in a floor or (unintelligible) and kept waiting discussions like (real) value. Maybe it's better to respond and clarify the circumstances in order to affect (unintelligible) agreed with ICANN. Thank you, sorry.

Bill Drake: Great. No no, it was very clear. Rafik?

Rafik Dammak: Rafik Dammak speaking. Just want to make comment about the human rights issue. It's not really ICANN an - or it's not organized by ICANN. It's more coming from the community. And so I would like to invite you to come tomorrow at 10:30 to attend the discussion. And also when you talk about cases and examples -- practical examples -- I think the policy from Artic and my team it's about human rights and corporate responsibility and I think it can give more guidance. So just an invitation that you can please come tomorrow at 10:30 in Sophia meeting room. .

Bill Drake: Thank you very much Rafik. Ok (Merillia)?

(Merilla):   Thanks, This is (Merilla) speaking. Just some quick comments -- I think there are two problems when we think about public interest. First of all, that sometimes we equate it with something that is kind of transcendent and there is only one version of - to everybody. And this is one problem of interpretation that maybe we have here and sometimes it's common among governments, what they are advancing for. Sometimes it's seen as the only real truth.

                   On the other side of the scope, we have people that argue that the public interest is merely adding up the positions that individuals hold, and I think that this is a concern that the public interest is somehow equated with individual self-interest. While I see that the public interest in the context like ICANN should be seen as something that kind of enables actors to pursue their own interests if they want. It's kind of an infrastructure that would allow actor to engage in politics. So who would question like say a principle that is hold very dear here -- stability, function of the DNS. To me, this is something that is

unquestionable. Any actor here with a different interest -- maybe commercial or noncommercial -- but stability is something that we all care for. Together it's a base of what we do here.

If you talk about privacy, for instance, like Milton said, of course privacy needs to be balanced with other rights. And this is normal with any rights. But I don't think that any individual -- even if you are a state you would say that privacy should be completely off the table because as some moment you need to hold privacy dear. I mean, of course during the process, we are going to engage in the most stakeholder way and balance in terms of the policy development process, where privacy will be calibrated. But I don't think that any actor would say that privacy is not necessary in this context here. So in the sense, I think that privacy is one of the enabling factors for us to develop policy and for us to have in mind.

That's why I think that even though the public interest does not equate necessarily with human rights -- and I think that you have put it well -- it's one of the factors that we need to consider when we are developing policy, freedom of expression and privacy and this is very specific human rights that attach to the policies that ICANN develop here. I think that they serve as a good compass for us to develop policy in a way that's to be consistent with to what we call the public interest. So just so you guys again for the session tomorrow that we are having I think to be a very interesting one. Thank you.

Bill Drake: This was great. Stephanie and...

Stephanie Perrin: Thanks. Stephanie Perrin for the record. I just wanted to make the point that this debate -- which I think you correctly characterized as being likely to be interminable if we attempt to define it. Unfortunately, the terms consumer interest or consumer protection and public interest are already in the ICANN bylaws, so we're stuck with them. And they haven't been defined and it hasn't helped us make decisions about particular cases and particular instruments.

For anyone in my view -- I'm in the framing camp -- and I'd like to say that this argument between defining and framing is tough enough inly in English. Wait until we convert that into other languages -- like say French -- and in different legal traditions -- like say civil law. So I do agree that we should move rather quickly to the concept that we have a bundle of issues that we have to calibrate -- rather than even use the word "frame" again -- and in that context, my question is, is there research that you think would be helpful?

I'm thinking as you mentioned, you know, there are certain things that have been legislated -- consumer protection, for instance -- and they have been legislated differently. Some particular human rights, it is well-known that different countries that derogations from certain human rights. Do we need research that at least could plot that for us, so that we will not be making ill-informed judgments about how we calibrate those rights? This is not to say that I as a woman would not want equality of women as one of my basic principles, but I would like to know what odds were of achieving that, by having the research. Do you see where I'm driving with this?

Man: I think so. I'm (unintelligible) the national lawyer of (Fidelity). How effective has the GAC been until now in acknowledging the differences in defining public interest, especially with regard to inflection for free rights, of - between the (unintelligible) countries in GAC discussion? Thanks.

Bill Drake: Ok so (Megan) would you like to start?

