
KOBE – CCWG-IG F2F
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OLIVIER CREPIN-LEBLOND: Good afternoon, everyone. Welcome to this meeting of the cross-community working group on Internet governance. Apologies go our board participants for starting a little late. We had a small technical issue but now we're all set to go. So, welcome, everybody. We have an agenda that's quite packed with a number of topics here. First, after the introductions, we'll have the feedback, open discussion on the public session that we held earlier this week. The Board Working Group priorities and objectives for 2019. A discussion on working together. How do we work better? Upcoming ICANN Internet governance priorities. Progress on chartering and commencement of the CCEG on Internet governance. And any other business.

I should ask at the moment if there is a request for any other business. Any specific topics that one wishes to add to the agenda or amendments? Marilyn Cade?

MARILYN CADE: Thank you. And I'm sorry. I was making up a sign-up sheet, so I may have missed. Did you hit on the idea of just quickly talking about the participation both in the CSTD and also the WSIS

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Working Group just to see who might be attending anyway, so we'd be aware of that?

OLIVIER CREPIN-LEBLOND: Yes. Thank you, Marilyn. I believe that would be covered under five, upcoming ICANN IG priorities. Anyone else? So, the agenda is adopted and we can then proceed forward and have a look at the public session that took place earlier this week in this very room. We had Rinalia Abdul Rahim from the Internet Society who came down to speak to us about extraterritoriality. We also had a frank discussion about the recent charter that the ICANN CEO had published along in the ICANN blog.

I think there was some discussion that we would perhaps continue the discussion here but I'll leave the floor pretty much open for broad discussion on any follow-ups that you might have from this session. So, the floor is open. Marilyn Cade?

MARILYN CADE: On the topic of the charter, I would like us to follow-up with at least the following request. And I realize that there are people on the bridge and that this is being transcribed so I will say this very clearly. Just because an elected leader of a country decides to make policy changes by tweet, I would prefer that ICANN not announce major changes by blog. If there is to be something

important and relevant, it should include a public comment process, even if it's relatively short. And I will just tell you that while I may read comic books for entertainment, I don't count on them for policy updates. So, please, from my perspective, something like the charter needs to have at least an announcement not just by a blog, or if there is a blog, it needs a process so that members of the community can actually provide comments and know who we're sending the comments to and that the comments will be read and analyzed. Otherwise, what happens is you send a comment back to an e-mail and you have no idea who's reading it and you have no idea who is responsible for summarizing it and to whom that summary will go. Tweeting and blogging are not good ways to actually deliver anything other than one-way communication.

OLIVIER CREPIN-LEBLOND: Thank you very much, Marilyn. I realize that the blog post did come out and it did ask for commenting to go to – I'm not quite sure whether there was an e-mail address that was specifically provided. Perhaps, Teresa Swinehart?

THERESA SWINEHART: I believe an e-mail address was provided. I don't have it in front of me but we will check and then refer that back. Thanks.

OLIVIER CREPIN-LEBLOND: Okay. Thanks very much. Any other comments on this specific topic? No? Sebastien Bachollet?

SEBASTIEN BACHOLLET: Yeah. I want to support completely what Marilyn suggested. From my recall, it was written that you may do your comments on the blog under the blog post. I don't recall an e-mail address specifically put on that, but maybe. Thank you. But I want to stress that I agree with Marilyn, that a comment period with the comment tools used by ICANN must be open on such topic and topics.

OLIVIER CREPIN-LEBLOND: Thank you very much, Sebastien. For all of [inaudible], do you mean a public comment system, the ICANN tools? Sebastien?

SEBASTIEN BACHOLLET: The ICANN tools to make public comments with policy and other topics we're used to with a number of days of comments and staff summarizing the comments and taking that into account for [a new version].

OLIVIER CREPIN-LEBLOND: Thanks very much, Sebastien. Is there support? Klaus Stoll?

KLAUS STOLL: Klaus Stoll, ICANN [inaudible]. Just to repeat, because it is really important that in such a case due process with commenting period, with transparency who receives, who is analyzing, and what the outcome has to be observed, [inaudible]. Nothing more.

OLIVIER CREPIN-LEBLOND: Okay, thank you. I'm not quite sure where to go from here for a simple reason, that we're not essentially a cross-committee working group, per se, with the current status that we're in. But what we could do would be to do just give a recommendation to staff and see if they could consider this. Is there anyone that thinks otherwise perhaps in the room? And [inaudible] all the participants that are in the room, is anyone objecting to this specifically? Leon Sanchez?

LEON SANCHEZ: Thanks, Olivier. No, I think the message is clear. I think we can do better in communicating and getting feedback from the community. So, I guess this is what we, as board, are looking into and we'll make it better next time.

OLIVIER CREPIN-LEBLOND: Thank you very much. And with no one else wishing to discuss the feedback from the CCWG IG, I've only heard positive response. I think that everyone enjoyed the presentation from Rinalia and I was very pleased that she was able to bring this to our table.

So, we can move over to agenda item three and go back to Leon Sanchez who is chair of the Board Working Group on Internet governance. So, Leon, it's all yours.

