Keith Davidson: I understand there are four people on the conference call.

Okay. I'll leave that with you Gabby.

Okay, welcome to this workshop. I think we probably need to make some progress as a number of people who are coming in to speak today are on a tight timeframe and we shouldn't be holding them up.

Okay, so this workshop today is to assist the Working Group members to understand the issues and experiences of ccTLDs who's experienced delegations or re-delegations and retirements.

Welcome, Peter. Come and join us.

The Working Group will not get involved in any individual issues relating to an individual delegation or re-delegation, it's beyond its scope. Nor is it looking to re-litigate any earlier policies or decisions of ICANN along the way. And our work is focused on the overarching policies and procedures used by IANA and the various documentation that's occurred to date.

Next slide.

The Working Group was established by the ccNSO Council and it's tasked to compare the policies and guidelines used by ICANN with the IANA procedures and discuss those issues that arise from that comparison with ccNSO members.

We'll report back to the ccNSO on any aspects that may require a policy development process so quite clearly, this Working Group is not empowered to enter into any policy development process whatsoever.

Next slide, please.

The Working Group will report back on three separate themes during the next year. We started with looking initially at delegations which we thought would be the easy part, proceeding through to retirements and then finally re-delegations, which we thought would be the toughest part.

We are already behind schedule as a Working Group. We were due to have our first report on delegations here in Nairobi.

Unknown female: Hello? I'm sorry to interrupt you, this is the, tell me the name of this call? I believe Christina is dialed into a different call. Is this for ccNSO?

Keith Davidson: This is the ccNSO Delegations, Re-delegations Working Group's workshop.

Unknown female: Working group F2F Workshop?

Keith Davidson: Yes.

Unknown female: Okay. I need to have the other call linked in. They set up the wrong call so continue on and I'll have Christina and Bill Simec linked into this call.

Keith Davidson: Okay. Can you have Christina also communicate with Gabby who's looking after things in the room?

Unknown female: I will let Christina know. Christina is on a whole different call so I need to link her and Bill to this call.

Keith Davidson: Fantastic.

Unknown female: They dialed in on a different number.

Keith Davidson: Fantastic, thank you.

Unknown female: Okay.

Keith Davidson: Excellent.

Okay, sorry.

The Working Group will report back to the ccNSO on the three separate aspects and we're already behind time in terms of, we were due to report on delegations here at this meeting and it would look like Brussels would be the logical timing now for that first report.

And that's not to say that the Working Group hasn't been working. We've undertaken a number of conference calls and so on. It's just that the issues that we are facing have been more difficult to get to the bottom of than we had ever anticipated.

Next slide, please.

The Working Group has commenced a review of the comparisons of policies and guidelines, most especially RFC1591, ICP1 and the GAC Principles. In a matrix-like approach we have compared the statements within those documents and have no perceived significant difference in those policies and guidelines at this state. There are differences but slight enough to not be overly concerned by them.

Next slide, please.

The Working Group is currently researching ICANN decisions on delegations, retirements and re-delegations as in the publicly available documents and our next step will be to compare the alignment of those decisions with the policies and guidelines.

Unknown female: Operator left.

Keith Davidson: Next slide, please.

Unknown male: What's that all about?

Unknown female: I don't know.

Keith Davidson: Welcome.

Unknown female: I'm sorry, I'm just working on it here. I will ask tech support about the chat room.

Unknown male: So I'll just put it on mute again.

Keith Davidson: Welcome Bill Semich online, is there anyone else online currently?

Unknown female: Yeah, Christina is online as well.

Unknown male: Nigel was on.

Keith Davidson: Oh hi Christina. Thank you.

Unknown male: Nigel is here.

Keith Davidson: Sorry? Who was there?

Unknown male: Nigel.

Keith Davidson: Nigel. Hi Nigel. Nigel Roberts for the record.

Nigel Roberts: Hi guys.

Keith Davidson: Okay, thank you.

And just finally, the Working Group will meet twice during the Nairobi meeting. Our process is that we're meeting twice at each ICANN meeting and twice, roughly twice a month on calls, because of time zone differences, so a very reiterative process with no decision being made at one single meeting allowing the participation of around 30 group members.

