

**Transcription ICANN Dublin
Tuesday 20 October 2015
Non Commercial Users Constituency NCUC**

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On page: <http://gnso.icann.org/en/group-activities/calendar#oct>
The transcriptions of the calls are posted on the GNSO Master Calendar page

Bill Drake: Let's start the recording then.

Good morning everybody. This is the meeting of the Non Commercial Users Constituency at the ICANN 54 meeting in Dublin in October 2015. My name is Bill Drake. I teach at the University of Zurich, and I am the outgoing chair of the Non Commercial Users Constituency.

And we have a full agenda as always today to talk about, which is essentially an opportunity to share ideas while, A, to do some administrative housekeeping things with regard to the constituency and talk about the constituency itself, and also then, B, talk about some substantive issues with visitors, all of that being a prelude then to the afternoon session within which NCUC participates in the Noncommercial Stakeholder Group meeting that will be held and chaired by Rafik Dammak, who's over there. So these are two halves of one coin.

And everybody is most welcome to be here. Glad to see you.

Let's start, as we always do, with participant introductions. Could we just go around the room and say who we are, what organization we're with if relevant, and whether we're an NCUC member. That would be a good place to start. So why don't we start with the young lady down there at my right? Hello. And you have to turn your mic on when you do it.

(Jyoti Panday): Hi. I'm (Jodi Bondi). I work for the Center for Internet in Society, and I'm an NCUC member.

Man: And we all have to say happy birthday, (Jyoti). Happy birthday, (Jodi).

(Jeremy Malcolm): My name's (Jeremy Malcolm). I work for the Electronic Frontier Foundation.

(Padmini Parwa): Good morning. My name's (Badwini Badwa), and I work for the Center for Internet in Society as well.

Rafik Dammak: Okay. My name is Rafik Dammak, and I am the NCSG chair for the last two or three days.

(Farzaneh Badii): Good morning. I'm (Farzi Badi). I'm a NCUC member and a doctoral candidate at Hamburg University.

Marilia Maciel: Good morning. My name is Marilia Maciel. I'm a researcher and coordinator of the Center for Technology in Society in Brazil. The center affiliated to NCUC, and I represent NCSG, the Noncommercial Stakeholder Group in the GNSO. Thanks.

(Aarti Bhavana): Good morning. My name is (Aarti Bhavana). I work with the Center for Communication Governance in India, which is a member of NCUC.

(Carlos Afonso): (Carlos Afonso) from Institute (unintelligible) Brazil, which is a member of NCUC, and a board member of CGI.Br.

(Flavio Wagner): (Flavio Wagner), also a board member of CGI.Br, and NCUC member.

Matthew Shears: Matthew Shears with the Center for Democracy and Technology, based in Washington, D.C., NCUC member, NCSG Policy Committee. Thank you.

(Mitchiko Hersy): Good morning. I'm (Mitchiko Hersy). I work for the United Nations Conference on Trade and Development. I'm not a member of NCUC but a wife of Bill Drake so I'm here for observer today. Thank you.

(Michael Booth): Hi. I'm (Michael Booth). I'm from Portsmouth University with the next-gen program, and I'm not a member of the NCUC.

(Chris): Hi I'm (Chris). I study in special politics at (Versiff University), and I'm part of the next-gen program.

(Aiden Birdland): Hi. (Aiden Birdland), also participating in the next-gen at ICANN program here totally as an observer today.

(Jan): Hi. (Jan). NCUC member and ICANN fellow.

Milton Mueller: I'm Milton Mueller at Georgia Institute of Technology, former NCUC chair and NCUC member.

(Niels ten Oever): Hi I'm (Niels ten Oever). I'm with Article 19. I facilitate the cross-community working party on ICANN's corporate and social responsibility to respect human rights.

(Stefania Milan): (Stefania Milan), University of Amsterdam. Currently in the Executive Committee of NCUC and soon to become councilor for NCSG.

(Elsa Saade): Hello. (Elsa Saade). I'm from Lebanon, and I work with the Growth Center for Human Rights. I'm a recent member in the NCSG and fellow and first time comer.

Mahdi Taghizadeh: Hi I'm Mahdi Taghizadeh, a first time fellow from Iran, and I'm working for private sector and I'm not a member of NCUC yet.

Zakir Syed: Hello good morning. This is Zakir Syed, a returning ICANN fellow from Pakistan. I'm a relatively new member of NCUC and trying to find out more about its working and stuff. Thank you.

(Naveed Bin Rais): Good morning. My name is (Naveed). I'm an NCUC member and an ICANN fellow. Thanks.

Tapani Tarvainen: Good morning everyone. I'm Tapani Tarvainen. I'm currently in the Executive Committee of NCSG and the incoming chair of NCSG, and NCUC member. I represent the Electronic Frontier of Finland, not to be confused with the Frontier Foundation. And I'm an NCUC member. (Unintelligible).

Zuan Zhang: Good morning everybody. I'm Zuan Zhang, aka Peter Green from Beijing, China. Currently I'm serving as the Asian representative on the Executive Committee. Thank you.

Maryam Bakoshi: Hi good morning everyone. I'm Maryam Bakoshi, secretariat support for NCSG, NCUC, and NPOC.

Bill Drake: Okay. I'm sorry. I lost track because people are coming in. Some new folks came in. Could you introduce yourself briefly?

Avri Doria: Sure. Avri Doria. Apologies for being late. Taxi is at 9 o'clock. It's not the right thing. Yes - and my next to last day as a member of the GNSO Council as an NCSG rep.

Stephanie Perrin: Stephanie Perrin, NCUC. Identical excuse as Avri. We should have got together on that obviously. And I'm a GNSO councilor. Thank you.

Bill Drake: Okay. Could - might as well introduce - did anybody else sit down at the table that I missed? Where? Well if the people in the back could also stand up and introduce themselves, that'd be really great.

Arun Sukumar: (Unintelligible) from the (Observer Hess) Foundation, (Delhi).

Bill Drake: Fantastic. And NCUC member.

Arun Sukumar: Yes.

Bill Drake: And next?

Tamar Bizyale: Hi. I'm Tamar Bizyale. I'm from Ukraine. I'm participant of next generation, and I'm not a member yet but I'm thinking about becoming one.

Ana Kakalashvili: Hi. I'm (Anna) from Georgia. Fellow here. (Unintelligible) to see if NCUC is worth joining.

Flavia Sefiru Guimaraes: Good morning. I'm Flavia Sefiru Guimaraes. I'm from CGI.Br and NCUC member.

(Ellen Strickland): Hi. I'm (Ellen Strickland), University of Queensland, Australia, NCUC member and also aligned to Internet NZ.

Bill Drake: And we have one more approaching in Russian fashion. Please join us. Have a seat. Say who you are.

Motoko Aizawa: Good morning. My name is Motoko. I'm with the Institute for Human Rights and Business. I'm here working with Article 19 on the human rights agenda. Thank you.

Bill Drake: (Monica), where are you? I don't even see you.

Mary Wong: Hello. Good morning. Mary Wong, ICANN staff and a former NCUC and NCSG member and GNSO Council member.

Bill Drake: Okay. Have we got everybody? Then let us begin. Did we miss anybody?

(Karel Douglas): Good morning. My name is (Karel Douglas) from Trinidad. I'm a fellow and also a member of the NCUC.

Bill Drake: Fantastic. Thank you very much.

Tatiana Tropina: Hi everyone. My name is Tatiana Tropina I'm a Russian living in Germany, working for the (Marx Blanc) Institute for foreign and international criminal law. I'm a cyber security lawyer.

Bill Drake: And an NCUC member.

Tatiana Tropina: Yes.

Bill Drake: Okay. So thank you all very much for coming. As I started out saying, we have an agenda that was vetted on the NCUC member list, and I didn't receive any feedback. I did however make one small addition to the end of this first segment this morning, which was to ask for a brief accountability update from the some of the people who have been involved, particularly some of our covered travelers who are here with support from NCUC, if they could maybe say a word.

And of course I think we also could add in as well just to get us teed up so that when after the coffee break we have our visitors, we're all primed and ready with good questions and so on and so forth. So let me just give you a

brief overview of the agenda, and if you want to add anything else at this point, we can do that as well.

I thought the first part we would talk for the first half hour about -- and of course that rolls quickly -- to go through a number of different quick organizational matters, things that we're doing of an administrative nature within NCUC to keep the constituency alive and functioning.

Then we will talk a bit about NCUC history, and the reason for doing this is that we had the other night a very nice party for the 16th anniversary of NCUC. We did the 16th anniversary because we didn't do the 15 last year, didn't think of it. So we had a nice party the other night and we did have a chance for a little reminiscing over wine and so on.

But actually one of the things that's always bothered in NCUC is that we have a sort of lack of good institutional memory, and when new members join -- and new members have been joining in large quantities over the past few years; we've doubled our membership in the past three years -- they often don't have the background about, you know, what is this group that they've joined into.

So I thought I would ask a couple of the founding members, people who launched NCUC, to say a few words: Milton Mueller and Kathy Kleiman. Kathy unfortunately had to leave because of an illness in her family so we have only Milton. But that said, Dr. Mueller I'm sure can probably amuse and entertain us for a few minutes with some historical reminiscences, and others can add into too to taste. Then we'll move on.

But that will give us then a transcribed and recorded summary of some points that maybe we can then compress down and put on to the website, which I think would be useful. After that, we'll have the standard ICANN coffee break. And after the coffee break the main act begins.

From 11 o'clock to 12 o'clock I'm please to say that we will have I think for the fourth time a visit from Larry Strickling, the Assistant Secretary of Commerce and the head of the National Telecommunications and Information Administration in the U.S., who is of course the key person in having to take the transition and accountability stuff up to Capitol Hill to try to get all this through, and Fiona Alexander, who's the head of the Office of International Affairs and works very closely with him on these issues.

So we should be able to have a quite robust discussion with them about the current state of play with the transition and accountability and related matters. In the last hour I thought we would talk a little bit - step back a bit, something we haven't done, and talk a little bit about the future of NCUC in the wonderful bottom up multi-stakeholder model that we have here at ICANN.

NCUC has at various points, as some of you will know, come under some pressure, if not attack, from various parts of the ICANN board, staff, and community for being an outlier and not playing the game and being sort of raising in a sort of muckraker way concerns about the ways in which NCUC - ways in which ICANN is operating. This has sometimes put us in a position.

And most recently, we've had this GNSO review that was mandated by the board, which was essentially a calculated attack on NCUC and NCSG which I think raised some interesting and troubling things. So it might be worth saying a little bit about that, and then also talking about the current effort to revise the bylaws in light of our evolving and future status. And we can talk more broadly about anything pertaining to NCUC and its orientation and how we go forward together as a community, and then finish with a little retrospective and transition out.

So that's the game plan for the day, if that's good. If there are any - are there any additions anybody would like to suggest, any comments, any AOBs I should know of in advance? Yes, sir?

Milton Mueller: It looks like it could fit under this bylaws discussion but it might be considered different. But once Robin gets here I want to discuss the legalization of NCUC.

Bill Drake: Yes, I meant that to be entailed in this. I just didn't write it. But yes, okay. Fine. Absolutely. Aha, more late arrivals. Hello, young man. Join the table. And when you're set up, introduce yourself. This is one of those pens I have.

And by the way, I want to note that for the first time we have with us Maryam Bakoshi, who is a part time administrative assistant to NCUC as well as NCSG and NPOC and has been really helpful to us. And that's why we actually have a printed program for today. So thank you Maryam for that. That's wonderful.

Okay so Amr are you seated? Where are you? Could you introduce yourself, please?

Amr Elsadr: Good morning. Apologies for the late arrival. My name's Amr. I'm a member of the NCUC and NCSG since 2010. And I'm a representative of the Noncommercial Stakeholder Group on the GNSO Council.

Bill Drake: Okay. Thank you very much, Amr. Okay so let me just tick through these operational points fairly quickly, and I'd like to get your feedback and reactions on them.

So the first one I just wanted to flag for you, particularly for folks who are new to us here, some of the other events of particular interest that are going on at this meeting. We have had several NCUC events already. We did an outreach event on Friday -- no, I'm sorry, on Saturday -- which had about 70 people in it, which was I thought quite successful, where various people got up and explained what our involvements have been in, some of the main issues that we've pushed over the years and, you know, this was an effort to sort of encourage newer members to get engaged if they wish to do so.

James has come in. James, would you introduce yourself just quickly? And maybe - is there not room for you at the table? How about here?

James Gannon: Hello. James Gannon. What do you want me to introduce myself as?

Bill Drake: Who you are.

James Gannon: Who am I, what do I do? So I'm a relatively new NCUC member. I've been part of NCUC for about a year, and I'm a policy advocate. So I enjoy doing policy work for NCUC. I'm involved in the transition stuff, the accountability stuff. I do work with Stephanie and Kathy on privacy. I've done work with Stephanie on some of the Whois conflicts with national law for NCUC, and in general I think that it's a great place to be in ICANN. I think it's a very active and welcoming community.

Bill Drake: Thank you. And he's also the social director. We've appointed him just as of today.

James Gannon: I was volun-told into that role.

Bill Drake: So he was the person who scored the venue for us for our party on Sunday night, which went very well. So thank you very much for that.

Okay so just a flash that there are a number of events taking place over the remaining days that are of interest to NCUC. There's a whole program of NCSG activities that Rafik has circulated on the NCSG mail list. That includes the afternoon meeting today, which starts at what time, 1 o'clock, 3, Rafik? It's one to three. And where?

Rafik Dammak: Two. Two pm.

Bill Drake: It starts at 2. Sorry. It's starts at 2.

Rafik Dammak: Your meeting will finish at 1 pm. So.

Bill Drake: Yes, yes.

Rafik Dammak: So 2 to 4:30.

Bill Drake: In room...?

Rafik Dammak: L4 foyer. And I mean Maryam will give I'd say the guidance later how to go there.

Bill Drake: Okay. And there's a list of other activities as well. Also we have a series of activities that NCUC and NCSG have launched together over the past couple years, particularly initiatives on privacy protection and human rights. And there's multiple meetings still to be held on that over the next couple of days as well. So you have to just check the schedule, as well as some sessions on Internet governance that may be of interest to people.

Some of us are very active in the Cross-Community Working on Internet Governance, which meets tomorrow morning and has as always a big public session on Thursday morning. And of course there are all of the accountability sessions that will be running the rest of this meeting. So these are all things that people might want to have on their radar.

I am, as I said at the outset, the outgoing chair, having served three years. In the next few weeks, I will send out a notice to the NCUC members list launching our annual election. And there will be six slots open for contestation. And I hope we will get some new blood, some really energized active people who want to participate in trying to take NCUC forward.

I'm not sure which of our incumbent members of the current Executive Committee intend to stand for election. I've not asked them. But in any event

the chair, which is me, and then the five regional representatives for North America, Europe, Asia Pacific, and the Middle East, the ICANN regions, Africa and Latin America and the Caribbean will all be open for contestation. And we will have a two-week cycle.

There will be nominations. Then there will be candidate statements, and then there will be votes announced in early December. The new Executive Committee and chair will take over, and it will be their responsibility from there.

So I hope people will very much engage in that process and support it and make sure that they let other colleagues know to participate to vote. I believe you have to have been a member for a month prior. I have to double check that but I think that's right. But we have normally had quite good turnout.

We have at present fairly, as I noted, the membership of NCUC has grown rapidly in the past few years, and we are now -- I'm just going to look on the web to tell you -- 448 members from 105 countries, including 110 noncommercial organizations and 338 individuals, with about half in the global south.

So we are probably one of the most diverse and bottom up parts of the ICANN community. And we very much want to get more people involved in any way possible, particularly in these positions. So I hope you will think about that.

Some other things I wanted to bring up that are on the agenda for I guess the next chair and Executive Committee to take up in full are some new initiatives. One was that James Gannon next to me was proposing that we might do a refresh on the website that was built by members a few years ago. This was a big activity that some volunteers put a lot of time into, but we could always go to a newer and fresher look.

Do you have something you can show or you do not?

James Gannon: So I did as of last night but when I was trying to put it back up, I managed to destroy the whole virtual machine. So what I'm going to do is - so I was going to give like a two-minute overview, so what I'm going to do is I'm going to do up a couple of examples. I'm going to send it to the NCUC list so that members can wash we can possibly do.