LEON SANCHEZ: Thank you very much, Olivier. As you know, in the strategic plan we have one specific objective, one specific strategic objective, which is focusing on geo-politics and how to address the different challenges and discussions that we see happening in a very fast-paced way in the Internet governance ecosystem. But we are also aware that this Internet governance arena and space is shifting and it's getting broader. It's not just a traditional fora and places where we used to discuss Internet governance issues, data discussions, or where the discussions are taking place.

So, we see different places which weren't usually conceived or thought of as Internet governance spaces that are now coming into scene and we need to not only be aware of that but we need to take action and try to address the challenge ahead.

So, in this same line, the board has set a strategic goal in its strategic plan that is trying or its objective, its goal, is to have a mapping and a tool for the board and the organization to better engage with this universe of actors that are entering the Internet governance arena.

So, we are already in course doing some work with the organization into mapping, to doing a first draft of mapping the actors, the fora, the trends we're seeing, etc. So, we take that as a baseline to continue working on this objective and we see this mapping exercise as just a first approach to mapping the different actors that we should be engaging with and we are aware and mindful that this is not a static thing. This is a constantly changing environment. This is a constantly changing picture. So, in the same fashion, this will be continued work – continued work from the board, from the organization, and of course we need the input from the community. I think that community is key in providing us with input, with feedback.

And this strategic objective is not only linked to having this mapping exercise and trying to find ways to better engage with external actors but it's also aimed to create a system that provides us with early warning [inaudible] that allow us to take timely action as opposed to reaction to the changes and discussions that are happening that might impact ICANN's mission and ICANN's remit in some way.

So, as I said, it is key for us to have input and feedback from the community. We are currently thinking of how we can establish a channel, a communication channel, and a tool for this to happen in a timely fashion, an expedited fashion, so that we have conversation flowing constantly, so we are not tangled into processes that might be cumbersome, that could take us time and deviate attention in following processing rather than focusing on substance.

So, we will be sharing with you the steps we're trying to give, and one of the things we are also discussing is how to – and this goes a little bit to point four and point six. So, how do we work together? How do we revitalize the CCWG IG regardless of us saying that it is a cross-community working group, whether it's charter or not chartered? So, we're trying to be creative and try to find a way in which regardless of the form that the group takes, it is still useful and meaningful for the community, the organization, and the board to have it as a space in which we can raise these issues, [inaudible], raise the flags, try to honor the multi-stakeholder way of doing things.

So, I don't know if any of my board colleagues would like to complement what I just said. We have here Matthew, Tripti, Avri, Lito, Ram, and Danko in the back, so please feel free to jump and complement what I've just said.

OLIVIER CREPIN-LEBLOND: Thank you, Leon. Matthew Shears?

MATTHEW SHEARS: Yes. Just to briefly emphasize what Leon said. We've heard this week a number of calls from the community for the ability to contribute more to discussions around Internet governance and Internet policy and I think what we're trying to do, what Leon has described, is see how we can make that happen and that's what we're in the initial stages of looking at. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Matthew. Anyone else? No? Thank you very much for this introduction to this [inaudible] tool that you're going to be using. The question that I had was whether this is something that will be used solely by the Board Working Group or is this ... Because you mentioned tools. I wasn't quite sure whether this was an automated robot type system made in Japan or ...

LEON SANCHEZ: So, we still don't know what shape and what form this will have. We're in the planning stage. But the ideal path for this to [inaudible] is to have whatever tool we come up with that is something that is accessible and reachable by everyone because

we recognize that the value is not the tool in itself but the input that it can gather. There is no point in having a tool that's only available for board members and organizations if we don't get the feedback that we need from the community. So, it would definitely need to contemplate a channel, as I said, for the community to provide input and generate this discussion in the working group that we would be trying to convey, so that we keep the discussion going and the board rolling. Does that answer your question?

OLIVIER CREPIN-LEBLOND: Thank you very much, Leon. Before I give the floor to Klaus, I must mention that [inaudible] from the ITU was here just a moment ago. It's a pity that he had to walk out because, of course, ICANN has signed now to become an ITU member and I was going to give him the floor just after you to have him say a few words, perhaps. I wasn't quite sure. Next time, I guess. Nigel, did you want to say a couple of words? Then I'll go to Klaus.

NIGEL HICKSON: Thank you very much. Yes. Unfortunately, he had to leave for another meeting out of town. He just wanted me to say – and this was said in the cross-community public forum we had – that the ITU welcomed, and it was mentioned in the Governmental Advisory Committee this week as well. The ITU welcomed the

application that ICANN has made to be a member of the [ITUD] which will come up at the council meeting in June. The ITU leadership see this as a continuation of the working relationships that have been established between the leadership of ICANN and the ITU. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Nigel. So, we have a queue, first with Klaus Stoll.

KLAUS STOLL: Thank you very much. That’s really good news that you’re thinking about the tool. Basically, as I understand it, you are trying to set up an observatory [inaudible] discussion space around it.

LEON SANCHEZ: We don’t know if it will be an observatory yet. I mean, it could take that form, yes.