The topic comes up for a discussion for an hour on the Tuesday ccNSO agenda and again it's on the agenda for the Joint GAC ccNSO session on Tuesday.

And there's a link and the presentation to the Working Group documents.

Now today, initially, we're lucky enough to have two ICANN Directors who have some specific interest in delegations and re-delegations, so initially Peter Dengate Thrush is going to give us his angle on where he thinks the ccNSO might be going or where the process of delegations and re-delegations might be going and it will be followed by Mike Silber who will give us an account of the .ZA re-delegation as an informational.

So thank you very much both of you for taking time out of your Board workshop this afternoon and welcome firstly Peter.

Peter Dengate Thrush: Thank you Mr. Chairman. It's a pleasure to be back amongst friends talking about really the most important issue, I think, that links ccTLD managers and was the reason that I originally became involved, I guess, in ICANN, although we started off being concerned about trademark issues when the WIPO was doing its tour, we were also watching the formation of ICANN and got involved very quickly when we realized that there was a huge policy gap and some major threats to us as a ccTLD manager. And I was involved, as most of you probably already know, with .NZ.

So I started in this as sort of a dyed-in-the-wool adherent to RFC1591 which most of you all know was co-written by Jon Postel and Steve Goldstein in 1994. And the next major step in that process – that seemed to work quite well for a long time – most of us were attracted by the simplicity of it. The ideas that ICANN wouldn't try and declare what was a country and what wasn't. If it was in this list, the ISO-3166 list, we would use that.

We were also taken, I think, by the concept of acting as trustees and that the duty to serve the community was the paramount one. That there shouldn't be ownership of intellectual property rights in the database and those sorts of issues.

Most of us started our operations under those sorts of principles.

So we were all a little concerned when ICANN in 1999 published what it said was a summary of current practice in relation to ccTLD delegation, re-delegation and most of us thought it was no such thing. It was a little bit like what ICANN called the status quo contract which sought to dramatically sift the status quo. And I don't think that ICP-1 has ever been accepted by the ccTLD community as an accurate statement.

And one of the key reasons for that was the change in practice in relation to governments. Prior to that, many governments had been unaware of the operation of the ccTLD in their country and certainly didn't pay much attention to it.

And ICP-1 reflects the changing interest of governments – and this is the power of the Internet and its ability to serve local communities grew.

Next step in the history I suppose is the GAC Principles which were dumped on us at the Yokohama meeting from memory in 2002, Chris might be able to remember exactly? Was it 2002? June, 2002. And then I think they were rewritten in 2005.

2000? Yokohama? Doesn't time fly? Exactly, thank you. July of 2000, okay. Well there you go. Thank goodness there's some other gray hairs in the room that are into these things.

So that's where things sat. And the Board tended to use those – the GAC Principles – I think they eventually were put up in some kind of way. They were never actually adopted by the Board as ICANN policy because they weren't made through any policy making process. Nor were they properly issued in terms of advice and adopted by the Board as advice. They had a very curious limbo status for a long time.

And yet they were the ones that the IANA staff tended to use and tended to cite. And the fact of the matter is that there hasn't been any apparent catastrophe as a result of the operation of that but it left the ccTLD managers feeling a little bit uneasy because of the lack of proper process, the disagreement over some of the issues.

So those issues really were fundamental in driving the formation of the ccNSO. The raison d'être for the ccNSO was to be the place where this kind of policy was made by ccTLD managers, not by ICANN staff and not by governments.

And most of you know that the crucial by-law relating to the ccNSO is the one that gives the ccNSO the policy to make the rules to make the policy for the

entries in the IANA database about delegation and re-delegation. So it's the ccNSO that makes delegation and re-delegation policy.

Okay? So that's an enormous responsibility. And this Working Group has taken some time in my view to get to this stage. I had wanted the ccNSO to examine how it should exercise this power for considerable time. I'm delighted that that time has now arrived.