Bill Drake: Okay. So if you go to the NCUC website, you'll see there's something called working teams. This was something that I established when I came in, which creates sort of informal clusters of people who could work on different topics. And they - we run them while we need them and then we shut them down and create new ones and so on. There's a members affairs team. There's a e-platforms team, which would be the place where this would probably be evolved. And there's a bylaws team and a program team. That's what - the four that are standing right now.

And so anybody who is a member and wants to join one of those, can simply go online, click to join the mailing list, and assuming you're a member, Maryam will add you into that group and we'll carry those discussions forward there.

Another issue I had suggested in the Singapore meeting in, when was that, February, of this year, that we might consider doing a book. And one of the reasons for that was those who were there at the time might remember -- or maybe it was in Buenos Aires; everything blurs together now -- we had one of the members of the board, George Sadowsky, come and give a little apology to NCUC and say, you know, I've never really understood what you guys were all about and I don't, you know, don't always understand what your positions are on different issues, et cetera.

And it just seemed to me that we have a heck of a lot of people in this group who write a lot, who blog a lot, who are academics and write articles, who are

activists and write articles and reports and so on, and it might make sense to do some distributed participatory effort to put some of our shared positions together into an e-book format that can be shared with the wider community.

When I suggested this, at first there were a number of people who grunted yes, good idea, and then others who looked at their shoes. And so it didn't sort - I didn't have a sense that there was a burning desire to do it. But more recently, a couple of members have expressed strong interest, including a new staff members who's working with civil society, Adam Peake, who's a long time NCUC member as well, though now he's staff, saying that they would like to reboot the book idea.

So that's something I hope that in the next year people will indeed take up and, you know, there are a number of different ways we can do this. I mean my feeling would be that you have to do this is a fairly open kind of inclusive way and give everybody in NCUC an opportunity to at least submit a proposal so that people don't feel like it's just a small elite that was selected - preselected to write things.

And then there's if competing or difficult proposals, we can form a review team to select who would write. You know, it depends on how you want to do it. But then to agree on some sort of structure or presentation and policy recommendations that flow from each topic and go through the various different issues that we have been pushing for all these years so that within a half a year, maybe by next summer, there would be an e-book that others in the ICANN community could look at and no longer be in the position to say, "Oh we don't know what NCUC stands for" because they would have positions that - articles from various experts that got some feedback from others in the community, in which hopefully broadly reflect NCUC positions.

The alternative would just be that it sort of lit out 100 flowers bloom and have people write whatever they want irrespective of whether it's supported by the rest of the community, but I'm not sure that that is as ideal. But in any event,

there is a desire to take this forward. And so just briefly it'd be good to hear from people. Maybe (Farzi) you'd like to say something about it. You've been keenly interested in making this move forward. So if you want to add a word.

(Farzi Badii): Hi. I'm (Farzi Badi). So yes so initially it was Bill's idea and we have - I think it would be also very good to - for the newcomers and the fellows to have kind of like a look at the book that says what we do so they understand better what topics we work on.

We still haven't come up with a finalized table of contents, but generally can I say some of the issues that we might be concentrating on? So privacy issues and human rights, and also there might be a section on transparency within ICANN and the role of Noncommercial Users Constituency in that, and also a couple of chapters about the history of NCUC and - yes.

Bill Drake: So the point being that we have many members who have views on those kinds of things so we would have to, I think, give everybody a chance to sort of say what they might want to contribute, and then we can construct it, I mean pull it together. I think it would be a very useful enterprise. Does this resonate with people? We're talking about short papers, you know, five-page policy papers basically.

I have edited - I'm on my seventh edited book right now. So I know what it involves to try to do these, and you can do them well or less well. It depends on how you want to approach it. But I would like it to - personally, you know, I would like NCUC to put out something that's a very professional looking product that both speaks to newcomers but also speaks to people who are professionals in the field here, who are counterparts in other constituency stakeholder groups, the board and so on.

Because you will be astonished. If you're new to ICANN, you will be astonished to know how fragmented knowledge is here of what everybody across the community is doing and how often I talk to board members who

think they know something about NCUC, and when I talk to them for more than five minutes I realize they have no idea what we're doing. And so I would really like to try to get to a point where they really can't make that argument anymore, because we can say there's this. So - yes?

Woman: The idea just came up to me and it would be great since I'm a newcomer, and I don't know about the other newcomers, but it would be great if there would be some kind of collaboration between newcomers and the old members, maybe co-writing or like giving experience from both sides.

Bill Drake: I totally agree. That's why I say it should be open. We can have - one configuration would be that, you know, some more veteran member like Milton writes something about IANA and then maybe a couple of newcomers write shorter responses to that or build on that, et cetera. There's a number of different configurations you could do.

I know Milton loves when I volunteer him for work. But anyway, my point is we can think about this a group and come up with something that will work. Obviously it should not be a 500-page book, it should be under 200 pages, maybe even under 100 pages. But it should be something that in a synoptic way gives people an easy overview of where we're at and can be updated as time goes, if it's a virtual book.

Rafik and then James.

Rafik Dammak: Okay thanks, Bill. Just maybe to clarify something about the whole idea of adding the book is that we've heard many times for many newcomers, new members that they want to understand what kind of topics we are talking about and discussing within NCUC and also NCSG.

And so we thought that we can start first to see several topics and just to - I mean as, you know, a computer engineer I think sometimes to kind of prototype, trying to show something first, can give an idea to people if it is the

right way to do or we can fix things. That's why in the beginning maybe to start with some chapters to get feedback, and then we can improve that and we continue.

I do see the document as a living document, it's not just to make handbook and then we stop because really we need to find a way to form the structure or whatever, that we can update it, we can get feedback and so on, and always continue to work on that. It's not just a book that we would publish like next year and that's it. No it's how to continue to work on that, to add a new chapter, to add a new contributor and so on.

Bill Drake: Absolutely. Yes?

James Gannon: So - James. So the other thing that I think it would be really useful for, and I thought it would come out of the mirror back to it being there, is it would highlight the amount of experienced people but also the collective experience of NCUC within ICANN internet governance in general.

Like I know when I joined I didn't realize some of the people and the names in the Internet governance space that were involved in NCUC. So like, you know, we have Milton, we have yourself, you know, on this privacy side, we have Stephanie, you know, we have (Niels), we have EFF, and I think that's something that could commence through that book would be to be able to say we're not just NCUC, we're NCUC and here are, you know, the incredible people that are involved. And I think that's an important thing that should be able to be highlighted through it.

Bill Drake: Right. And so the challenge then is to find - calibrate it right so that it speaks to multiple audiences, the newcomers, the people we work with, and also outreach to the wider world. We, you know, we want, I think, NCUC to be understood by civil society actors outside of the ICANN space and to see how their issues relates to what we do in ICANN and why they might consider partnering with us in some way. So there's a lot to be done with that but I

think it's a useful vehicle to pursue. And I'm glad to hear that people are psyched to do it.

A number of new people have come in since we've been talking. So I don't whether to stop and welcome - well I see David Cake, who's one of our GNSO councilors, I see Maria Farrell, a longtime members, and who else, (Monica)'s back there and so on. So anyway, welcome to everybody. There's a lot people here, which is great.

So that's that. And then I also wanted to flag that in the next work cycle, aside from the election and everything that we're going to be doing with mop up on accountability, human rights and other issues that are ongoing, there will be some new things that we're going to have to take on between now and Marrakesh.

One of these I think is trying to work on the question of global public interest. This has been a divisive issue that some people had very different views about, and we debated at some length for an hour, I believe, in the Singapore meeting or the Buenos Aires meeting, I can't recall. But in any event, there will be initiative once this settles down, the accountability settles down, to try to work on bounding, if not defining, the notion of what the public interest means with respect to ICANN's functions.

NCUC has a workshop on this that I've organized that'll be at the IGF meeting in a couple of weeks in Brazil with a very good senior panel of people. And we have also I think -- did (Nora) come in today -- and we have (Nora Abusitta) here, who is the vice president for public responsibility who's going to be the lead staff person, it's her shop, has taken the lead. So we hope to partner with her on these issues. And I've been in contact with her on this as well. So again, something they have our agenda for the next half of year.

Finally -- and still more people coming -- finally I thought just to get - do a quick update, and we're behind but that's okay, about the accountability

issues. A lot's been happening in the accountability working group over the past few days, and before Larry and Fiona come, it might be good to try to do a little quick stock taking of where we are.

And so I thought maybe James, (Farzi), (Josi), and (Jeremy), since you're all here as fundees, one of the problems - one of the initiatives we started in the past year was to put our NCUC's funding available - to make NCUC's funding available to bring people to meetings to get more participation. So the executive committee spends a lot of time selecting people who apply for support, and all those folks got support.

If any of you have updates on the accountability process, where we are now, or other things you've particularly noticed in - especially since this is your first or second meeting, it'd be great just to share that briefly. And we can also ask others who have been more deeply involved for longer as well. So (Josi), why don't we start with you?

(Jyoti): Thanks, Bill. So the accountability discussions of course there's a ticking clock and the community needs to come up with consensus on the model going forward. And the two models that are receiving - facing off of each other is the sole member model and the designator model, and some of the issues.

So in the designator model, the threshold for enforceability has become the removal of the board, and this is being - the model is being pushed by stakeholder but the community is pushing back, as of course that's a really high threshold. And it does not account for budget veto, fiduciary responsibilities and other issues that is being discussed. So yes that's where largely the community sits right now in terms of the models and why they need to make a choice.

Bill Drake: And the exercise of the powers that were contemplated would be done on a consensus basis? Is that correct for the voting? Is that right? It's a trap. Okay

you'll tell me why it's a trap in a second. Okay. Thanks, (Josi). (Jeremy), do you have anything you want to add just real quickly?

(Jeremy Malcolm): Well not on accountability, because accountability is out of scope for EFF but I can talk about other things, but maybe later.

Bill Drake: Say a word on the other things that you're interested in.

(Jeremy Malcolm): So some of things that we're interested in are the privacy proxy accreditation services, the Whois conflicts with privacy laws, the review of the rights protection mechanisms. So really we're honing in on the substantive privacy and freedom of expression issues that NCUC is dealing with, not that we misunderstand that accountability isn't also important, but in terms of allocating our resources to where there's immediate need, we're focusing on those rather than on the accountability or the transition of oversight.

Bill Drake: Great. Well it's great to have EFF with us, and we're glad you brought them, (Jeremy). So James, what about you? You've been following these things closely.

James Gannon: Accountability. So we've had - I think we're probably up to about 14 to 18 hours of accountability meetings already. So we started late last week before the meeting even started. So rather than going down into the specific nitty gritty details, I think at a high level it's actually been a lot of progress. And I think that we've noticed a change in the working method of the board, and I think that should be welcomed.

We still have disagreements with them, but I think that we're in a position where we're less standoffish now and I think we're actually moving towards something that we can possibly all just about come to agreement on. There is still some details to be fleshed out. There is still some, you know, specific language and specific wordings that we need to see to be able to sit down and go make an informed decision on some of the critical issues.

Namely the one that I would personally be worried about is how are we going to enforce the CWG requirement, which comes across from the transition work that was initially done on if the community through the IANA functions review process decides that it wants to divest the IANA functions from ICANN and move them elsewhere, how do we do that, how do we make sure that we as the community are able to make sure that that happens if we feel so strongly after a very long and very engaged process in order to come to that decision, how do we make sure it happens.

So there's - it goes to the model discussion, but at a higher level it goes to where do we feel we fit in the ecosystem of ICANN. Do we sit below, do we sit in line, or do we sit above board? And I suppose that is one of the fundamental questions that's being addressed, and it's something that we're all still working through.

And I don't think anybody has full agreement on it. And it's not a case of where we're sitting now in one place and everybody else is sitting in one place or the board is sitting in one place and the community is sitting in the other, we're still working through it. But I think for me anyway over the last two or three days of meetings, I can see that there's been a big change because we're actually moving forward now. And hopefully we're moving forward to a common goal where we can agree and we can actually get this done.

Bill Drake: Nothing focuses the buy in like a crisis. Okay (Farzi), what do you think?

(Farzi Badi): So I have been following the accountability discussion since February and I believe the purpose of accountability was to put ICANN in the shadow of the law and so that they don't -- by ICANN I mean board and staff. And we were - and I think the stronger mechanism would be that the (unintelligible) we have access to court if the board breaches the bylaws. But the community -- well most of the community -- feels that that might not be appropriate, so they

come up with, like, alternative mechanisms and - which is like a sole designator model.

And I still think it's a very soft approach and - but well I think we are going go with the sole designator, which prevents us from being able to go to court easily and - yes.

Bill Drake: Could you perhaps elaborate? So the designator is softer than the single member model specifically in what ways? In what ways are we dialing back from where the CCWG wanted to be?

(Farzi Badi): So it's statutory rights. We don't some of the statutory rights that sole members get. One of the most important things is inspections right, right? So - and by statutory rights, if you don't - if the board does not listen to you, you can go to court and say this is my statutory right, enforce it for me. But in designator model, we can't do that. You have to always go to arbitration.

And one thing that has been misleading, they say you have access to courts, you can enforce the arbitration outcome. That is totally not true. That is not access to courts. You cannot go and substantively discuss the issue at court, you can only enforce it and you can challenge it based on due process issues. You cannot, especially in the U.S., substantively we don't discuss the outcome. So I say this jeopardizes our access to justice.

Bill Drake: Okay. Let me hear from a few other people briefly. Avri, you were grumbling. All right, you were making a face.

Avri Doria: I was not grumbling at all. I was saying on a separate topic that getting into the discussion of whether we've actually switched to a consensus model or not, was a trap of a discussion because then we would disagree. We would start getting into discussion of what is or not consensus, and that wouldn't get us anywhere. So that's what I meant by that being a trap. You know, it's a wonderful discussion but it's a very lengthy one.

And if you're asking me what I think about what's going on at the moment, most of it has been said. There are two models. I'm one of those that sees there as being a real discontinuity and difference between the two models. And yet what we have pretty much all accepted de facto in the meeting is that it's a gradation difference and it's really just a matter of this aspect of enforceability, this aspect, how do you get to court, how do you not get to court, how do you arbitrate, how do you not arbitrate.

And so basically the people that have been supporting the members model are by and large getting picked off sub topic by sub topic, sort of saying well, you know, I'll give you a little bit of arbitration here, I'll give you a little bit of enforceability there, ooh how would you like a, you know, a bylaw on X, Y, or Z. And one by the way, the members are going, "Oh well, fundamental doesn't look too bad."

But it really comes down to what James was talking about in terms of the relationship between the two and who has last call on decisions. And unfortunately it's not a three-position switch, it's not either ICANN board or ICANN community or somehow there's parity. One or the other has to in some sense be the final arbiter.

Now you can strictly limit the application of the rights so that if the community has the final say it can be very, very narrow. But to actually establish parity between the two, which would be the ideal, is difficult and needs to be done by various constraints so you can make it so that the board still has the final say but we get to petition real strong, or you can have the community has the right say - the last say but the board can constrain it and we can constrain ourselves by saying the board has to initiate the conversation, we have to be unanimous or something, so it can be constrained. But one or the other still has the last say, and that's what becomes determinative if we do end up in court.

Bill Drake: Okay. Do we imagine from a civil society standpoint scenarios in which we want to end up in court?

Avri Doria: No that's just it.

Woman: It's not - it's the possibility of going to court that deters the board from making decisions against a policy. So it's not about whether we want to go and file a complaint against current lawsuits, we don't have the money to do that, it's the possibility that - it's a simple cost and benefit analysis. The court says oh if I don't do this, they will go to court. This is - that is why I think talking about scenarios is very good but it's not the purpose of having access to court.

Bill Drake: Sure. I am asked by staff to remind people to say their name before they speak for the transcriptions.

Matthew and then Stephanie.

Matthew Shears: Yes just a follow up with what everybody else is saying. Sorry. Matthew Shears. The - James really hit the nail on the head. The issue - one of the main differences between, as Avri's been saying, one of the main differences between the two models is the issue of certainty.