KLAUS STOLL: Because what I would like to mention is we have several tools where basically there is a listing what’s going on. That is acceptable. What is really missing is some [inaudible] which brings existing information, for example, on policies together and you don’t need to do a lot of writing or editing. You just have to

have a clever way to get the existing resources linked to the right process so that you actually know what's going on, so that different e-commerce initiatives worldwide at the moment which are highly relevant. We don't have to analyze it but we can link to the analysis which is already provided from different opinions and then everybody who is interested can make his own [inaudible] and make his own opinion.

I think it's not so much about creating something new but being clever about how to link what already exists.

LEON SANCHEZ:

And I agree. I think that the highest value of this tool and this goal that we've set is the discussion that it will generate and the convergence and the generation of talking points and positions, etc., and get to know what everyone thinks about certain topics. I think that is where the real value of this tool will actually come.

KLAUS STOLL:

Allow me just to give a quick example out of this room. I was just writing an article about e-commerce stuff in India and somebody from India during the week was sitting over there and came to me afterwards and gave me insight, ten seconds, information which was absolutely relevant [inaudible] and that's what I think that

should be an example for that kind of tool, that you see something, that you observe something, that you can [inaudible].

LEON SANCHEZ: That's exactly right.

OLIVIER CREPIN-LEBLOND: Thank you. Next is Tony Holmes.

TONY HOLMES: Yes. Thank you, Olivier. Just to say that within the ISP Constituency we have had quite a lot of discussions about ICANN linking with the ITU and that's quite appropriate because a number of our members are actively engaged in all sectors of the ITU, the T sector, D sector, and the R sector. We do have concerns that joining as a sector member of the ITU is not the best way forward. We're totally supportive of cooperation with the ITU and there are a number of mechanisms to achieve that. You don't have to become a sector member.

And just to mention here that we will be [inaudible] formal comments expressing our concerns and more detail as to why the concerns. Thank you.

Olivier, just to add, I think I should also make the point that we considered it and it was really sad that there wasn't more

consultation on this with the community before that decision was taken as well. It really wasn't a good model of the way things should happen. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Tony. Just a question. Does the ISP Constituency or did you discuss the difference in scope of ITU, joining the ITU D rather than T?

TONY HOLMES: Yes, we did. We also had some discussion with Goran on this as well and he pointed out during the discussion that the role that ICANN would adopt was a technical body. ITU D has nothing to do with anything technical whatsoever. It's all about development. So, it just doesn't fit what was stated as the rationale for ICANN to becoming H. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Tony. Next is Marilyn Cade.

MARILYN CADE: Thank you. I want to say this for the record because we have several board members here. I'm going to use a word that I heard repeated several times in the opening speeches. It is respectful. And I do not believe the process followed dialogue with the

community was in any way respectful of the expertise that is brought in this community.

Tony referenced the discussion within the ISPs where there are multiple individuals very familiar with the ITU. I have well over 20 years of working at the ITU, in study groups, in the D sector, and also even been appointed to a high-level advisory group by the former secretary general.

I have attended probably 15-20 councils. You do not get access to the decision-making part of the ITU by becoming a member of the D sector. The D sector is a wonderful place. I value it highly. But it is not how you engage in a peer relationship. In my view – and I know this is being transcribed – I feel strongly that what we should have done is to have negotiated a document of mutual recognition establishing how we are going to mutually participate at the executive levels and exchanges, and that includes the fact that the secretary general at the ITU graciously appears and speaks at the high-level GAC meetings and that Goran was afforded the opportunity to make a short speech at the opening session of the Plenipot.

We are either a globally recognized international organization or we can become subservient. I have one view, that I prefer the former view.

OLIVIER CREPIN-LEBLOND: Thank you, Marilyn. Next is Sebastien Bachollet.

SEBASTIEN BACHOLLET: Thank you, Olivier. I think when an organization changes point of view radically from one side to the other, it may involve the whole community to discuss that. At the end [inaudible] make a decision. Okay. But it must be in that discussion.

To be seen maybe as an old-timer, it was years when ITU were a member of the board of ICANN once every three years.

OLIVIER CREPIN-LEBLOND: They were a liaison. It's not quite a member.

SEBASTIEN BACHOLLET: Okay. Sorry, Olivier. You're right. [inaudible]. They were liaison each every three years in the board of ICANN. Then, it was this liaison role from them but also from the [inaudible] and from [inaudible] liaison group, whatever the name – I don't remember exactly – was set up or revitalized in one way or another. And now we are saying that we were part of one part of the organization who were liaison to the ICANN board.

I think it's a big, big change and it must have been discussed in depth with the community. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Sebastien. Next is Ron Da Silva.

RON DA SILVA: Thank you. I feel like we've been discussing this to be or not to be part of ITU in some official way for a number of years now. I want to just ask for a little help on how do you think – because I heard both comments, or actually all three comments, regarding there wasn't enough consultative with the community. Where did we miss? What did we do wrong collectively where we should have had more engagement to lead up to this decision?

I know there's been dialogue on this for a few years but where do we not check the box sufficiently and how can we address that going forward so we don't repeat that in some other process?

OLIVIER CREPIN-LEBLOND: Thanks, Ron. Let's go back to Tony Holmes and then we'll go to Sebastien Bachollet. Tony?