It's a significant issue. It's not going to be solved by the ccNSO alone and it's a pleasure to see representatives and friends of governments and other people because this is going to have to be a reasonably broad consultative approach. Otherwise, the policy, when it comes through the ccNSO, if there hasn't been appropriate consultation, etcetera, with other interested parties, is going to stall and eventually be blocked by enemies.

So you are going to have to work consultatively, you are going have to have a solution that works, as much as possible, for everyone.

The issue, of course, is who's in charge. The issue is a simple power issue. Who makes the rules? We used to frame it originally as in relation to a ccTLD manager and is IANA's job just to act on the instructions of a ccTLD manager, provided the local community which may or may not include the government, depending on the rules of that particular territory, can they just give instructions to IANA and is IANA obliged to follow them? Or are ccTLD managers effectively franchisees or licensees of IANA and need permission? And who makes those rules?

Should there be a difference in treatment for commercial ccTLDs? Should there be a difference depending on any other aspect of the way the thing is managed? Will one size fit all? Is it going to be a single binding policy or is it going to be multiplicities of policies depending upon any number of factors?

So, some of the issues that most of you have been grappling with for a long time. Like I said, I'm delighted to see the formation of the Working Group and congratulate ccNSO on forming it and wish Keith very well in leading it and close by just suggesting that you have some friends in high places, if Mike and I can be of any help in any way in developing this, let us know, because we'll be available.

Thank you.

Keith Davidson: Thank you Peter. And since we are at 1,000 meters in Kenya, I guess we are in a high place, so any friends here are in high places.

Do we have a mobile microphone? Do we have a mobile microphone?

Before we allow Peter to escape back to his Board retreat, are there any questions for him? I see quite a provocative series of statements there Peter and I'm sure there'd be a question or two.

Unknown male: Why are you looking at me? (laughter)

Keith Davidson: I'm looking at everybody.

Martin, thank you.

Could you please introduce yourselves just for those on the audio call?

Martin Boyle: Okay, is that actually working?

Unknown male: Yes.

Martin Boyle: Oh, okay. I'm Martin Boyle. I'm with Nominet, the .UK registry.

Unknown male: I cannot hear you very well.

Martin Boyle: I am Martin Boyle. I work with .UK Registry, Nominet.

You made a statement about the GAC Principles being in limbo and not having been, I think your words were something like, "Not formally presented to the Board."

Peter Dengate Thrush: Not formally adopted by the Board, they were formally presented but never formally adopted.

Martin Boyle: Oh, okay. So why did the Board decide that something that was formally presented to it was not going to go through some sort of process in the Board?

Peter Dengate Thrush: I don't know and I challenged Board members on that frequently when I was sitting where you are. And I still don't know the answer.

Zahid Jamil: Zahid Jamil. I am with the dispute resolution body for local ccTLD in Pakistan. Louder? Is that better? Yeah that's right, thank you for that.

Zahid Jamil. I am from Pakistan and I represent the dispute resolution body for domain names in Pakistan called the DNDRC.

And my question was, and forgive me if I don't know enough about how the ccNSO functions, but would the AoC have any impact on the ccNSO going forward? I'm just wondering. Does it have any impact or any changes on the functional relationship of ccTLDs of ICANN at all, whatsoever. Thank you.

Keith Davidson: Was that a question specifically addressed at Peter? Thank you Peter.

Peter Dengate Thrush: I don't think it does, no. A lot of people have focused heavily on some aspects of the Commitments, for example like pick up on the words "being in the public interest." And suggested that's somehow new. I've always regarded the operation as ICANN as being in the public interest. We are a public interest, not-for-profit corporation. In fact, the structure reflects the public interest. If we weren't operating in the public interest, we would lose our tax-free status in California. So there's lots of things like that that have been picked up and put into the Affirmation of Commitments that people are thinking are new. But I think a lot of it's, a lot of it's much more about operating in open and transparent ways using fact-based research, which I think the ccNSO has probably always done as well.

But it wouldn't be a bad exercise for Keith to go through and make sure there aren't any procedural or other issues that the Affirmation requires.