And one of the concerns that was raised yesterday was if the community wishes after all the various checks and balances it's been through to move the IANA functions, how can it be certain that it can do so when the final decision rest in part in the hands of the board. And given that the IANA functions are central to ICANN's identity and purpose, it's quite reasonable to assume that the board would strongly insist on keeping the IANA functions operator within ICANN. So I think that there's an uncertainty element to this whole designator model versus a sole member model is of concern to me in that respect.

The other - a couple of other things. The co-chairs are really charging through the issues. I mean we have got a huge amount of detailed work to do on a whole number things, not least of which is the escalation method and also the decision-making process, whether it's consensus or some other version thereof.

So all that still remains pretty up in the air, although we do seem to be moving to some form or quote, unquote consensus in which bears a great resemblance to voting in my mind. But. And then the other thing is that this is - we're very cavalier in this working group about talking about spilling the board. It seems to be something that everything - oh everything is going, "Oh well we can spill the board. Oh if this doesn't work we'll spill the board."

I mean this is quite astonishing to me given the amount of disruption and time and everything else and use of resources that it will require to spill the board and get a new one on board, and then you're still not guaranteed you're going to get the board you want. So I think that's an issue of concern. Thanks.

Bill Drake: Well again, the implied threat, as (Farzi) says, you know, it's like contestable markets in economics. You don't necessarily have to have the market being contested, it's a possibility of being contested. Just like separability. The possibility of separation is, you know, is what you want.

So Stephanie and then Milton and then I don't much history we're going to do. Stephanie, Milton, and then Ed.

Stephanie Perrin: Yes. Stephanie Perrin for the record. And this is just a question from someone who's had a hard time following everything that's going on in accountability. But I do worry about two things. The focus on spilling on the board causes me to wonder if huge dominant global players who would suddenly benefit from ICANN being unstable or destabilized or thrown into chaos, might either sue, regardless of what the board gives them, or spill the board, just in order to stop ICANN's machinations.

Has anybody - has this been subject to a stress test? I mean the way to put your competitors out of business is to file a trademark lawsuit and they don't get any investment and eventually they die, right? It happened to BlackBerry. That wasn't all that went wrong with BlackBerry but you get my analogy here. They were tied up with trademark suits for years. Anyway, what happens if that happens at ICANN?

Bill Drake: Why don't I follow the - okay it's a two-finger sort of response quickly and then I'll...

James Gannon: Yes capture is a theoretical issue and it has been subject to stress tests, and the broad agreement is that we don't believe that the entire ICANN community can be captured.

Bill Drake: Milton?

Milton Mueller: Bill Drake for the record. So I think we need to talk about the politics here. I think we're talking a lot about our position on the accountability issues and I think we are the more principled element in this discussion as a constituency. But most of the other players are thinking strategically about, you know, what do I have to gain or lose.

I mean think of VeriSign for example. What, you know, they have not been a bad force, as far as I know in this, but they have very practical considerations to worry about. And so if they're willing to accept a compromise because it really doesn't bother them that much, then we really have to think about what can we do to push the coalition of people who want enforceability, real enforceability, in our direction. And I don't see much good ideas about that, and I'm not sure that I have any at the moment.

But we do have think about what Avri said. The advocates of membership are being picked off. We're losing them one by one. The chairs of the CCWG

have enormous pressure on them to get something done as quickly as possible. We're told that if the whole transition process moves beyond September 2016 and into a new U.S. administration that it could be threatened, which is probably true.

So there's a lot of practical political positioning that's going on, and we have to think about if, you know, (Farzi), if we want to get this in court based enforceability, which I do, how do we convince people to stem the tide and who do we go after and what specific proposal do we make.

One of the things I think we want strategically is we do want to slow this down a bit. We don't want the chairs to ramrod something through in a private room. And then I don't know if some of you saw me kind of get a little angry at Mathieu yesterday, but I just felt like he was manipulating the dialogue so obviously that I had to, you know, say something.

And again, it's not like they're bad people or anything but it's just like they really want to get something done and if you start raising issues that don't quite fit into their framework or how this is going to get conclude, then they start shutting you down.

So I think we do need to try to slow things down. And one of the ways we do that is we have to insist that there is another public comment period. They are deviating so substantially from the original proposal that was sent out that the public has to be given a chance to look at this whole thing and assess it on its own.

We can't just say, "Oh gosh we put out a thing with a membership model and we had a huge collision with the board and we talked about three different new models, and we came up with one of them which isn't the same. But somehow we're going to bend and stretch this model to give some people what they want." And we don't need a public comment period to assess that?

That's a crazy idea. I mean I think we can convince everybody that we have to have that.

And then in deference to my buddy Ed, I want to say that we do have consider, even though it's a pretty serious thing, if we do not get sufficient accountability from the plan, do we oppose the entire transition. And that's a really difficult one. Probably we don't need to think too seriously about that yet, but it's sitting there, it's out there as a thing to think about -- or start thinking about.

Bill Drake: So you're taking your cues from Alan Greenberg then is what you're saying.

Milton Mueller: That's fighting words. This is Alan Greenberg for the record.

Bill Drake: Okay I see. Mr. Ed.

Ed Morris: Thanks, Bill. Ed Morris for the record. I mean I agree with all of the above but in hearing Avri speak about people being picked off, I'm playing the game. Negotiations behind closed doors? Yes I'm there. And what I think you're going to see tomorrow is we're going to be shifting the reference model from membership to designator. I don't think there's any question about that. That's the goal of the chairs. I think that's the sense of the room, whether we like it or not. And I don't.

And so then the question is if we're going in that direction, what do we do. I think Milton's idea is practical. I think it's doable. We'll have another public comment period, probably not 40 days, more like 20 to 30. What I can tell you, an issue that I've been fighting for that basically is fundamental to me, which is transparency, the ability to get corporate records, the ability to get meetings of the board.

I believe tomorrow we'll have a proposal out there that the lawyers have vetted that will allow us to do so without membership that I'm satisfied will

work. That doesn't take care of the problems James has talked about. We have a real problem with meeting CWG requirements in the designator.

But in terms of the issues that I think are important to this community, frankly the IRP, that is the basis of a lot of the accountability, the people in this room and the people we represent are probably never going to be able to afford to go to an IRP. We're going to look at affordability in Work Stream 2. Fine. But there's no guarantee.

This constituency for example, if we were to take the board or try to take the board to an IRP, there's going to come to a point where somebody's going to want to have to write a check for \$200,000 minimum. So these issues are important to the corporate folks but I'm not too sure how important they are to us.

I focused on sunshine, on transparency, because if I give Milton or I give Bill some corporate records showing wrongdoing, you guys know what to do with those. So for me that's been a fundamental core issue for this constituency to fight for, and I think we're going to get that done.

The difference between the two models is whether you have direct enforceability or indirect enforceability. The problem, as Matt said, with the designator model is everything winds up with spilling the board. The solution for every problem is getting rid of the board. And particularly when you're dealing with PTI, it makes no sense, because if you have a problem with PTI why do you want to spill the board of all of ICANN? That's illogical.

But that's, whether we like it or not -- and I hate to be the voice of doom or the voice of reality -- that's where we're headed. We should continue to fight it. We should demand public comment. But this process has not exactly been bottom up from day one, and it has not exactly been a shining example of the bottom up multi-stakeholder process.

And so I guess what I'm saying is as a practical matter we're going to sole designator, whether the folks in this room like it or not. And I think what we need to do is a two-prong strategy. One is doing the public comments Milton talked about, and the other is to try to extract the things we really need. And so if anybody else has some redline issues -- I look at Bret over there and I think you have a few other redline issues in heritage -- we need to make it clear now.

Because right now the co-chairs and the other folks and the corporate folks Milton talked about, they're willing to give us some stuff to get us on board. So if we have redlines, let's not keep it a secret. Let's get it out there in the open in tomorrow's meeting.

Bill Drake: Okay. By the way, so Milton I think what we'll do is we'll fold your little history bit into that last hour. It's worth doing just briefly. And if it's with rest.

So let's take five more minutes and then we'll just go to late to coffee and come back for Larry and Fiona. Avri, did you want to get in again?

Avri Doria: Yes thank you. Avri speaking. This time I wanted to have an opportunity to say Avri speaking. No I wanted to actually address the issue of does the transition or either or the models create more opportunities for suit and more opportunities for capture.

In a sense, we've got an amazing number of opportunities to sue now. All we have to do is create a bunch of persons out of our stakeholder groups and each one of them can go sue at will. And so we can have all the suits we want. The creation of the member, people sometimes say that's more likely for capture because it could sue.

And yet it can only sue as if there's consensus -- or a supermajority vote, however you want to term what they're talking about -- if there's consensus in

that group. They can't just sue, you know, because one or two groups want to sue. They can start talking about suing if one or two groups do or not.

So I think that the conversation about one model - I mean transition and the member model making for more suit is wrong, and I'll go one step further. I think that if there is membership and the members have some genuine ability to make some decisions and to actually negotiate as peers with the board on these issues, there's actually less likely to be suit, there's less likely to be spilling of the board, though I don't think we ever will the board. We'll just talk about it a lot. In fact I think we'll always be talking about it, if that's our method for doing things.

So the membership model gives the ability to negotiate with each other because we can speak on equal footing or a relative equal footing. Whereas the other model basically always leaves the community in sort of a lesser mode that is either petitioning or combating and basically has those two modes of operation because it's always at the board's mercy.

And if you don't have an equal footing, you are either begging or fighting. And that makes it a much weaker model and one that's far more prone to dispute and to talk about spilling the board. As I say, I don't think we'd ever ultimately do it, but I'm willing to bet you we'll be in a state of talking about it at least half the time, if not more.

Bill Drake: Well the spill discourse has certainly contributed to the digging in of the heels on the other side and has made a lot of head...

Avri Doria: Actually it doesn't. The spilling of the board, I've gotten them to the point of saying every time you say something, "Well if you don't like it, you can just spill the board. If you don't like it, fire me."

Bill Drake: Because they don't think it's practical. Yes. Go ahead.

(Naveed): This is (Naveed). I just don't understand why we have we strictly associated this accountability process with the IANA transition process. I mean to me the transition process is like a one timer. You need a transition and that's it. And the accountability process is - should be ever evolving. And why are we showing such urgency to finish it by the deadline of September 2016?

Bill Drake: Who would like to take that? I think well Avri you just so spoke, so why don't we do Milton?

Milton Mueller: Donald Trump for the record. The problem is the leverage problem. What is the leverage we have on ICANN to get them to accept accountability reforms? We've seen, even now when we have what we consider to be maximum leverage, ICANN has hijacked the output of the CCWG. So, you know, what are they going to do when the transition isn't hanging over their head and the eyes of Congress are not focused on them and the NTIA is not, you know, holding them to - their feet to the fire. So that's the reason everybody's trying to get as much done before September 2016 as possible.

Bill Drake: Okay. And we have amendments to that argument by Avri and Stephanie. But let's - it's the same people over and over and we want to sort of draw this to a conclusion in five minutes so that people can get some coffee before Larry. So just briefly?

Avri Doria: Thanks. This is Pollyanna speaking. There's another piece to your answer is that one is NTIA basically matched solving accountability problems that are due to the fact that we no longer have NTIA as a backstop to go to; and, two, there is the ongoing accountability and transparency review team process that is the ongoing one, but it's very slow. It's very incremental. It's on a three to five-year basis. And yes, so we are going to have the ongoing, you know, permanent, but in this case it's NTIA is disappearing. For whatever backstop that was in accountability, we lose it, what now?

Bill Drake: Yes, (Farzi)?

(Farzi Badi): (Farzi Badi). So you have a very nice item on the agenda that I don't want the newcomers and next generation miss out on, the history.

Bill Drake: Yes, as I said, we will do that in the last hour together with the broader discussion of NCUC.

(Farzi Badi): So you should come back in the last hour.

Bill Drake: Because we simply - this is an issue that gets people animated and while it will be discussed in the NCSG this afternoon, I had people coming over to me this morning saying I think we've got to talk about it in the morning as well and before Larry comes, so voila.

Stephanie quickly, and then we'll try and draw this to...

Stephanie Perrin: My point -- Stephanie Perrin for the record -- Avri's covered part of it. I think for the benefit of newcomers, these accountability and transparency review team reports, they're interesting reading. They get enacted, or at least the amendments and proposed changes, get enacted at glacial speed. So leverage here is important because, in my view, nothing ever happens from the ATRTs. Thanks.

Bill Drake: Is there a roving mic for the people in the back who have not gotten a chance to speak? Maryam do you - does anybody who's not at the table have something they want to toss into the pot real quickly? I see no questions online, although I do see that (Walid Al Sakat) is with us online. I'm very sorry that he's not able to be with us here in person. He's a great member of NCUC and a former chair of the membership team.

By the way I wish - I forgot to point out we need to replace (Walid). But all of those things will be done the newly elected board I guess. So - nobody's raising their hand. Okay. So you really don't want coffee. So then we'll - so

Wendy and then Amr, and then Matt were you flagging at me also. Matt's dropped. Okay. Yes please.

Wendy Seltzer: Wendy Seltzer. I want coffee. I also want the transition to happen. I think we need make it - help make it happen and not be standing in its way.

Bill Drake: Okay. That's clear and concise. Amr?

Amr Elsadr: Thanks. This is Amr. I know we can go on and on on this topic forever, but I just want to put one question on the record. I really am not sure why we are not pushing back against a strategic plan and budget veto. I don't see why this is necessary for accountability. I don't see why it's favor of what we do here in civil society. Over the next weeks at least, if not today, I would like to hear more from our members involved in this process on why that is. Thanks.

Bill Drake: Okay. Let me just close this by asking can - so we are going to have the top two people from the U.S. government who are going to play a key role in taking this forward to the U.S. Congress here in 15 minutes, which means, A, you should get coffee very quickly and come back and be ready, but, B, I want to ask are there any specific points that we know as a group we wish to raise with them in light of what you've just said?

Are there - do we as a collective rather than our individual blah, blah, blah, blah, are there collective concerns that we would want to put on the table with Larry and Fiona about where things are going, how well this matches with what they think they can sell in the Congress? Does this meet their criteria that they laid out at the outset and so on? Anything in particular? Yes? Who saying - Matt?

Matthew Shears: Matthew Shears. I think we should ask them whether or not they believe that the recent discussions from the end of the close of the public comment period and the involvement of the board meets their criteria with regards to multi-stakeholder engagement process.

Bill Drake: Okay. And can I ask you to ask them that? Do we want to pressure them on the notion of another public comment period? I mean that's not up to them but do we want to put that on the table? Anything else in particular? Yes?

(Brad Schaffer): (Brad Schaffer) for the record. I think you ask them, they made a point repeatedly of saying how they need a relatively simple straightforward plan in order to be able to sell it to Congress and explain to them why a designator model is more easy or simpler to explain than a membership model.

Bill Drake: Very good question, because it's unknown. Okay. Anything else? Let's really try to be on time back at the table so that they're not sitting here waiting for us, and I'll see you all in ten minutes.

Yes.

BREAK BEGINS

Man: I've heard so much about you. It's a pleasure to meet you. I tortured Bill for about a year. I apologize.

Woman: How are you?

Man: I'm okay.

((Crosstalk))

Bill Drake: And we will need to - (Monica) we'll need to clear two seat at the present table.

(Monica): Okay, okay. Fine.

Bill Drake: Hello?

Woman: Is this chair open or not?

Bill Drake: It's not going to be because we have these two people coming in.

((Crosstalk))

Bill Drake: I'm going to talk about it tomorrow.

((Crosstalk))

Man: ...like right now it's where it should be, which is 7. (Unintelligible) is 54.

((Crosstalk))

Woman: How are you?

Woman: Pretty good and you?

Woman: I'm fine thank you.

((Crosstalk))

Woman: It's all right, you know?

Woman: But you did enjoy it?

((Crosstalk))

Man: Definitely. Because nobody knows what exactly is going on, so I'm sorting the issues. It's not just us. I'm trying to push for it but like nobody knows what to do.

((Crosstalk))

Woman: Did you - were you involved in the transfer Asia Pacific deal or whatever?

((Crosstalk))

Woman: ...to go to Japan? I know it's the ministry or something provides the (unintelligible). So I already started to have a look but now I'm...

Woman: Oh that's great.

Woman: Yes, yes, yes. And then from there I can also travel a little bit more to see other parts, yes.

((Crosstalk))

Woman: No actually, starting no.