TONY HOLMES: Thank you. Well, from my side, there was certainly an issue that I was aware of but there was never a call for any formal consultation or any feedback mechanism from the community and that was the step that was missing. And it was rather surprising to see that we then went forward with I think the intent

to become a sector member when it appeared that there was no recognition that there were other ways of engaging and particularly with the D sector where you can become a partner organization with the D sector. You can do it on a per-project basis. That really seems to fit ICANN's role because we do need to collaborate. We need to work together on certain things.

You don't need to become a sector member to do that. And the focus of becoming a sector member is where you engage at the study group level. So, I'm quite interested to know whether ICANN are now going to sit at the table at a study group of ITU D as a sector member because, as I think Marilyn mentioned, that gains you little and certainly I can understand why ICANN would want to be represented in their own right within the ITU at major conferences. As a sector member, you get no voice whatsoever. Only government speak. So, ICANN gains nothing. In fact, they then become a subservient member within the ITU when I could consider ICANN is at least a peer organization to the ITU. They both have responsibilities for key identifiers within their respective networks. They're at the same level. One isn't subservient to the other.

OLIVIER CREPIN-LEBLOND: Thank you, Tony. We've got Sebastien Bachollet, then Klaus Stoll. Sebastien?

SEBASTIEN BACHOLLET: Thank you, Olivier. Ron, my understanding is that we were saying – ICANN was saying – no, we don’t want to be member of any part of ITU [inaudible]. The question is when we change this position, it must be the moment when an open debate must be done. I didn’t see it.

If you are in a [high-speed] role and you change the sense of where you are driving, you need to go outside to make some – and to come back. But this part, we are not done. It was really done in very surprising mode for the community, I guess. Thank you.

OLIVIER CREPIN-LEBLOND: Klaus Stoll?

KLAUS STOLL: Sorry. It sounds like [inaudible] but that is exactly the point. That decision is fundamental, and the wrong one, because as Tony and everybody explained, this puts ICANN into a position of subservience and ITU D is also very nice fundraising body in a way.

So, what I’m trying to say is when you do something like that, maybe you’re not agreeing with my opinion or Marilyn’s opinion or Tony’s opinion, but at least that we have an open transparent

discussion about it in saying, at the end, this is what we have decided for that and that reason. And that didn't happen. Especially because this decision has a significance.

OLIVIER CREPIN-LEBLOND: But, Klaus, there was an announcement that ICANN was considering doing this during our last meeting.

KLAUS STOLL: But there wasn't announcement what was the process to come to a decision. That was missing. If there was a process, an announcement of a process, we could have chimed in and then we could have made a decision even if the decision might have been one I didn't like or somebody else didn't like but at least we would have had the process and we had to live with that decision.

OLIVIER CREPIN-LEBLOND: Thank you, Klaus. Collin Kurre?

COLLIN KURRE: I just wanted to say that I think that what Tony said about engaging on a per-project basis sounds really reasonable in terms of resource allocation because engaging on a study group level is a huge time commitment. You're essentially going to have to have a full-time employee based in Geneva in order to do that

effectively. So, only engaging where the community or where the Org sees it necessary seems like a more logical fit.

OLIVIER CREPIN-LEBLOND: Thank you, Collin. Next is Marilyn Cade.

MARILYN CADE:

I have two comments. One is about what did we do wrong and the second is a follow-on here to what you just said. Here's what we did wrong. In the last face-to-face meeting where some of the board members were in the room and some of us expressed our strong concern, we thought you would take those concerns back. But let me refer to the word respectful again.

We assumed that because strong concerns were expressed ... Now, that's our fault because we didn't ask specifically for a formal consultation. So, I think we are learning on both sides.

But I would ask all of you, as board members, to ask yourself if you are in a meeting and you're there because you care about the topic and you hear very strong concerns expressed, then what should we do next? Should we come to you and say, "Will you please raise that inside the board with Org?" I'm just asking you to think about that.

Secondly, I want to comment on ... Let me just say that the only way you are affected, if you expect to change something at the ITU in a study group, is you do not observe; you contribute. You become the rapporteur. And if you don't know how time-intensive it is, having been one on VOIP, I volunteer to tell you how time-consuming it is. That guy sitting at the end of the table can tell you as well. And so can others here. It will not be sufficient to have one full-time employee. So you jumped in to the deep end of an ocean that most of us think you might not have recognized all of the obligations.

OLIVIER CREPIN-LEBLOND: Thank you, Marilyn Avri, I'm recognizing you. You wish to speak. But Leon wanted to jump in.

LEON SANCHEZ: I think it's pretty much the same. I'm going to say the same thing as Avri. I'm going to be pretty quick. Just to say, Marilyn, that we did take the comments that the board received in the last face-to-face meeting to the board. We had a very thorough discussion on the issue and I think that is where Avri wants to jump in. So, Avri, please.

OLIVIER CREPIN-LEBLOND: Avri Doria?

AVRI DORIA:

Yeah. What I was going to say is, basically, it was certainly listened to. There was certainly at least one board member, myself, who argued pretty much verbatim what you all are arguing. However, there was a stronger argument within the context of the board about what could be achieved using the membership by the staff members who are on the ground who are dealing with the ITU, who are basically always having to speak from behind the sign of ISOC or one of the RIRs in the meetings they participated.