Keith Davidson: And Chris wants to make a comment.

Chris Disspain: I just wanted to say a couple of things, actually about both questions. I think, I don't think, I agree with Peter, I don't think the Affirmation of Commitments makes any difference. I do, however, think that the IANA contract may make a difference in the process by which that is re-let, re-tended, whatever, may make a difference. Because the vast majority of the stuff that we are talking about in respect to delegation, re-delegation and retirement of ccTLDs is actually to do with the IANA and the IANA contract.

I just also wanted to mention, on Martin's point, I may be wrong about this Martin, but my recollection is that GAC advice goes to the Board as advice and it's only if the Board chooses not to follow it that the by-laws kick in and there is a process but I don't think there's a requirement for them, for the Board, to actually accept formally the advice. I may be wrong but that's my recollection.

Peter Dengate Thrush: And the slight difficulty with that Chris is that the GAC Principles were seen before that by-law was actually created. That came about, the treatment of GAC advice came about in about 2002 and the GAC Principles were in 2000.

Keith Davidson: Okay I think this will need to be the last question.

Martin Boyle: Martin Boyle again. Yes, I think you're actually right Chris that there is this thing that the Board has to say if it is going to ignore the GAC advice. But the way that Peter put it, I think, was very much more, that here is a document in limbo and that was the bit that I found a bit difficult to accept and understand. Because essentially if the Board or if the staff, the process, are not following

those principles, I would have expected the Board to have taken note of that and for the process to have kicked in. And I think that really was my surprise about the way the idea had been put.

Keith Davidson: Okay. I think, well, there is the, I've noted an issue of clarification of the GAC Principles in terms of the ICANN Board's understanding of it.

Okay, Peter, thank you very much for taking time out of your schedule and I very much would like you to stay for the rest of the workshop but if you do have to run I understand.

Peter Dengate Thrush: I do. We just got a couple of little issues like what to do about .XXX, new gTLDs, a few other things that some people seem to think are important. So please excuse me. Good luck with the work. It's very exciting.

Keith Davidson: Thank you for your time.

(Applause)

Unknown male: But Peter, I thought that was already decided. If you want to sit and watch it that's your personal preference.

Keith Davidson: Okay, thank you and moving right along, we now have a session from Mike Silber from South Africa and also ICANN Board Director. Welcome Mike.

Oh, there is a question?

Manal Ismail: Just a comment, if I may?

Keith Davidson: Okay. Speak really loudly.

Manal Ismail: Okay. Manal Ismail…

Unknown male: It is working but you need to really shout.

Manal Ismail: Egypt's GAC representative.

I was trying to raise the same comment Martin raised about the GAC Principles and how this is interpreted, not only by the Board but also into the process itself. I mean, we've been through the delegation process of our IDN ccTLD and I don't feel the process really follows what we've been discussing within the GAC. And I think when things comes to national, we have to make sure that information that is requested is really crucial to the delegation. I mean, it's a long list of requirements that are not necessarily, we cannot really interpret how this would help within the delegation process, or how this would be evaluated. I mean, and we need to have a concrete list of requirements that

is basically clear whether they are just a checklist or subject to evaluation or probably maybe not even needed. Because I mean, the process needs to be more well-defined and more clear, even in terms of timeframe. I mean, we are targeting maybe the next Board meeting, if we miss that, we'll be through the next, because this helps the national planning we're doing. Thank you.

Keith Davidson: Okay, thank you. Some clear points made and noted, thank you.

Welcome Mike.

Mike Silber: Thanks Keith.

I won't ponder any further on the fact that both Peter and Keith live in the same town, support the same rugby team and now Keith's been tasked with this important piece of work.

That being said, my involvement with ICANN initially began precisely around the issue of delegation and re-delegation. It was at that stage part of an Internet community led initiatively in South Africa for the re-delegation of the ccTLD from the then manager who was approaching retirement in his day job, he managed the ccTLD as a part-time function. He was approaching retirement and felt that it would be inappropriate, either for him to continue as the ccTLD manager or simply hand over to another individual and therefore was seeking an appropriate replacement. So through the auspices of the Internet Society Chapter in South Africa, a drafting team was formed, which I chaired, to look at drafting the structure of a new ccTLD administration for South Africa. And one of the critical issues was then when we were ready for it, re-delegation to the new administrator.