Woman: Starting.

((Crosstalk))

Woman: That's great that's great. Do you want to go for a coffee?

Woman: Yes, yes. Anyway, I didn't want to disrupt your work.

Woman: No it's not work.

Woman: I'm going to...

((Crosstalk))

Bill Drake: I am here. So let's move this person here. I told people to make room for you but they went, "Oh okay" and then they didn't do it.

((Crosstalk))

Bill Drake: Here. And we'll put you here.

Man: I'll take a mic too.

((Crosstalk))

END OF BREAK

Bill Drake: All right folks, can we begin to get seated, please? Civil society disorganization, standard for the course. Dog love time is over. Give him a sec. So you've had a busy morning?

Larry Strickling: No we didn't, just prepping for this all morning.

Bill Drake: Yes I'm sure.

Larry Strickling: I see you guys have finally brought the evidence that ICANN has gone to the dogs.

Bill Drake: Oh bad. Really bad. Okay. Are we settled enough for - yes, okay. We are. So is the recording back on? Are we good to go? Good to go.

All right welcome back everybody from the very brief coffee break. We are pleased to have once again, I think for the fourth time? Third time.

Larry Strickling: I think we've been here every meeting since the announcement in March, right? So this would be the fourth meeting? Fifth? We missed one okay.

Bill Drake: Fiona's saying three. So let's go with her. Who knows? In any event we're very pleased to have Larry Strickling, the Assistant Secretary of Commerce for Communications Information and the head of the National Telecommunications and Information Administration, who of course is a key person in the process of taking this forward with the U.S. government, and

also to have with him his other half, they're a dynamic duo, Fiona Alexander, the Associated Administrator and head of Office for International Affairs at NTIA, who has been very actively engaged in managing ICANN issues for quite some time, as well as other Internet governance issues through multiple administrations.

I think it should also be noted not only have Larry and Fiona come to visit with us a number of times here, but they even came to our anniversary party the other night, demonstrating I think the wonderful and good new relationship that has been carved in recent years between civil society and the representatives of the U.S. government. There were times...

Larry Strickling: All it takes is free beer.

Bill Drake: So let us begin. Would you like to - well, no. There were times in the previous administration when we were in many shared Internet government spaces and there was much less of a welcoming attitude, so it is very much appreciated that you take the time to hang out your thoughts.

So we had a robust conversation right before our coffee break about what's going on in Accountability and the whole issue of the (unintelligible) versus designator model. And we have a number of questions that we would like to pick your brain on, but of course, first, we'd like to start by just asking you both to give your sense of where things are and how that looks from the standpoint of what you'll have to do.

You've been walking this very difficult line between trying to signal the community enough to give them direction but not step in too much and be too directive which is a challenging thing to do. But I think you've been pretty much getting the balance right.

But you from here, you're going to be the folks who are going to have to like take this forward, and you know the timeline and the likely politics you're going to encounter on the Hill and beyond.

So I'm interested in your views on what's happening in this process and then how it could then go on from there. And there are many questions to follow.

So, Larry.

Larry Strickling: Well thank you Bill and congratulations to you. I understand this is your last meeting as head as this group. Right?

Bill Drake: Yes.

Larry Strickling: So it will be a big loss not having you in the Chairman's position, but I'm sure you'll continue to grace ICANN with your presence and your ideas and thoughtfulness, and people will appreciate that.

So I guess this just frees up a lot more time for (Net Mundial), so.

((Crosstalk))

Larry Strickling: Anyway, thanks for having us. I really want to get to your questions as quickly as possible so I'll just make some brief observations about what we've been seeing here the last few days.

And we were also in Los Angeles a few weeks ago. and I'll start with that which is I would tell you that the contract between the meeting in Los Angeles, which admittedly was just a small subsection of people who have been working on this, compared to what we're seeing here in terms of the level of engagement, the level of what I feel a very tangible willingness, almost a hunger among the people here to really try to find a way to reach consensus.

And we applaud that and we want to encourage it. And we hope people have enough energy to get it through the end of the week and see if there's a way to have folks leave Dublin with a sense on the Accountability work that the core of the proposal is there and ready to go. And that the working group can get back and won't get written up for the chartering organizations to be able to review and approve it at an appropriate time.

I know there's still an open question about public comment and I don't have an opinion on that. All we're urging is that the schedule be driven as hard as it can to get a plan to us as fast as appropriate.

Originally, the schedule had Dublin being the meeting at which the chartering organizations would have their opportunity to provide their final yea or nay on the plan. Obviously that's not happening.

I don't think that is a fatal blow in terms of delay. We've indicated that we think we can absorb a delay up until the end of the year. I realize the public comment process may push that a little bit later, but we'd certainly urge the community, if a public comment process is warranted to do it in a way that they can still get the chartering organizations -- the final document to approve -- by early to mid-January.

I think after that, every week of delay risks our ability to get our work done, hopefully approve a plan, and then get ICANN enough time to implement it to meet the September 30 date upon which the contract is currently set to expire.

Again though, there aren't any deadlines here and we want people to get it right; we've been saying that from the start. And I think there were folks that assumed at the outset that the US was going to let this contract expire last month when it was originally scheduled to expire at the end of September.

But we've worked with the community. We, as I think many of you, we asked the community for its views as to how long it needed. And in response to that, we extended the contract for a year. And I think it's now time for the community to step up in showing that it can deliver a plan that can be approved and implemented by next September, and we hope that that happens. And we hope it happens in the timeframe I'm talking about which is roughly the end of the year, perhaps into early January.

I have been very pleased - well pleased may not be the right word. But I've been impressed, I think, by the level of discussion that we've been able to witness in the CCWG meetings here since Friday. We've sat in since Friday's working session.

And again, the engagement of people, the ability to be raising issues, spotting issues and have the group consider them, I think has been first rate. And that's what will deliver at the end of the day a good plan. And that's what we hope continues on for the rest of the week.

In terms of the ultimate model, I've quite intentionally said that we don't have a view on that, and we truly don't have a view on it. What I've said is that we need a plan that meets our criteria. We need a plan that meets the community's needs in that if you have choices of plans that do both of that, we certainly urge people to take the plan that can be implemented the fastest, that's the simplest to explain and that raises the least likelihood of some sort of issues emerging that people didn't think about or didn't, you know, fully appreciate at the time that they talked about it.

But beyond that, I couldn't tell you today which model is the simplest or the easiest to implement; that's for you all to decide. But we are very impressed with the level of thinking and discussion that's been going on here the last few days.

Do you want to add anything? So maybe with that, we'll take questions.

Bill Drake: Okay. Well then let me start it and then we'll get everybody else in here. So you're impressed the process and that's good and you've also been very encouraging, et cetera.

As you look at how things are being conducted now in the final push, do you think that this process still conforms with principles that you set out at the outset for how a multistakeholder process should be conducted and the various other kind of criteria that you put on the table?

Larry Strickling: Look, again our criteria was that we needed an outcome that respected and enhanced I guess the multistakeholder process; I don't remember the exact words we used. And I'd say yes; I think that the process that the community has conducted here has been a thorough and robust process.

And I think what's been nice this week is that I think the discussions have engaged folks that perhaps haven't necessarily been in all the working group meetings, and I think that's good; I think that's healthy. You don't want to get into a situation where your working group becomes so insular it's no longer willing to listen to or accept viewpoints of people who have just as much at stake but perhaps haven't had the time or the ability to participate at the same level as other people.

But I haven't seen any real evidence of that and I think that's good and I think that's healthy for the process.

Bill Drake: Matt, do you have any concerns about this? I mean we had some discussion about some of those last minute shifting in the way the process is being conducted and whether that fully comports with that bottom-up model that we've been trying for.

Matthew Shears: Yes, I think you've kind of a little bit touched on it Bill.

I think one of the concerns, certainly over the past month or so, has been the rather forthright way the Board has insisted on one particular model or another, or that it would not accept one model or another at the same time as the process of the working group was going forward. And I think that was of concern to some of us at that time. And I think we were frankly a little bit surprised and disappointed.

I agree we seem to be back on the right track again now, but it caused some wavering and a lot of consternation in the working group. And I think maybe that's what you're referring to Bill.

Larry Strickling: So I think all of us, probably including the Board, if they could have it over again, might have done it a different way or done it in a way that respected the process differently than they did.

Having said that, it does seem to me that the concerns that they raised without getting into the way of how they raised them are very serious questions that the group needed to face up to and discuss. And so I guess in that regard, it's had a good effect in terms of getting people to talk about those issues. I guess I will refrain from either praising or criticizing the approach they took.

Bill Drake: Okay. I have lots of things I could ask but I don't want to bulk up the joint, so let me turn to - let's not start with Milton. That will - oh yes. Let's start with Milton; why not.

Larry Strickling: Milton never talks to me in the hallways; he only talks to me here.

Bill Drake: He likes you on the record.

Milton Mueller: Milton Mueller for the record.

So I just want to talk to you about the congressional dimension of this. Sometimes we hear claims from various sides that this or that will or will not be able to get through Congress. And I just want to know what your sense is of what the perimeters are of congressional oversight in this process in the general sense? And then I might have some more specific questions.

Larry Strickling: So the main issue with respect to congressional oversight is the DOTCOM Act because if that passes, that creates a very specific role for Congress that I think they will attempt to play even if the Act doesn't pass.

But let's talk about if the Act passes, what it would require is for NTIA is to report back to Congress after we've reviewed the plan and basically certify that the plan has met our criteria and that the necessary bylaw changes related to the plan have been implemented.

Now our view of that is that the bylaw changes don't necessarily have to be implemented when they deliver the plan to us, but that we can't submit a report to Congress until the Board has implemented those changes, so that gives them time to do that.

Obviously we need to know what the language will be that the Board implements as we're writing or report, but I do think there's a timing issue in terms of when the changes actually have to be enacted. But we won't be able to send a report to Congress until the changes have actually been implemented.

That then triggers what is called a 30 days -- Legislative days -- of review of the plan. A Legislative Day is a day Congress is in session. So you can - and again, this will vary depending on when and exactly we would send our report up to the Hill because if it happens to hit during a time when they're gone for three weeks, the clock isn't moving; it only moves on days they're in session.

So you can figure though that it's probably 45 to 60 calendar days during which you're at a standstill because Congress, at that point, can do whatever it wants to do in terms of holding hearings. If they feel they need to pass legislation in respect to this, that's their opportunity to do it.

But at the end of the 60 days if they've done nothing, then assuming we've certified the report, and I guess we can assume that would be the case because otherwise there would be no review period, that then ICANN can go forward and implement the plan. So that gets baked into it.

Now the Act has not been passed. The House has approved it; it's hung up in the Senate due to the holds from at least Senator Cruz. And I heard there were maybe there were other holds as well, but we know Cruz has put a hold on the Bill.

And so let's assume it doesn't pass. Then we haven't yet sat down and talked with the Senate and House Leadership as to what they want from us, but I certainly have no problem, and I think it's get good form for us to prepare a report under any set of circumstances that basically provides an analysis of the plan and our view as to how it meets the criteria assuming it does meet the criteria.

So I think we'll presumably go ahead and do that. But we haven't talked to Congress yet about it, so that's a discussion we need to have with them.

At that point, I would still expect that if they haven't already held hearings, they will certainly hold hearings on our report. And they will still have the ability if they want to take action on their own whether or not the DOTCOM Act passes. What DOTCOM does though is it clearly sets aside a time period for which they can act.

They have a lot of very strongly held views about this transition. They are particularly concerned about how the power balances inside ICANN changes

or could change as a result of these proposals both with respect to the IANA Functions themselves as well as with Accountability.

They are particularly concerned about the role of governments not changing. And so those are all issues that we have to take into account as we consider the plan once we get it.

But I'm confident that they will be very active on this. And if you heard the staffers, I think you got a sense as to the specific issues that they are going to be inquiring about.

And a lot of these were teed up in a letter Senator Thune sent last year; I can't remember the exact date. And I would urge people if they haven't looked at that to take a look at that letter because that's part of the report card -- the grading requirements -- that I'm sure Congress will utilize as they take a look at how we reviewed the plan. So we're taking all that very seriously.

Does that answer your question though?

Bill Drake: While we're on the Congressional side, and we'll come to the other substantive aspects later, I just want to follow-up with you a little bit more on some of the players involved.

So Senator Thune has written some letters. And one of them, the most recent one, people seem to be wanting to interpret a lot of different ways to suite their particular agendas.

So when he was saying well he has to have the support of the whole community and dah-dah-dah. Given that there was this cleavage that emerged between the CCWG and the Board, some people were reading that in ways that suited their side, that argument; others are reading it on the other side.

And what I couldn't figure out is are people on the Hill actually looking in that same-grained way at the precise composition of how the different SOs and ACs and other forces would be arrayed within ICANN, or they only concerned first and foremost to ensure that the role of governments doesn't increase because I really wondered about that.

And similarly I had a conversation with - I don't know if this was off the record of not - but let's say a leading person from ICANN who told me that he had met with Senator Thune. And that Senator Thune's big concern in looking at where we were now was the possibility of capture; that somehow the effected mechanisms that people were putting forward - and at this point, I think the focus was on single-member - that all this would lead to capture by particular industry factions over others. This is what I was told.

And so I'm just curious. Are these lines of thought that you actually encounter there because I'm just amazed to think that people on the Hill are looking that internally to what's happening at ICANN, if that's so.

Larry Strickling: Well, we encounter all sorts of lines of thinking and unthinking on this issue from all sources on Capitol Hill. And keep in mind; they're heavily influenced by what they're hearing from their constituencies and in particular the business community. And so I'm sure that's influencing some of the things you're hearing from members.

But yes, I think capture is definitely a question that we will have to be able to address. And I think it's not just by governments. I think the issue of any particular set of stakeholders being able to take a dominant role inside of ICANN in a way that restricts the ability of other groups to have their views heard.

First off, it's not consistent with a multistakeholder model obviously, so we'll be looking at. But yes, I would say that's high on their list.

I do think that the one that they're probably most worried about is anything that would change the role of governments inside ICANN which is why it's so important to get the change to the bylaws to clarify the current practice that the Board only has to provide presumptive approval to consensus advice when it comes from the governments.

And as you know, if you've been following the GAC, that's been an interesting topic of conversation because it's become apparent that some governments want to change that approach.

So that by itself I think is enough of a warning to all of us that we're going to have to make sure that issue is dealt with.

Bill Drake: As much as I would like to belabor the point, I know that there are a number of questions in the room.

So let's start with (Carlos).

(Carlos Afonso): Yes Larry. I've read I think a paper by Milton (Unintelligible) that he mentioned that ICANN is the only corporation or organization which is registered in California. The only off of this kind of organization is not a membership organization.

And I don't know. To enter into a contract with some branch of the US Government, I don't know but probably is not a problem not to be a membership organization or a different organization although all the others are membership organization in that category.

But to do the transition in ICANN, we'll continue to be the organization that we'll continue to rend what the IANA Functions and so on, is more favorable to the US Government that ICANN becomes a membership organization or not?

Larry Strickling: I don't think I can answer that at this point. We haven't looked at that question so I certainly can tell you that we do not currently hold the view that yes, the US government or the US positions would be better off if ICANN became a more formally a membership model. We certainly haven't reached that conclusion at all.

Bill Drake: Just to follow-up, from your standpoint as you look at designator or membership, do either of those appear to lend themselves to the dreaded capture hat you've talked about more in any way?

Larry Strickling: Again, we haven't done the analysis at that level to have a specific viewpoint. I would say that at first blush, it would appear that the designator model doesn't have much susceptibility to capture, but I can't tell you that as a result the membership model has more susceptibility because we haven't done that analysis.

Bill Drake: Okay, thanks. Brett, are you still there back there somewhere? Oh, there you are.

Brett Schaefer: Hi; Brett Schaefer for the record.

I was curious -- actually two things. One that I mentioned earlier in the probe for this meeting, and the other which occurred to me later on.

First, you mentioned that a key part of your consideration would be simplicity and the simplicity in the ease of explaining what the proposal is to Congress so that they would be able to understand. Is that correct?

Larry Strickling: I said that that's been our advice to the community.