So, there certainly was a respectful understanding of the position. There was really a very full discussion. It was sometimes even animated. You guys know what I can be like when I'm disagreeing with people. So, it was a very strong discussion but the advantages that those that were dealing with the ITU felt they would get from that membership prevailed within the discussion. So, just don't want anybody to think that it was done in the blind. The positions were certainly discussed.

OLIVIER CREPIN-LEBLOND: Thank you, Avri. Tony Holmes? Then we'll come to you.

TONY HOLMES:

Just a question on that. When that discussion was taking place, was any consideration given to the fact that within the ITU, not

particularly the D sector but the T sector, there are a number of recommendations [inaudible] both on ICANN and IANA, and certainly on IP-based networks, that would probably cause some concern within ICANN. Becoming a sector member makes it somewhat easier for those issues to raise to the surface once again. Was any consideration given to those risks?

AVRI DORIA:

I don't know specifically, but certainly the complications of being an ITU team member were discussed and I think those would come in much more had we tried to become a sector member within ITU T. Whereas, they don't come in to that degree within the [dash D].

OLIVIER CREPIN-LEBLOND: Thank you, Avri. Lori Schulman next.

LORI SCHULMAN:

Thank you, Avri, and the board. I just have some questions about processes. Good to hear that it was fully vetted, and Avri, I have no doubt that you are a very articulate and vocal advocate for the position that we're hearing in this room.

That being said, I'm curious, because I'm not familiar with how the board proceedings work typically. It seems like there's

legitimate concerns on both sides. Was there any sort of any independent analysis or independent document or written assessment, pros and cons. I'm just curious. It seems like this was a consequential decision. It sounds like we may not even be able to foresee some of the consequences. I'm curious as to what level of expertise the board relied on, simply other board members expertise or were other observers called in to help?

OLIVIER CREPIN-LEBLOND: Avri?

AVRI DORIA:

There certainly was a lot of ICANN Org expertise from some of the folks that are sitting in this room who have been participating. I do not recall what there was. We have so many documents. I do not recall at the moment whether there was a specific document that did the pros and cons on something like this. But there certainly was a discussion and the people participating, it wasn't just board members. It was the expertise of those on the ground who were basically dealing with issues in that context coming in and saying, "This is what we're facing. This is what will help us do our jobs."

OLIVIER CREPIN-LEBLOND: Nigel Hickson. Then we've got Yrjo Lansipuro. Then Klaus Stoll. So, Nigel? And I think we might have to move on at some point. But I do understand ... Nigel?

NIGEL HICKSON: I'll go at the end, Olivier.

OLIVIER CREPIN-LEBLOND: Thank you, Nigel. Yrjo Lansipuro?

YRJO LANSIPURO: Thank you, Olivier. If you look at the relationship between ICANN and ITU, it's quite interesting. That is to say 2006 [inaudible] ICANN was a dirty word. It was never even mentioned. 2010 ICANN was put in [for] footnotes, not in the text of the resolution 101 so on and so forth. It always looked to me that we're going uphill, and really to a relationship where ICANN and ITU are talking to each other as equals. And as many have said here, I think that going through a small door at ITU D is really something that makes that relationship [inaudible].

Was there any ever, any in the board when this was discussed, was there any consideration of continuing this sort of going through the [inaudible] MoU or something on a high level with the ITU and ICANN?

OLIVIER CREPIN-LEBLOND: Thank you, Yrjo. We'll go to Klaus and then we'll see if any of the board members would like to respond. Klaus Stoll?

KLAUS STOLL: I think we talked long enough about what happened. I think we should talk about what can we do to mitigate the damage or be constructive about it. Maybe we can [suspend some membership] and have a full discussion with the community how to go forward or any other ideas. But I think we should really take [inaudible] as an opportunity as ICANN, and ICANN.org and ICANN community, to really think about our relationship to the ITU and try to be constructive about it.

OLIVIER CREPIN-LEBLOND: Thank you, Klaus. Ron da Silva?

RON DA SILVA: I just want to repeat what I said earlier. This discussion has been going on for a long time. Should we engage with the ITU or not? And if so, how? There's a lot of good feedback on the how. Some around the should we or not. It's kind of a moot point because we are.

I think, to the question about some of the decisional processes we have, what were some of the information that was considered, I think one of the main things that was driving the decision was we're there, we're participating, we are going and usually not under our own flag. We're showing up under somebody else's flag. We can't speak. We can't officially identify ourselves.

I think the board in general is supportive of we need to be there in some official capacity. Now, what that capacity is, I hear the feedback on there are probably different avenues we could take, whether it's through ITU T or whether it's through some new memorandum of understanding or something. I think, Klaus, to your point, it's constructive to talk about "now what" and is there some stronger way to go forward? But I think the fundamental question of should we be there or not, I think that's a given. We are there. We regularly participate. But we've been doing it in a very unofficial sort of under somebody else's umbrella position. And that was one of the key issues – not the only issue, but it was definitely one of the key issues that I think the board was supporting on let's make this official. If we're going to be there, let's be officially there.