That was when I first encountered ICANN, when I prior to that encountered the various discussions regarding delegation, re-delegation, the RFC as Peter indicated, we had a rather convoluted arrival at eventually filing our re-delegation request which was intervention by government into the process.

Now, for my part, certainly at the time I felt it was unwelcome. In retrospect, it certainly added a lot of complexity, whether it was welcome or unwelcome is irrelevant because the result is almost identical. The major difference we have from the vast majority of ccTLDs out there is that our ccTLD administration is enshrined in legislation.

And if any of you are involved law making or legal interpretation, you'll know that having something tied up in legislation is one of the most frustrating things because when you get something wrong, the ability to change is severely restricted.

So one of the frustrations that we have in being legislated is that minor tweaks that we need in order to improve process would involve a legislative amendment being pushed through Parliament with the sanction of the relevant government department who aren't that interested in changing laws and especially chapters that they see as working because .ZA is still up and running. And on that basis, we've seen no change, notwithstanding that we've noticed some minor changes that we want.

So that's one of the complexities of being legislated. My advice to anybody who's in any country who is considering legislation is, please don't look at South Africa's legislation as a model because it's a significantly bad model.

If you really have to legislate, then my suggestion is to legislate on a very broad stoke of giving responsibility for the administration of the ccTLD to a particular entity and creating that structure and then letting that structure get on with it.

What you really don't want to do is now starting to compel that structure to behave in a particular way, which we eventually did to try and enshrine certain principles in the legislation because of a lack of trust that existed at the time.

The community didn't believe that government wasn't going to meddle. Government didn't believe that the community was going to continue operations appropriately.

But when it came time to submit the re-delegation request, we took no chances. We had a look at RFC1591, we had a look at ICP-1, we had a look at the GAC Principles, the first iteration which were then current, and we filed everything that was required in any of those three. And if there was duplication, we obviously didn't duplicate. But if there was any uncertainty between the three – and Keith has touched on the fact that they are largely aligned with some minor and subtle differences – but to the extent that those minor and subtle differences do occur and do exist, we took no chances and simply filed extra documents.

One of the easiest things was, we had the consent of the previous ccTLD manager, Mike Lawrie, who was very willing to sign over on the basis that he felt it was a reasonable compromise. And also he could go into his retirement feeling that there was somebody to manage .ZA.

We had the government who felt that they had obtained a victory, even though it was a negotiated victory where both sides were happy, government felt comfortable so they were very happy to sign off on it. And the community were very happy to sign off on it.

So we then needed to prove technical competence. We showed community backing through various documents. We showed government backing. We showed the previous manager's backing. And re-delegation was a breeze.

And that's one comment without being willing or able to discuss individual cases since I've joined the Board, the one comment I would make is people somehow expect the community to understand their internal processes as well as they do themselves. You know, just because it's been at the top of your mind for the last six months or a year or however long your process has taken you, that doesn't mean the rest of us know the intricacies of it.

File the documents, over-file, over-submit, over-document, and give Kim so much information that he can throw half of it, because one of the biggest issues that we have when it comes to a Board submission is that some of the Director's on the Board actually do read the Board submissions and if there's a gap, they'll pick it up. And so we've had a number of situations of questions being asked and saves having to be made at the last minute in terms of information that wasn't submitted fully enough for us to actually have made a correct decision.

And all I can say is, and I would encourage, is whatever the final result of this Workgroup is, over-file, over-submit, submit more rather than less. You know, in my view there is no such thing as too much transparency except in my bathroom, and there is no such thing as too much information.

Unknown male: Except in your bathroom.

Keith Davidson: Thank you Mike.

Just an observation and then a question. Peter Dengate Thrush and myself live in the same town but it's entirely coincidental that I end up being the Chair of this Working Group.