(Megan Richards):   Yes. Well first of all, thanks for all of the comments and questions -- very interesting. On the research issue, I think yes, I'm sure there are all sorts of potentials to do this in more detail and clarify and see what's actually been done, and I'm looking at (Matt) now. Probably you've already done the research, or are interested in. That's a possibility.

And on the last question about IPR and public interest and the discussion in GAC, quite frankly I'm not aware of specific discussions on that but I'll look

and we'll get someone to answer that. The rest I assess more as comments, observations, review and I'll take them back to the GAC.

And I apologize because I was supposed to be somewhere else 20 minutes ago. But I look forward to seeing I suppose many of you tomorrow at 10:30 and (Frieda) -- I forgot to introduce (Frieda). (Frieda) is from the European External Action Service, which is like the European Union, the State Department or Foreign Affairs Department and of course they have a particular interest in human rights and other issues, too.

So thanks again. I apologize for running but I'm sure we'll have other occasions to chat -- both tomorrow at 10:30 and many other times. Thanks again.

Bill Drake: (Megan) thanks very much for coming. Thanks (Frieda). Really appreciate you stopping by. Nora would you like to give us a closing benediction, whichever the points that we made you'd like to pick up on at will.

Nora Abusitta: Yes of course. Very, very quickly. Thank you. This is extremely helpful and useful or us at least to listen to all the arguments around the focus that we should have in the next year. Again, for those who think that public interest hasn't been defined within the ICANN context, we develop a very broad definition through consultation with the community, just check I think that we put the Adobe room.

For the gentleman who was - I think his question was really more about what the GAC has done for developing countries and including, you know, developing countries, and I cannot speak for the GAC obviously, but I can point a little bit to some of the programs that we've, like the Fellowship of the Newcomers and the Online Learning platform, just to give a few examples where we really are trying to reach communities that don't particularly have access to ICANN. And so - and I think we have succeeded quite a bit in the last year or so and we're hoping to do more.

So any feedback we can get from you on how this can be improved or other focus areas for public responsibility, please do get in touch and let me know. And again, thanks for the opportunity.

Bill Drake: Ok fantastic. Thank you Nora and thanks for joining us remotely. I think it's probably not a convenient time where you are so we do appreciate you quote unquote coming by, so to speak.

It is almost 1:00 and I know everybody's very dead tired. I'm looking around the room and I'm seeing jetlagged eyes everywhere. We had no expectation that we would resolve the question of public interest. Rather, the issue was simply to put it on the table and start to have a conversation in a structured way because it is on the agenda, it is in the operating plan.

We do have a division in the path that is dealing with this. It's coming up over and over again in the accountability discussions and everywhere else. So at some point, we have to find a way to at least come to some bounded way of thinking about how we want to interact with this or not. So this conversation was intended to hope - to try and advance that just a little bit.

Let me ask one last thing because I had a - before we go, if somebody is willing. We had a - somebody asked me to say something about - or for somebody to say something about who is. I guess that there was some people at the fellows meeting -- I don't know if they're still here -- that were wondering about more information about who - was it you that asked me this (unintelligible)? Were you the one who - I can't even remember who asked me this?

Man: Not exactly who is - I asked about if it is possible to have an overall orientation of what (unintelligible) does and (unintelligible) somewhere in the ICANN meeting.

Bill Drake: Ok yes that was this morning. Somebody else approached me and asked about who is and I don't know who it was now. Ok. Well anyway, since that person doesn't appear to be here anymore, I think we don't have to worry about trying to answer the question.

So I think what we will do is just wrap it up. We have another two and a half hour session this afternoon we're all looking forward to. Rafik will be chairing starting at 2:00 after lunch. And then we have a meeting with the board later in the day as well. Yes, Kathy?

Kathy Kleinman: What room would you like us to reconvene at at 2:00?

Rafik Dammak: Yes it's at (unintelligible) meeting room. I think it's the other side.

Kathy Kleinman: (Unintelligible).

Rafik Dammak: (Unintelligible). and I hope you have one hour lunch time break, peace, eat time. We will try to cover many things, so yes.

Bill Drake: And also my apologies if there's anybody on the phone bridge. I don't know, but Adobe crashed because Adobe is doing system-wide maintenance and so probably everybody in the world who's trying to hold meetings with Adobe right now is looking at reboot pages. So not much we can do about that.

Thank you all. I'm totally losing my voice. Thank you all for coming and participating in this conversation and look forward to seeing you this afternoon.

Man: And thank Bill for much great effort.

END