Nigel, you probably have a bunch more to weigh in on this. I'll let you finish.

OLIVIER CREPIN-LEBLOND: Thank you, Ron. I'm not seeing any other hands, but perhaps, Avri, do you wish to respond or no? Okay, it's just you [inaudible]. Okay. Fine. Well, sometimes it happens. Sometimes people buy paintings by just [inaudible]. Young-Eum Lee?

YOUNG-EUM LEE: Thank you, Olivier. I actually do agree with most of the opinions here regarding our membership into the ITU D sector but the reality was – actually, it was just mentioned – ITU has not recognized ICANN formally until 2010. But only as a footnote. It is a reality that ICANN needs to interact with the ITU. So, yes, ICANN can be very high level about it and say, “Okay, you come to us,” or such.

I guess what I'm trying to say is that I do partly understand the position of the people who have been going to ITU and have been trying to interact with ITU. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Young-Eum. Chris Buckridge?

CHRIS BUCKRIDGE: Chris Buckridge, from RIPE NCC. So, several of the RIRs, as has been noted a few times, are members of different RIR and ITU sectors. RIPE NCC is a member of the T sector and the D sector. As

Ron mentioned, we've been one of the organizations that has had ICANN staff on our delegation at events like the Plenipotentiary and others.

I don't think any of the RIRs have weighed in and I don't think we should on whether ICANN should become a member or otherwise or whether there are other processes or what the process [inaudible] has been. But I can certainly say that there are issues being discussed in ITU discussions where ICANN comes up and I don't think it's very effective for ICANN to speak from one of these other delegations to those issues. So, in that sense, I think there probably is reason to look at something different to the status quo, just to allow for that more effective participation in those discussions.

I'm not sure, Tony, whether I would agree that becoming a member would highlight those issues more. I suspect those issues are kind of there and going to continue bubbling away anyway. But yeah, thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Chris. I've got Shiva and then Tony and I'm going to have to close the queue, otherwise we can go on forever on this topic. It seems that there's an endless supply of thoughts on that one. So, Sivasubramanian?

SIVASUBRAMANIAN MUTHUSAMY: Yeah. Sivasubramanian from ISOC India Chennai. Apologies if I am going to say something wrong, but I am not clear. ISOC is a member of ITU D and ICANN also wants to become a member of ITU D. Is ICANN and ISOC on a level smaller than ITU, so that it has to become a subset of the ITU ecosystem? That’s just a question that I want you to think about. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Shiva. Tony Holmes?

TONY HOLMES: So, a couple of comments. It’s interesting that the issue of footnotes came up because a number of people around this table recently spent three weeks in Dubai trying to elevate those footnotes and get it into the main body of the text. At the same time, people were trying to strike the footnotes out altogether and just lose it. And that’s where we are. That debate hasn’t really improved at all.

On the issue of ISOC, that’s interesting because both organizations do a very good job but they’re different. The correlation with the ITU is that they are responsible for core identifiers, the administration of core identifiers, for their networks, exactly the same as ICANN are for the Internet. It’s just

different networks, the same role. Those two organizations are peer organizations. ISOC is a different situation.

I've heard a number of people refer to the fact that ICANN needs to have a voice in the ITU. Yes, we need to find a way to do that, but it is not as a sector member because at all of the conferences that really count – for instance, when we discuss these footnotes – you don't get a voice. It's only governments that get to the table to make those decisions. Nobody else. And by joining as a sector member, you gain nothing.

OLIVIER CREPIN-LEBLOND: Thank you, Tony. Klaus Stoll?

KLAUS STOLL: Just very quickly, maybe as a constructive compromise, even if I'm not sure about it. Why don't we discuss joining both D and T as one milestone on the way to a full memorandum?

OLIVIER CREPIN-LEBLOND: I'm leaving uncomfortable silence which is actually filled by humming around the room.

MARILYN CADE: Olivier, I'm going to make a proposal.

OLIVIER CREPIN-LEBLOND: Let's go to Marilyn Cade and then Young-Eum Lee.

MARILYN CADE:

I think we do need to move on but I am going to make a proposal. There are people at ICANN that have spent more years working at the ITU than ICANN has existed. I'm looking at one of them. Chris and the family of RIRs. I worked there for many years. I think we should invite a separate discussion to shared concerns and bring them back in so that people have a better understanding about the nature of how work is done also in each of those sectors. They are very, very, very – let me use the word very – different.

One of them is a jungle that has [inaudible] and other kinds of animal traps. The other one is a much friendlier, more development oriented. But just because you work in one doesn't mean you own the right to work in another. But I think information is what we're lacking here and understanding the experience of those who are very, very knowledgeable and still work there.

So, my proposal would be can we just have a sub-idea that there's a conference call? Anybody signs up for it that wants to. The only topic is information sharing. Then we can come back and think about what kind of recommendation this group might want to

share with the board. And board members should be welcome but I would ask that they take an observing role and a role to just make sure that lots of members of the community have the opportunity to speak.