This Working Group was established by the ccNSO and went through a nomination process from the Working Group to select the Chair, with Peter's total uninvolvement.

The question I have, so there's a number of useful lines that come through your discussion but essentially it's a friendly re-delegation with all parties happy, legislation not being the path to go down, but how long did it take in terms of the ICANN process for you from start to finish and was that a satisfactory, you know, timeline to achieve the goal in the overall scheme of things?

Mike Silber:	Keith, if I recall correctly, I think from submission to re-delegation was somewhere in the vicinity of a month and a half to two months. Somewhere in that vicinity.
	Now, given that the drafting team that initially started at restructuring .ZA was formed in 1998 and given that we had already submitted our re-delegation request to ICANN in 2003, in the context of the process that we'd been through, a month and a half was more than reasonable. If it was two months or three months or even if it was six months but it wasn't, it would have been more than reasonable because we'd been going through our own processes.
	And you know, that's one thing I certainly would agree with the Egyptian GAC representative that some proper timeline, some appropriate structures and full information from an ICANN perspective would be very helpful just so that you can plan rather than because there's a specific urgency that's involved. I would agree with that. Because certainly my personal experience was that the timing wasn't an issue and we managed to get timing that was very conducive and very appropriate for our needs, largely because we'd been working with the IANA staff as it then was, for a considerable amount of time before that. You know, we'd discussed initially an unfriendly re-delegation and the processes that we would have had to go through. We sat at that stage with the South African GAC representative where, you know, we would have meetings with the IANA staff one after the other where we knew that we were meeting with the IANA staff and we both knew what the other one was talking about, namely an unfriendly re-delegation and how to start or stop and all the rest.
	So we'd been through the processes. We knew what was required. We'd been through the tough times. And so when it came to a relatively friendly re-delegation, it just went as smoothly as anything because there had been all that communication for years before that.
Keith Davidson:	There's a question over here.
Manal Ismail:	Again, this is Manal, Egyptian GAC Representative.
	Okay, I really agree with what has been said regarding the time plan and the timeframe and the process needs to be informative both ways. I mean, we need to receive information on even the progress, because I think it's more of a data gathering phase that's informative only one way. And I tend to disagree with what has been said on providing – I can't remember exactly the term – but as much information as you can. I mean, I really think it should be something to the point, as far as it is a straightforward case. I mean, unless we have a disputed re-delegation or even disputed delegation, then the process should be simple, easy and to the point. And you should be able to strike

through whatever steps that have been achieved. You cannot just keep providing information.

Let me give you just a small example. Why should I report on Internet usage within the country? I mean, how would this help in the delegation?

Unknown male: If I could respond to that, Keith wants to move along. My key issue is the relatively difficult to quantify tests of support of the local community. How do you prove support of the local community? And in my view, the one key element is some sort of document from government saying that they're happy with the delegation to that entity is useful but not necessarily binding. Having various non-government organizations providing similar documents are also incredibly useful. But I think sometimes what's even more useful is a brief memo explaining the process that's been followed because different countries, different delegations and re-delegations have followed different routes and processes. And a brief memo saying, this is what happened in this year, why, what happened, how it happened, what the decision was, what the consultation was. I'm not suggesting that you now have to ask every citizen to sign some sort of petition for the re-delegation of the ccTLD but rather explaining who's supporting and what process was used to derive that support.

Manal Ismail: Two very quick comments and I promise I won't ask for the floor again.

I mean, the process cannot ask for minutes of meeting, I mean, this is too much to ask for.

The other thing is that the vagueness in the process should not be pushed to the applicant. I mean already the term community support is a vague term. So now we are in the process of proving that this is our community and that those letters represent all of the community, I mean, it's to our side now to define what's the local community.

Keith Davidson: Okay, thank you. Good points noted.

I've got Martin first and then back to you. So can you pass…oh, thank you.

And just before Martin does speak, the Working Group was reminded in a recent discussion of the Pitcairn Island re-delegation where the entire population of the country finally agreed to the re-delegation, all 94 of them.

Martin.