Brett Schaefer: To the community. Has it entered into your consideration whether it would be easier to explain a membership model of a non-profit corporation to Congress

than a designator model considering that membership has a longer legal providence and most of Congress, or a large part of Congress, are lawyers and they would be more familiar with that model than a designator model?

Larry Strickling: I don't think anybody is familiar with a sole-membership model. I think that's going to be hard to explain to anybody. But I'm not suggesting that sole-designator is any easier or harder.

But I don't think it's correct to say that because what's being talked about here is unlike what anybody would think of as a membership model where everybody, you know, has their own little membership card. That's never been part of the discussion here and so I'm not sure that just calling it membership makes it easier to explain this to Congress. I don't think that's the case.

Brett Schaefer: The second question that occurred to me, it's uncertain right now under the sole-designator model mostly because its in-flux and we're trying to figure out what exactly that means. What SOs and ACs will be participating in this whole designator model?

If GAC is a member -- a participating member in the sole designator model -- and could avail itself of the powers the other SOs and ACs, would that represent an expansion of GAC's authority within ICANN and would that be a problem for you?

Larry Strickling: I can't answer that yet. I just don't know.

Brett Schaefer: But if it were, would it be a problem? If GAC did have enhanced authority, could it for instance call for spilling of the Board, would that be an issue?

Larry Strickling: Potentially, but we haven't done the work on that so I can't give you a clear answer to that one way or the other.

Brett Schaefer: Thank you.

Bill Drake: Who is waving a name? It was Matt.

Matthew Shears: Jumping around a bit just wanted to perhaps broaden out to upcoming international Internet Governance related meetings and (Wissis).

There's a part of the zero draft that's been a call for an international level of framework or approach to Internet Governance, and obviously that can be interpreted in many ways and it probably stems from certain countries submissions.

But I was wondering if you could just perhaps say a little bit about how you see that's going to play out and to what degree you think this IANA Transition and how far we're along down that path is going to have any kind of influence on the discussions. Thanks.

Larry Strickling: So I'll answer the second part and I'll let (Theonie) answer the first part because I really haven't spent a lot of time on the (Wissis) aspect of things; State Department's got lead on that.

So I think it's important that going into the (Wissis), it would have been great to have had a plan out, and maybe that will still be the case that we'll have a final plan out.

But I think what's important is that the community, if there isn't a plan out, is close to a plan -- it's showing it's working well -- because I would still hold up this process even with all the speed bumps that it's hit as an amazing demonstration of how a community -- a global community -- can come together and solve what has not been an easy problem to solve.

These are really hard questions. And to someone who has served on both the Accountability and Transparency Review Teams, and I know Avri was on;

I don't know if we have anyone else in the room who was part of those. Those were very intensive efforts.

And in both of those efforts each of which took a year, we never got anywhere near as deep into these issues as these working groups have done. And so for that I applaud everybody who's participating in it. This has really been an in-depth hard look at a really difficult process.

And people may say, "Well gee, it didn't get done in a year." That doesn't bother me in the slightest.

But I think anybody who looks at this and says, "Has this been successful or not?" There's no way people can look at this and say, "This has been anything other than healthy for the institution, amazing demonstration of the power of bringing people together to work on these issues." It's too bad we don't have that final jewel to present people which is the plan itself.

But I think that there's a good story to tell about this in New York as long as we're continuing to be on a productive path between now and December. If this thing were to crater here in Dublin - and I don't think it is based on what I've seen - that would not have been a good outcome.

But I think what we've got and where we're at now should be hailed as a success story in New York.

But you want to talk about (Wissis) more generally?

(Theonie): Maybe (unintelligible) probably answer both of your questions actually.

But just to say, you know, we'll see what happens at the end of this week both in Dublin and in New York, and kind of compare notes with our colleagues. And we have someone from NTIA that's actually in New York as well.

But from our perspective, you know, we support the existing system and the existing structures. It doesn't mean there can't be improvements to them. And this example of improving ICANN is one, example of improving the IGF is another.

But the idea that we would somehow agree to create new institutions and new structures, you know, it's been a long-held US position and that won't be changing.

So we'll see how the week goes both here and in New York and compare notes back in Washington next week.

Larry Strickling: Could I put a footnote on this which is I will say that I was surprised at the depth of feeling people had in March of 2014 about the need to do more with ICANN Accountability. And I've never talked to Avri about this but I'm interested in her view too because we had just finished the second ATRT in 2013.

And I will tell you, we would come into these ICANN meetings and sit down with all the groups and say, "What do you want us to be looking at?"

And for the most part, the agenda of issues we were given in 2013 to look at were nowhere near as deep and as intensive as this Accountability Working group has been looking at.

So that's all fine and good, but I think the question the community needs to ask itself is that since the plan is to embed these reviews into the bylaws so that they're conducted in the future, how do we make sure that when the next one of those comes up, and I can't remember what the time period is before that comes together, that you get the community to bring back issues at this level of concern in a way that they brought them up in 2014 but weren't willing to raise them in 2013.

I don't know. Do you have a perspective on that?

Avri Doria: Yes, thank you. I sort of do. And I think a lot of it comes to that fact that there was a certain reliance on the fact that you guys were sitting there, that NTIA was bringing us together for these Accountability and Transparency; that we knew that we had to grab essentially a handful.

So we would start out with a questionnaire. I think that when this transition came along and the notion that ICANN would be working without any oversight and it was really time for us to complete our sort of internal oversight mechanisms, that gradualist viewpoint and that view of "Oh my word, what do we lose when we no longer have you?"

And yes I know that you guys never overtly, you know, put any constraints or pressure on us. But you were always there; we were always talking to you. We were always getting feedback and hinged about things we might think about, you know. And you guys did do oversight with an incredibly soft hand.

But it was there. And there's an awareness that without that there, oh my word. How do we maintain the openness of the Internet? One of the things is, you know, we knew that if we started closing down the Internet, you know, there you would be and you would say, "Hey, hey, hey, come on; think about this." And so I think that that's really made the difference.

I think the other part is that there has been a certain, you know, we saw that from ATRT 1 to 2 that there's a last minute rush on. That, "Oh my word, we have to finish our homework before the next ATRT."

And I think looking at ATRT-2 and looking at it, it was that wonderful moment of they agreed to everything but precious little has happened.

And now we've just heard that they're going to move ATRT2 - I guess you folks must have agreed because I don't know how they would decide to do it without you all agreeing - from 2016. It should have started in January - to 2017.

So again, you know, there's that one is relatively soft and gradually, and this one was a very large change, and what needed to be in place now to basically replace the backstop. So that would be my view.

Larry Strickling: Yes, I think those are really good observations. And all I would urge is that people think hard about this before the next one gets revved up.

And yes, in terms of bumping it for a year, we frankly didn't see any other option. I think others, and I think you yourself, may have made the point that well, there's still the Accountability from the recommendations of the first two teams. Why are we delaying that a year?

But if you recall, the Staff is expected to present a report of implementation prior to the start of the next team. And there would have been no opportunity for that to have happened before 2016. So I think it's a reasonable compromise to bump it a year.

But again, there needs to be that Staff work done to provide the information to the team when it hits the group as opposed to what we were doing which was taking it on board over the life cycle of the team itself. Getting that up front will make a big difference to the next team when it meets.

(Theonie): And not to this point, but I know we've come and spoke to you guys a lot in the last couple of years. And once the Transition is complete, as far as I know, NTIA is not going away unless you know something that we don't know.

So we're still going to be an active participant in the ICANN community and very involved in GAC and other things. And we would very much welcome to continue this kind of conversation with you guys, and you guys should always know that. So please accept this invitation to that post the transition as well.

Bill Drake: And will that apply under President Trump? No.

By the way, I just wanted to ask a point of clarification. You were talking about the narrative that we can present and with us. Who would be presenting that narrative? Would that be Danny?

(Theonie): I think it would depend on which particularly part of the meeting. So Danny is our official, and (Masterful) is our head of delegation. (Leah France) is the Deputy Head. But our Ambassador to New York is also very much involved, so I think it would just depend on which part of that (unintelligible) happening.

Bill Drake: Okay, good.

(Theonie): I have to say the New York style and the way things work is not one I'm intimately familiar with. And I think most of us are not, so I think we're sort of trying to figure that out as well. They're drilling to be clear processes for negotiating. They don't seem to work the same way as the institutions that we work in as well.

Bill Drake: Geneva versus New York are night and day.

(Theonie): Yes.

Bill Drake: And (Renya), you had a question before, right? Okay, and I'll add you guys at the end after.

Yes, you.

(Padmini): Good morning, this is (Padmini) and I had a small clarification to ask of you.

So as we understand it, the technical stability of the DNS doesn't necessarily depend on ICANN's jurisdiction being in the United States. So I wanted to ask would the US Congress support a multistakeholder and continuing in the event that it's shifting jurisdiction.

Larry Strickling: No. I think Congress has made it very clear and at every hearing they have extracted from Fadi a commitment that ICANN will remain incorporated in the United States.

Now the jurisdictional question though, as I understand it having been raised from some other countries, is not so much jurisdiction in terms of where ICANN is located. It's much more jurisdiction over the resolution of disputes.

And that I think is an open issue, and that's an appropriate one to be discussed. And it's one I think where ICANN has made some movement over time anyway.

So I think you have to - when people use the word jurisdiction, we need to be very precise about over what issues because where disputes are resolved and under what law they're resolved, those are separate questions from where the corporation may have a physical headquarters.

Bill Drake: And do you think that the adoption of one of these models would further cement such as the designator model does further cement us into the California legal (unintelligible)?

Larry Strickling: Well, it seems like all of the Accountability models that are being looked at are heavily dependent on California law, so yes.

Bill Drake: So next we had James.

James Gannon: Thanks. James Gannon thanks for being here. And so I have probably a hypothetical process question which probably (unintelligible).

So obviously the process of transmitting the Accountability proposal to you guys through the Board and they have to right to submit a set of comments. And I was just wondering have you considered how NTIA would deal with those comments? Would it be a process of possibility facilitated dialogue with the Board and the community, or would it be something similar to the ICG where it's sent back to the community to resolve the issues?

Larry Strickling: We have no plans or ability to be mediating between competing views of this, and we've made that clear from the start. The strength of this plan in large part is proven by the fact, we hope, that it will have the support of the community, and that's we're hoping for and expecting.

Bill Drake: Milton has been percolating. Is this a two-finger?

Milton Mueller: Yes, just a clarification.

Bill Drake: Just a clarification.

Milton Mueller: How do you measure support of the community? If a particular constituency opposes the plan, is that support of the community if the other constituencies do?

Larry Strickling: I'm not going to get into the hypotheticals of this. My advice to everybody is bring us a plan that community supports and stop worrying about figuring out how many people can object to it. Let's get a plan everybody can support.

Bill Drake: Okay, thanks. Mr. Mueller.

Milton Mueller: Milton Mueller for the record.

So my question is about the separate and parallel process that you guys will be doing with respect to the VeriSign cooperative agreement.

Larry Strickling: We've done it.

Milton Mueller: Oh, you're done with it. Well, that's interesting because on the ICG we've had an opportunity to look at that very closely.

And the CWG has not really said much about the relationship between ICANN and the Root Zone maintainer. It's not clear whether this is a contract with VeriSign, it's not clear whether this will be ended after three years or is indefinite. It's not clear whether ICANN could alter this contract and decide to take over these functions. It's not clear whether PTI contracts with RZM or ICANN; all kind of questions about the basic architecture of this relationship are unanswered.

And when we ask CWG why are these unanswered, they say, "That's part of a separate and parallel process which the NTIA is in charge of, not us."

So how, you know, it's kind of then even more alarming to hear you say you think you're done because - so where does it stand? I mean what's going to happen?

Larry Strickling: So I'll let (Theona) go through the details, but let me give you the high level view which was the point of this transition was to extract the US out of the system. We had no interest in putting everything up for grabs in terms of because all we want to do is we wanted to be able to step back and put back - at least at the initial conditions - ICANN dealing directly with VeriSign.

And so when I say that's we've put in place, yes, they are now talking to each other. And I understand from the work that you all did in ICG, there is going to be some opportunity to look at the product of those discussions. We're not part of those discussions directly.

Now separately, we have a cooperative agreement with VeriSign that covers a number of things one of which is their role as the Root Zone maintainer. Obviously that agreement will be modified so that we no longer are a part of that. But again, that's an agreement between us and VeriSign and it has other provisions including the price controls on DOTCOM and things like that that we don't expect to tamper with as part of this.

So as much as possible, we wanted to step out and have that issue dealt with. And then it's certainly over time, all we're doing is creating an initial operating condition, and then the community I think takes over and decides over time how do they want that relationship to look.

But I'll let (Theona) give you more of the details.

(Theonie): Actually, I don't know that there's anything more if that didn't answer your questions. But I think, you know, to the extent we get through the transition and then once the transition is done, the community wants to have a conversation about what the construct and the framework for the Root Zone maintainer going forward, that would be more than appropriate.

We just think it's not part of our process and it wasn't part of the tasking of this exercise in the community.

Larry Strickling: But you should explain what we meant when we said there would be a separate process in 2014.

(Theonie): Oh, in part of our Q&A, we were trying to make clear that we were not tasking this to the community that we would take care of it which we've done. We asked ICANN and VeriSign to give us a proposal that would remove us from this process; they've published the plan for that. They're going to start testing for that possibly in January early next year. They'll produce reports that explain that.

We'll need to figure out their agreement. And I saw the ICG, the language you guys are working on about being able to review and have input into that.

Milton Mueller: Well good because your understanding of what your role was is exactly conforming to mine is that we would sort of decide in how we wanted these relationships fixed and you would modify the cooperative agreement. Of course you're the only ones that can modify that agreement.

And the CWG on the other hand, is kind of backing away from this and saying that's part of their process. So I'm glad that's being clarified because...

(Theonie): I'm not 100% sure we're saying the same thing I don't think which is we're going to - ICANN and VeriSign -- are going to be testing the system. Based on the results of that and their own agreement, we'll then modify the cooperative agreement; we'll have the transition post that.

If the community wants to have a conversation through the ICANN process or PT or whatever the construct is, then you guys can do that after the transition. It's not part of this exercise.

So are we saying the same thing?

Milton Mueller: Well I guess the only difference is that this conversation that you're talking about which would be the ICANN related community; I was assuming that would part of what the CWG is supposed to do before the transition rather than after the transition.

Why do you say no? I mean wouldn't we want the community to know what the relationship is going to be?

Larry Strickling: I think our concern was not to be putting too much on the table to potentially destabilizing the things. In other words, we thought it was best just to get us

out, and as much as possible, simply substitute relationship between ICANN and VeriSign for the three-part role we had.

But we thought if there was going to be a tremendous amount of inquiry into the nature of that role during this process, that we would be hung up for another two years people trying to resolve those issues.

So I think it's a timing issue only, but I think that may be the only place we disagree about this.

Milton Mueller: I don't think we even disagree. We would just like to make explicit what's going to happen.

So if, for example, you would back us up and say, "Look VeriSign and ICANN, this is not just you guys privately negotiating. Whatever you agree about the long-term future of this relationship has to be put out there for public comment and input and agreed to by the rest of us," that would be something.

And if that happens after the transition, I understand the stability argument; fine with me. But as long as it happens, it can't just be ICANN and VeriSign working it out by themselves.

Larry Strickling: Forever. Yes, I hear you.

Bill Drake: I just want to note that through the magical dialogue, Milton and NTIA have gotten on the same page and Kum-by-ah. So this was great.

Larry Strickling: That actually happens a fair amount even if Milton doesn't acknowledge it.

Bill Drake: He usually doesn't.

Milton Mueller: Since March 2014.

Bill Drake: (Jeremy) and then Malcolm.

(Jeremy Malcolm): So this is a little bit of a digression, but you spoke earlier about the DOTCOM Act or Bill, and previous Congressional resolutions have also made a firm commitment to upholding the multistakeholder model of Internet Governance.

And yet we see the US Administration trying to subvert that in some ways. Today as we speak at the OECD Committee on Consumer Policy, the US Representatives are pushing through text which would require domain names to be listed publically - sorry, domain name registration details to be listed publically in Whois database.

And then in Transpacific Partnership, there's also a provision on the public available of Whois data and also a provision which requires countries to conform to a UDRP style of dispute resolution for domain name disputes.