OLIVIER CREPIN-LEBLOND: Thank you very much, Marilyn. Nigel, are you taking the action items or who is? I'm not quite sure what the process is for action items. Sorry. I should have made that clear.

NIGEL HICKSON: Yes. Thanks very much. Yes, we can put it on the agenda of one of our calls, of course.

OLIVIER CREPIN-LEBLOND: Just before that, I was going to then give the floor to Young-Eum and then you can do closing as you wish to be at the back of the queue was your request. Sorry. Young-Eum Lee and then afterwards, Nigel.

YOUNG-EUM LEE: Just a quick ten seconds. I'm sure most of the people know this but since I think 1998 or so, the ITU Plenipot resolutions have included resolution 101, 102, 133 or 134 that actually mention the word ITU or have to do with domain names, also.

OLIVIER CREPIN-LEBLOND: Thanks for this, Young-Eum. So, back to you, Nigel Hickson. And Young-Eum, your mic is on. Thank you.

NIGEL HICKSON: Yes. Thank you very much. I'll be very brief because I have other agenda items. Yes, certainly we can take an action. So, just a few factor issues. The study groups for the D sector do look at – some of the questions do touch on ICANN's remit and some of them do touch on the capacity building initiatives that we've been engaged in with the ITU and other organizations and we'll certainly be taking advantage of being able to interact on those study groups. Council working groups are open to sector members and we take part in ... We'll be able to take part in council working groups on WSIS and on other related issues at plenipotentiary conferences of course. It's only governments that take decisions but sector members do speak in the various drafting and other groups that discuss these issues at the plenipotentiary in Dubai. Several sector members were able to speak on the detailed proposals when they were being drafted.

OLIVIER CREPIN-LEBLOND: Thank you for this, Nigel. I think that there probably is a lot more to be discussed on this one, so we'll take the action item that was

proposed to continue this discussion first on a conference call that we will have and then we'll come back to the board with further points. I do hope that this didn't feel like a lynching session or a [inaudible] session from participants here, but you can see that the tensions are rather high on this.

LEON SANCHEZ: We're happy to gather all the feedback and input. That's the whole point of the discussions. The fact that the final decision doesn't make the [weight] that some might wish doesn't mean that we're not listening and we're not taking [inaudible].

OLIVIER CREPIN-LEBLOND: Thank you for this. And just before I give the floor to Tony, Klaus did mention that he would suggest a suspension of the participation. I'm not quite sure this committee can go in that direction at all.

KLAUS STOLL: Sorry. I didn't propose it. I just said it might be one way forward. I just want to clarify that.

OLIVIER CREPIN-LEBLOND: In any case, this committee has no authority to take such decisions and so on.

KLAUS STOLL: Exactly.

OLIVIER CREPIN-LEBLOND: That would obviously be the different SOs, ACs, and stakeholder groups that participate at ICANN that would have to discuss these things internally and then their own way towards the board. Tony Holmes?

TONY HOLMES: Thank you. Just a quick question but I will make one final remark. Speaking for the ISPs, I will say that it is our intention to fiercely support ICANN in all of the activities in the ITU and our members do do that, and certainly the RIRs and ISOC also do a brilliant job in doing that. So, there is a lot of momentum there to make sure ICANN is represented in the right way.

But my question was I think the decision on this is do the ITU Council meeting and if there's going to be a follow-on action, obviously we need to have some discussion before then. Can maybe Nigel just confirm when the council meeting is? Thank you.

OLIVIER CREPIN-LEBLOND: Nigel Hickson?

NIGEL HICKSON: Yes. Thank you. The council meeting takes place from June the 10th to the 20th. I know [inaudible]. The process is at each council meeting, a paper is submitted, not as a main discussion item but under the classification of papers which are just put in [inaudible] endorsement. This paper has a list of organizations applying on a fee waiver business for membership of either of the three sectors.

OLIVIER CREPIN-LEBLOND: Okay. Thanks very much, Nigel. We are now on agenda item ... Well, we've already also touched on agenda item four for quite some time, as I've noticed that, for some reason, the first two items or the previous two items did have a component part of working together, or rather enhanced – I'm not going to use that word, am I, in that sentence? Enhanced communication. I think that's a loaded term. So, enhanced cooperation. That's even more loaded.

But the fact is that we seem to have had two instances where there now appears to have been some disconnect in some way or perhaps there's a request from the community to have this enhanced way to provide feedback and certainly feedback in public comment periods and things like this. So, I'm not quite sure if anybody wishes to make some suggestions to that. Young-Eum Lee?

YOUNG-EUM LEE: This is not a suggestion. I'd just like to inform this group that the ccNSO has put out a call for volunteers to participate in a CCWG [IG] liaison committee composed of council members and other ccNSO members.

OLIVIER CREPIN-LEBLOND: Thank you very much, Young-Eum. I have heard that the ccNSO has put together a group that deals with [IG] issues which is very much welcomed. That would be great. Is trying to – okay, good.

So, how can we work better together? Leon, I was going to give the floor to you. I know you've already spoken on how you listen to the community but you've seen two instances where there's... I'm not going to call it a problem but certainly there was some kind of discrepancy or maybe lack of coordination somehow. Is there a way that we could do things better? Has the board considered the fact that public comment periods might be required in these issues? Because I'm not quite sure that we've had public comment periods on these issues. We've had some on policy and there have been some on ICANN organizational reviews and on other things but not specifically on IG issues – not to my knowledge, at least.