Martin Boyle: Martin Boyle from Nominet again.

Maybe my point is very much along the same lines as Manal's but it actually goes on to the Board and your comment Mike that in what I assume is a

significant number of cases, after the staff have done their work, the Board considers that they have not done enough and sends that back to them to get more information. And I think that perhaps is a little bit along the same lines as Manal that, you know, where there is an uncertainty about what evidence is being requested and that I'm afraid actually gives me quite a serious level of concern if the Board is having to go back to its experts and say, "You haven't provided enough information." Is there any way for the Board to try and get to a point of more clarify as to what it requires as the tests that allow it to treat what is essentially quite a subjective question?

Peter Silber: Martin, I think it's actually the function of this Working Group to do that because at the moment our experts don't come back to us and say, "Every tick box has been ticked, we're totally satisfied," and the Board throws things back at them. Our experts tend to do a very good job of raising flags which, if Board members read carefully enough, they pick up where the IANA staff may pick up an issue where they don't feel there's been possibly enough but yet they're not sure if that should be used to hold up or not. It goes to the Board and the Board will pick up any hint or any hesitancy within the IANA staff so it's generally not that the staff aren't doing their job. It's also not that the Board aren't doing their job. I think it's to some extent because the tests are relatively subjective. When I took responsibility for the re-delegation of .ZA, I was taking no risk because it was politically extremely sensitive. We'd negotiated a resolution which could have potentially been undone by delays or allegations of inconsistency or inadequacy of proof. So I took no risk. It was that important to me that I decided to over-prove rather than under-prove. Now if people are that confident with their re-delegation, my view is, well, provide them minutes of meetings if they're going to help you show something. If they are of limited use, well I don't think the IANA's staff are going to enjoy reading through 500 pages of minutes just to pull that through. It was that important to me that I was willing to expose whatever was required. The fact that I could attach legislation was also pretty useful.

Keith Davidson: Okay. And one final question, I think Mike.

Unknown male: First of all, let me say Mike I think that's very good advice from the point of view of saying over-submit so that they don't have to keep coming and answering questions. So I for one would say that that's a good comment.

With regard to quantity and quality, I think it's difficult to checklist that. I appreciate that because it has a community impact, a very serious community impact. It's not just one sort of registry that's being impacted for instance. It is the whole community that is relying upon that ccTLD. So I would say that getting or asking for minutes and other real data about community consultation would be a very, very important issue and it should be highlighted.

I'll give you an example of how – so where I'm from a consultation is termed a consultation. You get notice in the press a day before and you have to fly from all over the country to one location. If you manage to see that, be there, then you're broken up into five different groups so that you don't actually speak to each other and you're isolated into different sort of – oh yeah, you're a lawyer, or you're a banker – and on that basis, then they come up with, okay this is a group leader comes up with a, you know, minutes of whatever was discussed. And then the government decides what the result was. And that is termed a consultation. And so I think that it's very important that we need to be extremely transparent and I don't think minutes are a tall order, you just provide them, why wouldn't you? Thank you.

Keith Davidson: Thank you. Comments noted. And thank you for your input.

Thank you Mike for your attendance here today. And while we'd love you to stay, we'd understand if you have to draw yourself away to the trivia of the ICANN Board's…

Mike Silber: Unlike Peter, I won't be going back to the Board workshop to deal with XXX.

Keith Davidson: Thank you very much.

(Applause)

Our next little session is from Becky Burr who is going to give us a bit of a background in terms of IANA history, having been someone who was on the spot through pre-IANA days through to the NTIA contract and…

Becky Burr: But I did not pre-date IANA, I just want to say that.

Keith Davidson: Okay, I guess nobody in this room could be that old.

Thank you, Becky.

Becky Burr: Thanks.

One of the tasks that the Working Group is doing is trying to get our hands around and really understanding the flow of authority with respect to delegation of ccTLDs, where it comes from and how its evolved.

So we are still in the information gathering stages and there are lots of details to fill in, but just to sort of put this in perspective, I'm going to give a very brief sense of where the various contracting responsibilities lay.