So how do we reconcile the state support for the multi-stakeholder model with the fact that certainly other agencies of the US government like the US TR and the FTC are going behind closed doors to put these sorts of provisions in the OECD recommendations and trade agreements?

(Theonie): So I haven't actually seen the OECD conversation so I'd be happy to look at a test, you know, but actually be interested to see that as well. The FTC is an independent agency so that would be good to know.

On the part of the trade agreements that references these issues it's specific to ccTLDs. ccTLDs are not contracted parties to ICANN and are not required to do these things.

Our view is that, you know, this is a US position. We require this of Neustar as our operator in .us. And to the extent other governments have an involvement in their ccns we were encouraging them to follow that.

So that was our rationale as to why we were okay to address this in trade agreements because ccTLDs in this environment don't have the same rules and contracts that the ccTLDs do.

And I would like to see the OECD text actually.

Bill Drake: Does USTR let NTIA see its documents? Have you seen the CPP?

(Jermei Malcolm): I haven't.

Bill Drake: Has anybody? There's a part in wiki leaks. (Jodi)?

(Jyoti Panday): (Jodi Bondi) for the record. This isn't just sent to the root zone maintainer transition proposal. Has the NTI considered the structural separation of Verisign as a TLD registry for .com and its role as the root zone maintainer? Is this something that the - that NTIA is considering thinking about?

(Theonie): It's not something that we are thinking about but they're also a private company. I don't know that you can actually force those kinds of requirements on a private company through this process. But no, it's not something that's ever been raised with us and...

Bill Drake: Do we have any others? Have we exhausted all the questions we need to know about accountability and the outcomes of Dublin and the disposition of the US government have been...

(Jeremy Malcolm): I think so.

Bill Drake: ...resolved?

(Theonie): I - maybe and I'll give a plug to Avri. I was reading Twitter and Facebook. And Avri's repeated a couple of times that perhaps what will come out of here we can call the Dublin consensus. And I would hope that that would actually be the case where...

Bill Drake: Oh. Can we create a acronym for that because that's what we're used to doing and the...

Avri Doria: Where there is the Dublin Accountability Plan which would be DAP.

Bill Drake: I like just...

Avri Doria: But I like the BUMP.

Bill Drake: BUMP, right?

Avri Doria: Yes, the Bottom Up Multi-Stakeholder Process, something we want to see get into the articles. And it's an idea that was brought to me several times from several distinguished recommenders. So I'm hoping that it's something that we can actually get done as well, get the bump in.

Bill Drake: Just think is a fun word play at the (Withis) Meeting.

Yes.

Man: Right.

Man: So I - and Bill mentioned and we have tried to stay out of the process as much as we can. But related to BUMP I was puzzled by some of the views of the lawyers over the I guess on Friday this idea that fiduciary duty might allow a board member to have more leeway to exercise judgment different from the community.

Because I certainly acknowledge and I think all of us acknowledge that the whole point of this exercise has been how do we ensure that the board does what the community wants right? That's fundamentally the goal here.

And to your point Avri I went up to the lawyers on Friday and said, "Why can't you fix this by putting it into the bylaws that it's a purpose of the corporation to support and enhance the multi-stakeholder model such that it now becomes part of the fiduciary duty of the board member to respect that in making a decision?"

And I was told Friday yes, that's a good idea. We'll look at it and I've heard nothing more about it since. So I don't know what the lawyers were doing with respect to that. But I think it's entirely consistent with the point you made yesterday. And it seems like that may go a long way towards bridging this daylight that the lawyers keep wanting - well I know that they want to but it - their words are intentionally or unintentionally making - suggesting that there can be more daylight between what the community wants and what a board member's conscious says than I think there has to be.

But that's what you guys are working through in the process. And I encourage you to continue to focus on that.

Bill Drake: All right then, James did you have a closing benediction?

James Gannon: I won't call it a benediction but it's a nice question as well.

So outside of the ICANN space but within the NTIA space I notice that there's some other multi-stakeholder approaches being taken.

So the one I've been involved in is the coordination (for) and real estate disclosure. So it was great to see that the NTIA is pushing a multi-stakeholder model in other areas.

Is this something that you think will continue to go and that's the community and the public will be involved in other areas that the NTIA has? And what learnings can we take from particularly the accountability process that we're doing here in the multi-stakeholder fashion into other areas?

Man: Well, the first thing is you guys know how to do these processes. What we're finding as we try these and we - and for people who may not know we've been - we've used them in privacy. We've got I think we've had three either finished or currently proceeding on privacy.

We've done one on notice and takedown through the digital Millennium copyrighting. We're doing one now on cyber security.

So yes we have viewed this as a tool for agencies like ours because we're not a regulator. We have no ability to write rules to bind anybody to do things. But we can function as a convener to bring people together to solve problems.

And so we have always felt that our support, strong support for the multi-stakeholder model internationally we ought to start demonstrating that in the way we approach these issues domestically.

And I'll tell you it's been challenging because the people who tend to show up at these processes aren't people who are used to operating in the ICANN environment.

They are people who are very used to lobbying congress and very used to playing the regulatory game in front of the FCC or the Federal Trade Commission.

So it's been hard getting the - them turned around to the idea of working together to reach consensus. It's kind of a foreign concept in Washington DC in a lot of respects.

So we continue to nudge people and push people to see the benefits of this kind of process.

I think intellectually people get it, the idea that you can do things faster, you can do them and build more flexibility into it.

But the cost of it is that there's - and you can still do them and have them be enforceable as well. But the harder part is having a rule that applies to everybody for which, you know, there can be regulators who step in to make everybody behave a particular way.

But overall we think it's still a great way on these questions, these cutting edge questions where you can't get laws passed in a meaningful timeframe.

I mean after all (Equa) reform which there is absolutely a consensus view in the United States that our Electronic Communications Privacy Act needs to be updated. It hasn't been update for I don't know how many decades or how many years.

But we can't get it done. We can't get it through Congress. And so the idea is that why would anybody prefer the legislative approach when you can actually get people together and make progress on these issues, maybe not as universally as you might with legislation but you can do it in a way that respects flexibility and allows people to try out different approaches over time before you simply pass a law that may end up creating all sorts of disincentives and problems that you didn't anticipate. It' s- so it's been hard but we're going to keep at it.

I gave a talk on this on the IGF US in the summer and I would refer it to people if you're interested in this issue.

But then at the end I asked. I said, how is that Silicon Valley people have made billions of dollars, you know, basically destroying established business models of companies whether they be, you know, traditional large communications companies or, you know, people in the entertainment or transportation or hospitality business?

Yet they come to Washington and instead of coming there with an attitude of we're going to find a new way to do all this, we're going to blow it up they instead figure out what does it take to play the game in Washington?

And I'd really like somebody to figure out hey, how do you bring a new business venture together that basically destroys the regulatory model in Washington with something that's more responsive and really deals with issues in a more effective way?

I guess the problem is you can't make any money doing it which is probably why people haven't done it. But we need that kind of creativity. So we're trying to plant the seeds for that a little bit with what we're doing with multi-stakeholder.

But we certainly encourage others in the US and certainly others in other countries to do it.

I mean certainly, you know, we've got the example of Brazil with CGI and we'd like to see that spread and be taken up in more countries, more jurisdictions.

Bill Drake: Through the MNI perhaps.

Man: Yes there you go. Yes another plug for MNI.

Bill Drake: So multi-stakeholder cooperation is creative destruction is what we're saying basically.

So (Larry) if you want to - we really appreciate you coming again and living through this process with us and sharing your views at various points. You didn't have to and we appreciate your time very much so.

Larry Strickling: You're welcome.

Bill Drake: And I'm glad to hear the extent to which we're probably on the same page too in a lot of cases which is really pretty encouraging.

I assume we'll be seeing you again through the election. So I don't know what will happen to you after that but if, you know, you ever decide that you want to pursue another direction in life certainly we would...

Larry Strickling: Probably the one thing I could do that pays less than what I get paid now.

Bill Drake: Yes, there you go. There's no question that that's true. So listen, thank you both very much.

All right then.

Man: Bring back the dog.

Bill Drake: Bring back the dog, yes.

So we are going to shift then to our last piece which was to do a little bit of internal naval gazing but it's not purely for the purpose of naval gazing. It's taking stock and also reflecting on something that we have not actually spent much time talking about which is the ways in which NCUC is positioned within

the ICANN structure and the challenges that sometimes that has posed for us particularly from particular actors.

And so there's a number of different issues there that are interrelated.

But to lead into that I'd like to start off with just doing a little bit of what we were going to originally do earlier even though Kathy is not here and was the one who was dying to do it.

We do have Milton and I think it is for - how many of you have been around NCUC for more than four years just so I know?

Man: (Unintelligible).

Bill Drake: Yes, so that's very few. So therefore I think it would not be bad Milton if you would indulge us all to share a little reflections on how this process got started back in 1999, what were the concerns that drove it, what were the processes that you needed to go through and the battles you had to fight in order to secure this position in that?

And then maybe we could talk a little bit about how it is grown and grown into the current thing that it is today and how we defend it and take it forward.

So I'm going to turn it over to you and I'm going to run to the restroom while you do it. Bye-bye.

Milton Mueller: So let me tell you about Bill's role in all of this. I'm not exactly sure what I'm supposed to do. I mean do you really want to hear about the early history? I kind of gave a...

Man: Yes.

Milton Mueller: Really? I thought you were all going to say no.

(Marillia): And we are recording for YouTube so make sure that you tell the history in a good manner for like others.

Milton Mueller: What do you mean (Marillia)? Tell it in a good manner for others? Oh...

(Marillia): It's recording for YouTube so we will post it later for those that are not here.

Milton Mueller: No, no, I do not agree to this. Shut that off. I'm serious. (Peter).

Man: (Unintelligible).

Milton Mueller: (Peter), no.

Woman: But we need to (unintelligible) the Web site.

Woman: So the plan is that you give us a little bit of background about NCUC and the great work you have done and everyone else. And then it just be a brief word people that want to become members to understand how it works.

Milton Mueller: Okay we can do that in a different environment. You're talking sound bytes right? This is not sound bytes. This - you wanted discussion of the early history? Were you going to explain things and so on or we could take ten minutes or something? You want a rambling unprepared speech like that on YouTube? No.

(Marillia): Okay, sure.

Milton Mueller: Okay. Well actually went through - I tried to collect documents and archives of these early days because they're actually pretty interesting. Because what we're doing now, right now I mean with this member designator stuff we're talking about representation of different communities and what kinds of powers they have in ICANN.

And we were having that conversation at the outset. And first of all it's amazing how much more radical we were back then. We actually when we said membership we meant what every normal person means by membership.

We mean individuals joining and having a membership card and having voting powers. And of course now we've gotten to the point where not only do we think that it would be completely crazy and infeasible to have individual membership but our board doesn't even think that its own advisory committees and supporting organizations can be members because that's too risky.

So the other thing that's interesting here is that, you know, I raised a question yesterday in the accountability session about what are your units?

And people in ICANN persistently don't understand the significance of the units of your political structure.

And so as a DNSO was the Domain Name Supporting Organization was first being formed back in 1999 there's a question of how many constituencies are there and who are these constituencies?

And so one of the things that they were doing at the time which really ticked off Kathy and I was they were creating a constituency called the trademark constituency. And they were creating the constituency called the Business Constituency. And they were creating a constituency called the ISP Connectivity Providers Constituency.

And we looked at all three of these constituencies, the trademark constituencies with trademark lawyers. The business constituencies were businesses who were in ICANN with their trademark lawyers.

And the ISPs as good an idea it would be to have ISP representation, who came? Well their leader was Sarah Deutsche of Verizon, a trademark lawyer for Verizon.

So you had three constituencies representing trademark interests. And then you had the registries, the registrars and the ccTLDs and oh what else? Well there's got to be something to represent, you know, free expression, rights issues, individual registrants.

And so we were it. And that's why we had this incredibly intense fight about colonization of our constituency by others constituencies.

There had to be an independent autonomous representational entity devoted to these things that was no polluted by other interests.

So there's a huge struggle to do that and I've collected some of the archives about that.

And one of the odd things about this collection of early archives is that the actual list on which many of these discussions took place does not exist anymore and there's no record of it.

And so one of the places where the records do exist is because of a crazy guy named (Jeff Williams) who was some kind of a fake identify who was participating in all of these discussions.

And he would copy CC every list with his weird messages. And so he would make a response. He was a troll. Well he was more than a troll. He was just kind of a weird character who claimed to be part of the INEC group which had 650,000 members.

And so he would weigh in on these questions on the INEC group believes this. And he would copy six or seven different lists so because of him doing

that we now have some records of those messages that were flying back and forth in the early stages of NCUCs formation.

So what happened in Berlin as I said at our party on the other night was the Internet Society came in with their proposal for what we should be. And it was not looking very good. It was very status quo, very tied to the trademark.

And then there was this strange guy named (Michael Sandow) who had an organization called the World International Congress of Internet Users or something that he claimed to have 100,000 members or something.

But he was kind of the (pamender) of the early formation of ICANN. And he was very critical of everybody. Some of the stuff he made sense. You know, he couldn't completely.

But he had committed the ultimately crime in these early days. And that was to directly criticize Vince Cerf.

Vince Cerf had expressed some interest in extending the Internet to inter-planetary, you know, communication. And so (Michael) had written this famous email post in which he accused Vince Cerf of wanting to be the kind of Mars.

And Vince had never, ever had to deal with this kind of random criticism before. And so the entire Internet technical community, you know, pointed the finger at this guy and said, "You are a crazy troll and you are to be shunned."

And so he was coming up with a proposal for the non-commercial stakeholder's group. And then Kathy and I working on behalf of the ACM were coming up with a third proposal.

And in order to kind of outweigh ISOC in this meeting I said, "Well it looks like (Sandow) and I can come to an agreement on this."

And so, you know, we've got to maybe a little bit of more support than the ISCO proposal. And by doing that the technical community went crazy and decided that I was an enemy on the order of (Michael Sandow). But that's kind of a color. I don't think that's too interesting but it's kind of...

Man: Funny.

Milton Mueller: ...funny, yes. So I do have a list of the original charter of the noncommercial the Domain Name Holders Constituency which was proposed in August '99 by Kathy.

We kind of worked on that together but I was kind of knocked out of commission during that period. And...

Man: (Unintelligible).

Milton Mueller: Yes that's all online. The archives...

Man: (Unintelligible).

Milton Mueller: Oh, Kathy's online. Oh good. Well then she can talk.

Man: (Unintelligible).

Milton Mueller: Okay. I also had the first list of NCDNHC members as of August 12, (199) which was compiled by (YJ Park). And there's - you can see who our members were and (YJ) is here.

Oh, and I'll tell you another story that (YJ) didn't tell you last night which is very funny which is at this Berlin meeting we had gone out to dinner with (Kilman Shawn) who was kind of the .kr and the Asia-Pacific TLD guy.

And he had describe to me, you know, his attempt to get more geographical diversity in the ICANN environment.

And so at this big auditorium, in Berlin they had a bunch of people on the stage for the trademark constituency. And they were all as they are today white American male lawyers.

And somebody asked them why is there nobody from any other regions here in particular Asia-Pacific? And they said, "Oh, there's nobody here from Asia-Pacific."

And so I ran over to (YJ) and said, "You're from Asia-Pacific." "Why don't you go to the microphone and say that you're here?" And she like hesitated. Did you actually go to the microphone? I can't remember. You did I think, right? You did not.

Well, I tried to get her very hard to go to the microphone and say, "There's somebody here from Asia-Pacific." And just kind of another little color story about how things are working there. They officially did not exist.

I have another link here, the ballot for the first names council election of August 20 to 22 1999.

Man: You've got to put all this stuff online for us.

Milton Mueller: I will.

Man: Present it to (Mariam).

Milton Mueller: (Kathy Raul Echiberia), (YJ Park) and (Danny Vandrom). (Danny) was a French education research networking guy. And there's also some interesting exchanges.

For example we wrote our edibility for membership in order to exclude people from other constituencies which is why (Estra Disan) and (Mike Roberts) hated us.

And so there's this guy from the Internet Society of (nuway).nu, a ccTLD operator who was like really incensed that he couldn't join our constituency. And he was like you have the ccTLD constituency. Why you want to be in this one? And we're still having this problem today.