LEON SANCHEZ: Well, as I said, we're still in the planning phase. We haven't determined which will be the [inaudible] and avenues for interaction. I think that when the time comes, we'll be able to actually define whether we should go into one way or another. I think it's just too early to [define] where we will be in the future. But that's absolutely something that we will be taking into account.

OLIVIER CREPIN-LEBLOND: Okay, thank you. Any other comments on working together? Matthew Shears?

MATTHEW SHEARS: Thanks, Olivier. This discussion and this meeting has pointed out the need for us to do far more in that regard. And as Leon said earlier and as just mentioned and I said, we are actively looking at ways on how we can do that because that's what we've heard, more pressing than ever, actually, over the past week in terms of how does a community get involved in these discussions.

The challenges I think for us is what is that mechanism? That's where we need to work together. I think it does become a part of how we're evolving this piece, the CCWG IG, and the difficulties that the CCEG is having in moving forward.

So, there's a component. I don't think we can isolate the two. I think these things have to be discussed in tandem. So, this working together I think does require us to actually look a little bit more fully perhaps at what we, here in this room, are trying to achieve and how we set up those means of communication.

So, I think we have to look at this not only as an initiative that we're working on but we have to look at this in a slightly broader context and really think about what is the best medium for us to be able to have those discussions? Because it feels like an awesome fit at the moment. It doesn't quite feel like it's working. We've spent a significant period of time trying to figure out the options and maybe we need to rethink this or have another brainstorm about what we're trying to achieve and what the best model is. I don't know because we seem to be ... I'm kind of jumping ahead to your next point, but I think we do need to think about this more broadly and perhaps a little bit more creatively and perhaps think a little bit more outside the box in terms of how we make this work. Thanks.

OLIVIER CREPIN-LEBLOND: Thanks very much, Matthew. Just from the discussions that I've had with the various SOs and ACs, it is rather clear. And this is, again, I guess bridging between four and six. There is some opposition from the SOs and ACs for this committee to be their

voice in Internet governance issues. So, participants in this group are there purely on their own basis. Some might relay the voice of their community or at least the views of their community where they're not actual channels from their community, so the committee itself cannot speak in a unified voice towards the board and say, "Well, speak to us. No need to speak with everyone else."

That being said, I guess we could say we're kind of the Internet governance forum of ICANN and there are other channels and I don't even know whether that's loaded to say if it's the IGF of ICANN, but there are other channels for each ... No, probably not. I see Avri hiding behind her bag. Okay. I hope I survive this meeting.

But we are somehow this good discussion platform for these issues to be taken up and if the SOs and ACs and individuals and organizations that take part in this group, need to take things straight to the board than I would imagine that they can get to the board directly and write to the board and there's a process already existing in ICANN for this sort of thing. I'm not quite sure we need to design new things in addition to what we have at the moment.

That being said, I do agree with you that we're still kind of ... It's not second date. It's more than second date. It's third or fourth

date but we still don't quite know where we stand. Matthew Shears?

MATTHEW SHEARS: Olivier, I completely agree. I don't think what we're trying to do is create new things. I think we just need to refine what we've been working with and I'm not sure that we've actually got to that point of which it's refined enough to actually give it the kind of value that we're seeking from at this point in time, speaking frankly.

LEON SANCHEZ: And also, Olivier, let's not forget that we are also committee members. I mean, we sat at the same table with different capacity, just not long ago. So, do know that you can write us directly and continue the conversation.

OLIVIER CREPIN-LEBLOND: Alright. Thank you, Leon. So, what I would suggest then is that I know that the board is actively discussing these things. You know the limitation that this committee has based on the charter of the CCEG and on the feedback that I've just relayed to you with regards to the different potential chartering organizations. I'd be interested in getting the board to discuss this Board Working Group on Internet governance to work on this and perhaps come back with in a future call so we can have a better explanation of

how you see this relationship work and how you see the input process towards the board on these issues work, having heard that public comment periods was a system that was mentioned a number of times.

On our side, we'll be of course following up on the other topic that we just discussed before, but as far as process is concerned, I personally feel that we've kind of reached the status that we're in at the moment and we can't really go much further than where we are at present.

Then we can go to something very light, upcoming ICANN IG activities.

LEON SANCHEZ: We need to ...

OLIVIER CREPIN-LEBLOND: Isn't it 45 past? It is 45 past, so we still have 20 minutes.

LEON SANCHEZ: Oh, no, sorry.

OLIVIER CREPIN-LEBLOND: Oh, I apologize. I thought it was 90 minutes. Goodness. Oh, dear. Apologies for this. So, I think we might be done then. Well, I'm

obviously going to be fired after this, so thank you very much, everyone. Thanks for this. Apologies for being late. We'll follow-up on the mailing list with the upcoming ICANN IG activities. Thank you.

SEBASTIEN BACHOLLET: Olivier, you need a coach to be a good chair.

[END OF TRANSCRIPTION]