Bill Drake: Are we (unintelligible) level.

Milton Mueller: Yes so I guess the theme here is continuity. You know, we have the same problems cropping up again and again. I think we are much more well organized.

And we did succeed in creating this independent space but we've had to continuously battle with various interests and with ICANN itself to maintain that.

But I think we've got the critical mass, you know, that we really have something to - that is an effective force within ICANN.

Bill Drake: And it's institutionalized enough to turn over from one grouping of people, one generation of people to the next, all that which is a really good thing.

I just wanted to ask you how many people on that initial list of members are still with us?

All the smokers are going outside. I assume they'll be back.

Milton Mueller: I knew this was going to...

Bill Drake: If it's not exact just...

Milton Mueller: Well since (YJ) was so effective at organizing members and getting herself elected to the council a lot of these small organizations were indeed Asian, Korea Network Information Center, Korea Internet Association, Philippine Network Foundation.

Adam Peak of the Center for Global Communications is an early member.

Bill Drake: Now a staff member supporting us.

Milton Mueller: (C Mne) was a member. This is before we kind of didn't - I wouldn't say we kicked out but we kind of drew a line between us and the (unintelligible).

Man: I think my first message in an NCUC list was in 2003, at the beginning of the 2003 accepting a nomination by Adam for the GNSO Council. That was my first message.

Bill Drake: And that's why he tweets as old timer. Okay, is Kathy online? Is she able to speak? Kathy are you there?

Kathy Kleiman: Can you hear me?

Bill Drake: Oh, I certainly can. Hi, good to see you again. Kathy was with us at the party the other night and said a few words but then had to leave due to a family emergency but she's here with us now. Kathy would you like to add anything?

Kathy Kleiman: Hello everybody. I'm sorry to leave. I can hear an echo. Okay, somebody help with that.

So coming in from the United States. It's early in the morning here. But I'm going to just share a anecdotes, things that I remember about the early days.

And the first is that Milton is our hero. He went to Berlin and he was going to have a fist fight, I'm not going to tell you with whom but we'll tell that off the record.

There were really, really violent disagreements on what the structure of the non-commercial domain name holders constituency was going to be.

And I went to Berlin to get in the middle of a fist fight because I didn't think that was going to be a really good way to start.

And in Berlin there were these very different ideas about how we were going to structure this. But I'll note that both ideas when on in different forms within ICANN. But Milton prevailed for ours.

And so when we went down to Santiago you guys heard me talk about it at the party. When we went down to Santiago we were going down with the people who agreed with kind of the model that we were setting up.

And which is, you know, somewhat similar to the model you see today and were willing to participate in that model.

And so we signed the charter. I'm really glad you have the names of people who signed the charter.

And some of us were there. And I remember the American Library Association was there which was a big free speech advocate in the United States and just other groups that really cared about freedom of expression and privacy and due process so things we care about today.

And many of us were part of the Non-Commercial Domain Name Holders Constituency because we had come from the old Internet.

And the old Internet this was, you know, the National Science Foundation Internet where the type of speech that was encouraged and allowed was educational, personal, political, academic, research.

There was only one kind of speech that was every borrowed from the Internet. And that was commercial.

And so to watch the three constituencies that are one - that's what I used to call them which was the ISPs at that point were captured. So they were sending their trademark attorneys.

And as Milton said, you know, the trademark constituency and the BCs, they were all sending intellectual property attorneys. So there was only form of speech they were advocating for and it was there in commercial and big commercial companies at that, not even entrepreneurs and small businesses.

So we were really the only voice on our side of the table. And it was just critical that we be organized and get out there and fight and fight against the UDRP and fight against everything else that was coming down the pike. That wasn't fair for the vast majority of silent users of the Internet.

And so there are lots more stories to be told. But I just want to say I think we still maintain that unique voice.

I was the one who wrote the charter provision in. I think I wrote most of the charter but wrote the charter provision in that said if you're voting in another constituency or you should be go there.

And what I remember was the International Trademark Association wanted to join us. They said they were a non-profit. And I said, "No, go vote, you know, somewhere else."

And so we tried to and, now it's getting difficult now in some ways. But we've tried to ensure that we not only have non-commercial members but that we represent non-commercial speech online and that the people who join us that's their commitment is to non-commercial speech. Forget, you know, if all their members are really in favor of commercial speech go to the appropriate place and do it there because we have such a unique voice and we seem to be the only ones really pushing it.

So thanks. Thanks Bill and thanks for holding this historical (unintelligible).

Bill Drake: Yes. So I could be in a few years' time. It won't be me but I think it's worth taking stock.

And the reason we're doing it and the reason we're taking stock because I said it's part of the other night is because those of us who participate in other processes know that these kind of coalitions of civil society actors are very fragile. They can come and go. They can fall apart due to internal dissent and so on.

And someone this grouping has managed to carry on and grow and thrive and indeed greatly increase its membership over the past few years to 448 members and 110 organizations and so on. So we are doing I think quite well.

The weird thing about that for me is that at the same time I see in my time I've been involved since 2008 growth in NCUC, growth in civil society engagement, more and more people writing stuff and participating in working groups and putting out public comments and so on.

We also see a steady stream of growing attacks, criticisms, grumblings pointed in our direction. And some of this appears to come from the original sins that Milton describe crossing people in trying to carve out turn and so on. But it has grown a lot recently.

And we just had for example a review conducted out of the generic name supporting organization by a consultancy called Westlake. And Westlake I don't know how many of you have read the reports or followed the debates around the Westlake report. Could I just - see not really many, one or two people.

So a few of us have been on top of this and have been forced to be on top of this.

Westlake came in with an agenda of criticism NCUC in all kinds of ways. And in their first report which was released during the Singapore meeting without having been vetted by the community Working Group that was supposed to be working with them - I was a member of it - am a member of it, we found lo and behold they released this document that had like 20 something complete fabrications about NCUC that basically said that we were a closed little (Cabal) that tries to control everything and that in particular we are trying to oppress the other constituency that the board created in 2011 the NPOCs non-profit operational constituency.

Also who weren't here may not understand or know that the GNSO was restructured into these two houses, the Registries and the Registrar Stakeholder Groups. So those are the contracted parties.

And then on the non-contracted side they put all the business people that the Business Constituency, the Internet Service Providers and the intellectual property companies all on one side, gave them six votes total and put NCSG on the other side, created a stakeholder group and gave six.

And that was not comfortable to the business people who complained and then pushed for having some way of diluting our influence. Robin wrote a very good articulate about this once.

And so A at the outset for instead of trusting us to elect our own representatives forced us to have three board appointed representatives on the NCSG and then secondly created a constituency which was essentially at that time a non-profit adjunct to the intellectual property constituency. And it's Web site was paid for by the IPC and it was very much supported by them.

And its primary vehicle or primary mission initially was to get special recognition for the Red Cross and Olympic Committee.

Those actors later got bored and left because the GNSO process took too long to give them what they wanted and they went off and just lobbied the GAC and the board directly.

New people cycled in and we ended up with this world now where we have two constituencies living side by side in NCSG.

And we are perfectly happy to have them there. They are focused on a different set of issues. They're supposed to be concerned with operational considerations. That is to say how NGOs, civil society actors can protect their domain name or their operations, et cetera, things that we tend not to focus on. So there's plenty of room for both sides.

Nevertheless we have been accused by some members of the board and staff and them of systematically somehow seeking to suppress them or something like this.

So this has been an ongoing controversy. And we had to actually go in and write multiple corrections of things that the Westlake group was putting into its report that were focused on us.

Now most recently Westlake released its final report. And without again having cleared it with the working group at all put in a Recommendation 23

saying that in the future all parts of the GNSO should have constituencies and the constituencies should have GNSO councilors wired to them.

So that would mean for example that the registries and registrars who operate as unified stakeholder groups should have constituencies and should give them positions and similar NCSG now we currently elect all of our councilors on a stakeholder group-wide basis democratically.

And the argument is being made that that's no good and we should move towards the CSG model where each constituency has its own councilors.

If this were to occur this would be I think a tragedy in a way for civil society because it imposes silos and turn and little battles over goodies instead of getting us - allowing us to actually do real work. And it would absorb a lot of energies.

But it's ongoing issue. And indeed Rafik as chair of the NCSG and I have been called by a board member to meet with them to discuss these issues during this meeting.

So this is an ongoing concern that I thought I would flag to you. And it raises then the question of how do we position NCUC going forward? How do we operate in a way to preserve its independence? And in particular the operational point how shall we revise the bylaws, something that we've discussed on and off for several years?

We have a team that was comprised that (Arune) is the facilitator of. It includes both people from the executive committee and people from the larger constituency.

And the point is that the bylaws we operate now, under now were written in 2009 and they're quite out of date. They don't actually describe who we are and what we do.

And so we have been trying for a couple years to ramp up an interest in doing this. And now we have a process underway to begin to do this.

And tying all this together some questions, some choices will have to be made in devising the bylaws. And this will be done after I'm gone. It'll be the next executive committee that passes this. And it'll go to a vote next in 2016 to the members.

But some of this ties in to the question of how do we preserve our space, how do we insure integrated approach to civil society representation and what is the role of NCUC with regard to policy issues?

We have since the creation of NCSG basically stopped doing policy at those constituency level and have pushed all of our effort into doing it at the stakeholder group level where it's turned out basically all the same people do all the work but just wearing a different hat which is a little confusing. So we're in an interesting kind of situation.

So before I turn to (Arune) I want to ask first of all is there anything in the approach? Because one of the discussions we had - I had with (Ed) in particular was whether we needed to wait on changing the bylaws to see if we were going to have any kind of a particular legal requirements or others imposed upon us by the larger structure.

So does - if we end up with a designator model does that have any particular consequence for us?

Kathy Kleiman: Bill...

Bill Drake: No.

Kathy Kleiman: ...can I ask a question before you get there?

Bill Drake: Yes sure. Go ahead.

Kathy Kleiman: Okay. Are we doing anymore (unintelligible)?

Bill Drake: No, we're done.

Kathy Kleiman: It would have been great to hear is - and others because it's from that (unintelligible) we can draw some of these (unintelligible) challenges now.

Bill Drake: Yes. I think we want to - I don't know if anybody wants to talk more about history. But I think most people here - most of the people in the room were not with us four years ago and probably don't want to hear more stories as much as to figure out how do we go forward now? Am I correct? People are nodding at me.

So but if there's stuff that's relevant Kathy certainly bring it to the table.

So the question back to where I was was to say that it is not the case that we have to change our form because of the accountability decision that will be made right? That's clear.

However, Robin are you here?

Robin Gross: Yes.

Bill Drake: Could you maybe sit where you're not hiding?

We do I think want to legally incorporate NCUC which would be a change at some level.

One of the issues that has come up and then we'll turn to the bylaws is we have received over the years contributions from some organizations chiefly

the Public Interest Registry but also at times the Internet Society, CGI.BR and others to help support our activities. And so that's given us a little bit of a financial cushion.

And it's with that that we've been able to start this year, this program of funding people to come to meetings when we really need them to come.

In order to continue to do that PIR told us they need us to have at a minimum a taxpayer ID. But then there was a discussion about whether we needed to go beyond that.

Robin actually has a lot of familiarity with these issues and wanted to say something about it.

So this would be something that looking at the agenda for the next quarter or next year I think we can address. So you want to just like put this on the table?

Robin Gross: (Unintelligible).

Bill Drake: You had said you wanted to talk about the legal (unintelligible).

((Crosstalk))

Bill Drake: Oh you wanted her to. Well then do you want to Milton?

Milton Mueller: What do you want (unintelligible).

Robin Gross: What do you guys want me to talk about?

Bill Drake: Well I thought you two had teamed this up because of the conversation I was getting in my ear.

Okay, well there was prior conversation. (Ed) would you like to say something please?

(Ed): Yes I think it's time that we do have to have some sort of formal legal incorporation in order to raise funds which we're going to need more of as we - as ICANN morphs into more of having face to face meetings -in-between general between which were not funded. We need the money.

And it's very difficult for us to raise money from non - PIR's good but we need to be formally incorporated as a non-profit corporation. So among other things the contributions are tax deductible.

And so I think it's time to go down that path and Robin has far more knowledge than I do about California and corporation and non-profit law so...

Bill Drake: Okay I see that (Brandon) has a question. (Brandon) do you have access to the phone bridge or you just want me to read it?

Apparently I should read it. I think if we - (Brandon Kervis) in the US says - it's old, oh. Well if we agree on the need for formal corporation this will obviously drive efforts to revise the bylaws, et cetera and that's correct.

So we do at a minimum need to get taxpayers ID. Whether I leave it to this group then whether establishing ourselves as a legal process as an entity can be something that the next group will have to take on.

There is the related question then of the bylaws. And (Mariam) could you release the - or scroll down either way?

There's a link there to I had made - so this (Pean) started and I made - all right I'm able to click on that and see it but it doesn't show up on the screen.

How do I - how do we make the questions there on the screen (Mariam)? List of starting points for discussion with regard to the bylaws, revisiting the bylaws. Are you able to do that?

(Karell Douglas): Sorry, can I ask a question. Sorry, (Karell Douglas). Can I ask a quick question?

Bill Drake: Yes please (Karell).

(Karell Douglas): Thanks. Just going back to the corporation and very quick question. Is there or are there any groups that are currently incorporated either as a company and/or otherwise in ICANN?

Bill Drake: Does anybody know the answer to that?

Man: I don't believe there are.

Bill Drake: You don't believe there are?

Man: No.

(Karell Douglas): All right, the reason I asked that question is because it's a unique model. And I didn't even know if it was a model that would be given the structure of ICANN. Now, from where I come from, the English jurisprudence, you know, the different ways, are similar to American, different ways to incorporate a body, either as a company or otherwise, the same way that ICANN is incorporated either as a company or some type of entity.

But those things bring in so many different questions which I'm sure that was not the time to discuss those questions, but that's my thought I'd ask a very simple question. And first, is there anybody who is currently incorporated, which would then give us some idea and/or guidance as to how it should go about?

But since there is no one who is incorporated, then now you have to look at the laundry list of items that you have to consider what type of incorporation, so I'm not going to attempt to start a discussion now. So I look forward to that discussion later, but hence, the reason why I did ask the question. Thanks.

Bill Drake: Okay, thank you very much. No, we would be the only one. So, okay, so again, I ask, is it possible, (Marion), to click on the link and get the questions that I posed to the group because we wanted to at least have some brief discussion before the team that's working on this goes off?

You cannot click on the link and show those questions. Well, then, if you - anybody who has access to the Adobe can click on them and I guess maybe he them individually. I don't understand why it's not possible.

So the bylaws need to be reworked obviously, and there are a couple of points we just thought it might be good to try to flesh out with the group to know whether there's support for doing them.

Now, one was (unintelligible) of legal entity, clarifying the relationship between the constituency and the stakeholder group levels with regard to making policy statement and conformity, clarifying the roles of the elected and appointed for preservatives, eliminating references - we have references in the bylaws now to charging dues for memberships.

Deciding what constitutes good standing criteria because we have several places in the text where we talk about the need for good standing. These kinds of issues have to be sorted out. And then there're organizational structural issues that we have to make clear, that representation (or NCUC) and NCSG are not the same, be clear about who are eligible organizations.

Yes, (unintelligible). That would be nice. And then deal with voting issues and align our - the voting requirements with the NCSG charter. And then some

other things. I had suggested, for example, eliminating, as I said, references to dues for the executive committee.

I had suggested potentially establishing a vice chair to help share the work that is being done because, quite often, what ends up happening is that the chair of the carrying the load of most of the work.

And whether we might want to increase or enhance the performance evaluation standards for the regional representatives on the executive committee and so on.

Recognize these are not all exciting issues but they are issues that we have to address. They've been hanging around for a while. A number of people have said, time to time, on the list we have to do something about the bylaws.

And then there's the most fundamental question, and there's the main reason why I'm really raising this. We have, in our existing text, requirement to having a policy committee. We have not had a policy committee in four years.

We don't have a policy committee because we chose to do all of our policy work at the stakeholder group level. So we have a dormant, non-existing structure in our bylaws.

And my question is whether we want to rethink that and whether we want to begin again to be a position where NCSG or the NCUC is able to adopt its own statements when it wants to where perhaps there is not agreement at the NCSG level.

And this would be particularly relevant if (NPOC) in pressuring the board is able to secure from them a deal that they should have their own GNSO counselors in which case then the whole notion of doing everything together at the stakeholder group level will not make any sense.

So I wanted to put those things on the table as things to talk about and maybe this is going to be all for the next executive committee to figure these things out, but people should start to think about them now. So, (Ed).

(Ed): Thanks, Bill. In terms of bylaws reform, I do have a question for (Tipani). I don't know the answer - is the NCSG charter is also pretty screwed up. Are you intending to deal with those issues at the SG level this year? Because if you are, a lot of what we should be doing at the constituency level should wait until we can conform to what you're doing there.

(Tipani): That's a very good question. I'm afraid I will have to tackle it, at least some of them, but it also depends on how these things work out with the (NPOC) and the (chair holders), so I will not suggest that you put the NCUC bylaws change completely and hold waiting for that because it may or may not happen, and it will take time, so at least some work should come to you on the NCUC bylaws.

(Ed): I guess a follow up, Bill, is, at least personally, I would be fully supportive of getting a PC going at the NCUC level. The more I started to work on council and with the recon we did last week at the SG level with the BC, it's hard for other groups within the GNSO to understand we don't do policy.

I was asked, "Can you get the NCUC to sign off?" I - it's a very - how do you explain what the NCUC is in the purpose we have to exist have to say, "No, we don't do policy." I have to say that and people look at me like I have three eyes.

What you mean the non-commercial constituency does not to policy? So I think we're at the point, particularly with whether we like it or not, the impetus within ICANN is a shift to constituencies and away from stakeholder groups.

If I have to put on my Nostradamus glasses, that's where we're going. We'll fight it, but just in case we lose that battle, we should be prepared to continue to be able to do policy at the constituency level.

Bill Drake: Well, that's certainly my view. There are two parts to this - and I'll come to you, (Aaron). So the first piece is right now, even if the status quo is maintained, if we continue to have an integrated - we continue to have integrated elections of counselors at the stakeholder group level where the counselors were present all - both constituencies and NCSG members who are not in either constituency.

Even if that's so, there comes a time when somebody asks for a view or when agreement is not reached in NCSG and so on, where we have had to do things by the seat of our pants of just basically sending messages to the mail listing going - two people agree with this? Is this okay with everybody, which is really not a legitimate approach in my view. It doesn't pass muster.

But when I suggested before that we should have a policy committee, I was accused of being a secessionist wanted to break down the integrated stakeholder group model and, so unfortunate, my accuser has left the room, but nevertheless, you know, I think for us to not be in a position to speak ourselves in any coherent we now is kind of nonsensical.

And if it happens that the board, in its infinite wisdom, besides that after hearing complaints from (NPOC) for years that they somehow are not being treated correctly and they must have their own constituency representatives on the council, and we're moving into a situation where I come at least, would not want to be writing policy positions for them if they're independently represented. So it becomes even more important than. So Rafik.

Rafik Dammak: Okay, first to respond to (Ed). I don't think anything happening in NCSG now will (hurt) what NCSG is trying to do for the bylaws. Speaking of - NCSG (said) for the remaining two or three days, we didn't discuss about this issue.

I guess it's up to NCSG to see maybe in the future, depending on many priorities they have, to decide if they want to also talk about the charter and, you know, so on. I mean we're also - we need to have in mind the (small stuff) and billing and how much we can - the kind of (unintelligible) we can have (and part of that).

On the other hand, I mean, we should also be careful to not make (a thing) about (unintelligible) (council seat) to constituency, kind of self-fulfilling prophecy. We need to be careful here because we are - the (room is) talking, but it's going to happen.

I mean, there is talk. There is pressure. But we cannot say it's going to happen. We need to strengthen NCSG as the constituency. Yes, we can make policies taken to participate if we want a specific topics and having the policy committee to deactivate it will be something that's at the beginning, but doesn't mean that it's going to be in contradiction with NCSG because now, (NPOC) also has its own policy committee.

They're supposed to make policy - they're supposed to, but - so we can work on that to strengthen - I mean, and to continue in the integrated model, as NCSG function at the NCSG level and to strengthen - I mean, there are several (facets) like the (end) corporation, having all these working committees, amending the bylaws and so on. So that's what I want to say here.

Bill Drake: Thank you. I don't think that mentioning this to people makes a self-sufficient, self-fulfilling prophecy. I think people should know that this is something that has been going on and we've been getting battered with this constantly for a while. I certainly would now like to see it happen, and I think we should defend the existing model.

Rafik Dammak: What I meant here is if we start, like, it's talking (unintelligible) it sounds like they're now going to there - I mean, we don't want - I want to say we're going to continue to say that we want the stakeholder group model and so on, so we need just be careful. I mean, there is a lot of discussion (on that).

Man: Understood.

Rafik Dammak: But we will keep that. So...

((Crosstalk))

Bill Drake: ...discussion and there will be pressure to some people on the board and so we'll see what happens and I want members to know about that. I won't be chair next year. You can deal with however you want. This is something that's on the agenda. So (Matt) and then Stephanie.

(Matt): I guess I would just suggest a little bit of caution in terms of setting up NCUC policy committee. There already is the NCSG policy committee. I'm on that. I don't give that enough time. It would be nice for us to be able to ramp that up.

I fear is another policy committee will just make it more difficult to do that and to be as effective. So if there comes a point in time where structurally it makes sense for NCUC to have a policy committee, and then we need to revisit NCSG policy committee, I think that's a step down the road. But right now, we should really work on trying to get the NCSG policy committee ramped up.
Thanks.

Bill Drake: Okay, and just to be clear, I'm not suggesting an alternative. I'm saying in the event rings to work out or we need to activate it, it can be the same people, okay? But we're - But if we're going to revise the bylaws, it's a decision that has to be made. It's the biggest inconsistency in the bylaws right now.
Stephanie and (Ed).

Woman: Bill, just a quick one, please. May I remind all participants to please state your name before speaking? Thank you very much.

Stephanie Perrin: Stephanie Perrin for the record. I do realize that this has been a significant aggravation and I'm on that Westlake review group and it's pretty clear there's an issue here.

But I think most people are attracted to NCUC because of the terrifically powerful work we've done over the years. And while I understand that politically speaking, not necessarily to the people who do all the work ever get the recognition, I think there is some merit to the biblical phrase, "By their works ye shall know them."

Apologies to all who haven't heard that. Is there not some way - so that's thought number one, and I don't have a solution to how we can get people to recognize that we're doing an awful lot of work and it's very important and you should come and join us. I don't know how we promote that. It sounds like self-flagellation in some ways.

Secondly, if people are meeting to discuss these issues and private, can - and I realize you're our representative there and you're going to be talking, why can't we have an open public meeting? Why does this - why is it acceptable to have this kind of back channeling going on?

We're all killing ourselves working here. I would like a bit of respect from the administration and that means whatever the heck is agreeing to meet in public and discuss a dilution of the voting power of the people who are frankly doing the work.

But I realize I'm oversimplifying. It's not like the other constituency does not participate in the working groups, but I think generally speaking, if you analyze what's been happening at the policy committee, and in the

submissions that have gone in, and in the participation in the working groups, it's NCUC.

And I welcome greater participation from the other group, but I think that - so that should be the focus of our efforts. That, and redoing the aged bylaws, and I throw the torch to (Patty) on that one. Thanks.

Bill Drake: Well, it's just - it's a simple...

Stephanie Perrin: I meant charters, not bylaws.

Bill Drake: This is Bill. It's a simple function of how these processes work. We got an email telling us that (NPOC) was demanding a meeting with the board to complain about us. And the board said, "We don't really want to do that."

And then the - Steve Crocker wrote to us and said, "What you guys go meet with them?" And I said, "Well, what's the agenda? What are the complaints?" And (he couldn't) answer. And - but their way of doing it is to have some small little thing. We will certainly make them aware we're not - there is a procedure, the charter. I quoted it to them that says these things should be sorted out within the NCUC executive committee.

So anyway, just quickly, (Ed), (Arun), and then we'll move towards closure. Again, I just wanted people to be aware - this is there. It's going on. It should be on the horizon when people who have been living through all this stuff go away, what was going to be the next executive committee needs to know this, okay?

(Ed): Okay, Bill, very quickly, regardless of what happens at the SG level, and I don't - just to echo Rafik, I don't want it to be a change and we should fight the change. Even if we stay with the same model, when you're dealing with public comments, and I certainly found this in the CCWG, numbers matter.

When the CSG can send three - when they're aligned, can send three public comments, plus the CSG comment, and we're only sending one, we're outnumbered four to one.

And when they start tallying up the sense of the community, we get our rear end kicked. So we have the NCUC PC able to issue its separate statements in conjunction with the work in the SG, we double our poll in the comments section when they tabulate it.

(Arun Kumar): (Arun Kumar). My question is on process. So, Bill, how are we going to - if - so there are clearly outstanding issues on the legal status of the NCUC issue, the policy committee, there are also potential (vices there), whatever changes we're making to the executive committee, but there are also some major discrepancies between the NCUC and the NCSG (charter) which are almost - those (stages) can be - they're clerical.

They can be made instantaneously, so I'm just wondering, in terms of the timeline, how are we going to do about this? What is this going to be like? So do we - are we looking to have a set of fresh amended bylaws, say, for the next ICANN meeting?

Bill Drake: You are the coordinator of that team, so I will turn the question over to you. What I had suggested before was that you should shoot for trying to have a revised by law by Marrakesh that we can float to the staff.

The staff will have to sign off and give its feedback and say it's okay. That will go to the board, the OEC. The OEC will do its magic which could be a couple months. They may come back and ask for changes.

And then of all of that comes together, by the fall of 2016, you would be able to put revised bylaws to the members in the next election. So the process that you have begun, as coordinator, would be the place where people are concerned about the future direction and governance of the constituency,

should perhaps join and participate in the effort that (Arun) is coordinating, okay? Yes, (Mariela).

(Mariela): Just a quick comment responding to (Ed). And I would like to hear, Mary, about that because maybe staff does not consider, I mean, an additional comment like one comment more.

It looks at it as the stakeholder group but it's not what happens in every process. We were just in working party four on the change in bylaws and human rights and comments were counted one by one.

When we're trying to decide which was kind of the position that the different contributors were adopting, the comments were counted one by one and they did not take into account if it was an input coming from the stakeholder group or an individual, so they just counted the comments.

So it does happen, maybe because people don't know the procedure and how to do things, but there is - (Ed) has a point there and it does not mean that we should use it all the time that we may have - there are moments that we could use and resort to that. Thanks.

Bill Drake: Okay, so, I think we've pretty much played this out. Mary, which like to add something? Mary is with the (GNSO) staff.

Mary Wong: Hi, this is Mary from staff and former NCSG member, so it's always good to be here. I know you're running short on time so maybe I can just provide a few clarifying comments.

It's not to correct (Ed) at all - because it always is valuable when any group, whether you're SG or constituency or a particular member has of you and puts that in, even if it's the same view is another group put in a slightly different way.

So that's always helpful and we always encourage public comments. When they result in 20,000, that might be a different issue all the time. But I wanted to say something about the GNSO's working group public comment which I think (Mariela), I think you and (Ed) were talking about.

So I can't comment about other groups like cross community working groups because they don't always go with the GNSO's guidelines. And so for GNSO staff, we support GNSO working groups. We do not weigh the impact of a statement by how many people, you know, send in their statements, whether it's three constituencies versus one.

But also, it's also not for the staff to do that. We prepare a report of the public comments are we tried to report accurately and summarize what people have said and who sent in this comments so that the public can see without having to go through hundreds of comments individually.

Kind of a spread of what the views were, and it's then up to the working group itself to review those comments and then try to come to a consensus against - again, not based on any kind of account. So hopefully that's helpful.

And, Bill, I did have one sort of question, slash, comment. In terms of the discussion over the amendment or possible changes to the NCUC charter, I wanted to refer to your point 4F. If you're going to change the references from charter to bylaws, this is just a note that, under the GNSO operate procedures, the reference is to all stakeholder groups and constituency charters.

So there may not be any substantive difference but it would be, I think, helpful to have some understanding of why and to have that explanation because otherwise there is an inconsistency and there is no substantive difference. The question is why.

Bill Drake: I didn't write the bylaws. The people who did, some are here. I don't know why they were called bylaws. But when this is revised, they can be aligned as a charter.

Mary Wong: Thank you. And just one final thing, is that when you said send it to staff, I think you know this and you meant to say, this too, that it's not staff that (okays) the substance. We basically just make sure that it follows whatever the rules and formats are. It is the board's organization effectiveness committee that will then look at the substance of the charter.

Bill Drake: Right. I did say that. Thank you.

Man: Actually, there is a requirement. Well, (with Mary) here, I believe - I remember I was in a working group about two to three years ago where we actually reformed some of this. I believe if we're going to do this, we need to notify (Rob) or someone on staff at the start of the process. Is that true, Mary?

Bill Drake: Right.

Man: So has anybody notified (Rob) that we're going to do this? Has (Aaron) or somebody done that because I think we need to do that if we're going to go forward?

Bill Drake: When it starts to get serious, I think that that will happen. I have told (Rob) already. So, we've reached 1:00. I think it's time to wrap this up. Something that Matthew would like to add - a quick comment. Yes.

Matthew Shears: Just in terms of taking you back to the Westlake and the reorganization, is there a timeline or timeframe or a schedule for where and how that's going to evolve over time, the issue of the reorganization? And, I mean, I don't want to get into a whole discussion here about that, but just kind of pointing it in context.

Bill Drake: It is a matter of the arbitrary decisions of a few board members who have interest in some - and breathing life into something that, as far as I'm concerned, doesn't actually exist. So I can't tell you. We'll find out when we talk with them. Yes?

Woman: We're doing the summary now and there are nine questions yet to be resolved. We did a pretty exhaustive questionnaire on the recommendations of Westlake. And I think it's going very well so I don't think there's any need to panic about it. We'll see what happens when the report comes out.

Bill Drake: Although the other members of the review group are not comfortable with a joint letter expressing concern about recommendation 23, that everybody (had wired) constituencies which has been something of a problem and we'll have to see how that goes.

Stephanie Perrin: I thought we resolved that. Stephanie Perrin for the record.

((Crosstalk))

Man: And the CSG is supposed. So, yes?

Man: Yesterday morning we had a meeting, the (review) working party and the folks who were opposed to the letter, as Bill noted, mainly the ISP and conductivity providers constituency, (NPOC), were present. We discussed recommendation 23 and we did agree, as a working party, to ask the OEC got to make - not to follow through with this recommendation on the Westlake report.

((Crosstalk))

Man: Yes, so...

Bill Drake: I submitted a revised letter and the last thing I heard was in a party last night I had people telling me that they didn't support it. All right, so, Rafik, yes.

Rafik Dammak: Yes, I guess we - I mean, ending this meeting, I just want to make an announcement that the next meeting is at 2:00 pm.

Bill Drake: Yes, please.

Rafik Dammak: At L4 - yes, speak in the mic and state your name please.

Woman: I'm sorry, L (foyer), the fifth floor, so just take the elevators to the fifth floor.

Rafik Dammak: Okay, see you then in one hour.

Woman: Fourth floor.

Bill Drake: Yes, so thank you very much. I am done - yes?

Man: One - we have to of knowledge that this is your last meeting and I did - I just wanted to say three - a little over three years ago I wandered into a room in Prague. There were about ten people. (David) was an interim chair. There was no agenda. I looked at this group and went to their Web page, which was ten years old, hadn't been updated. Take a look at where we are now. The membership is, what, tripled?

Bill Drake: Doubled in the last three years.

Man: Doubled in the last three years. We have an active Web page which is updated. We had a packed room today. We're actually getting respect with other people within the community and the work we're doing. And all that is due, not to folks like me and (Tipani) who are in the EC - and in the EC - Bill had a full head of hair before (Tipani) and I tortured him for a year.

But I think we all owe a deep debt of gratitude to Bill first thing with this, for not quitting when most people would have, and for basically building this constituency to the point where we can hold our heads high when we walk outside the room. Thank you.

Bill Drake: Well, thank you, (Ed). Thank you, (Ed). That was very sweet. Okay, so we're done and Sewall later.

END