Beginning in the 1960's the U.S. Defense Advanced Research Project Agency had a contract, first with UCLA, University of California, Los Angeles, and

then with USC, which was really following Jon Postel from one institution to another to provide a bundle of services that were unnamed for quite a while but basically maintaining a list of the host names and addresses and eventually grew to include responsibility for allocation of parameter, names, IP addresses, port numbers and alike, policy on address registering, guidance on TLD allocation and root server systems and editing and publishing the various assigned parameters.

This went on in an unnamed function under a contract with between DARPA and the University, contract known as the Terra Node Technology Network Agreement.

In 1983, Jon Postel and Paul Mockapetris developed the DNS as we know it now, the easier to use, more friendly names and worked out a few of the more details with respect to top-level domains.

In 1985, Jon delegated .US, .UK and .IL and he was operating then until 1993 on a frankly, first-come, first-served, whoever asks for the job gets it. It was a largely very homogeneous, academic, technical community. So it tended to be delegations to individuals in universities in various countries.

In 1994, for the first time, there are some policies that pre-date 1591 and that reference allocation of ccTLDs, but the first sort of focused statement on delegation of ccTLDs came in 1994 with 1591. That is, according to the ICANN postings, the policy under which ccTLDs are delegated and re-delegated today.

In 1998, and this is where the contractual authority becomes a little confusing, in 1998 after the U.S. government recognized ICANN, there was an assumption that ICANN was going to take on the functions for the – as they had come to be known – the IANA functions, from the University of Southern California, as part of the process. So in 1998, ICANN and USC signed a transition agreement in which USC transferred the functions and licensed various intellectual property that had been developed to ICANN. So ICANN began doing those responsibilities in 1998.

The problem was, because USC's work had been done under a contract with the U.S. government, USC felt constrained in what it could actually transfer and it did not feel that it could transfer the intellectual property developed under the Terra Node Contract without a direction and a release and a substitute contract from the U.S. government.

So in 2000, the U.S. government put together the IANA Functions Contract. We know treat those things as very separate and distinct. They were not separate and distinct in the pre-ICANN days nor in the early days of ICANN.

And so I think it's just important to understand that at some point that the IANA Functions Contract is an artifact of a legal constraints that we found ourselves operating under in the creation of ICANN and the need to have some legal instrument in place when the responsibilities were transferred to IANA. And I think that is something that often gets lost in the translation and I think is important and something that we will be looking at.

I just want to talk a little bit about the 1591 principles. Those are the principles that, based on ICANN's website, it says, "ICP-1 is a re-statement of RFC1591 but is not intended to change policy," so, and in these cases, while there are differences in names, the principles don't change.

And these were Jon Postel's principles, what he was thinking about when he was delegating ccTLDs, largely to his friends. People he knew and people who were trusted managers in the space.

So the basic responsibilities were that managers had to be able to do an equitable, just, honest and competent job. Managers would be viewed as trustees for the delegated domain with a duty to serve the community. 1591 specifically says that concerns about rights and ownerships of domains are inappropriate; rather managers should consider their responsibilities and their obligations with respect to service to the community.

There was a requirement that the manager would be equitable to all groups in the domain that request domain names. It's fine to say you have to be a corporation registered in, you know, this country, but if you are permitting a certain group of registrants, you have to treat them fairly.

Significantly interested parties in the domain should agree that the designated manager is the appropriate party. That encompasses, significantly interested parties includes governments, it includes anybody who has an interest in it but it definitely includes governments and has been intended from the beginning to say that governments are among those parties that have an important role in deciding who manages the ccTLD. And the manager has to do a satisfactory job, you have to be competent basically.

And those are the principles in 1591 and it wasn't particularly more complicated than that. There was the notion, the notion was that there could be as wide a variety of operations, managements and organization managements within a ccTLD as there were ccTLDs. That would be left up to the relevant community to decide what kind of model they wanted to follow.

The other thing that's important about 1591 and this actually was one of the very last conversations I ever had with Jon Postel was about this exactly, a sort of, what were you thinking about when you came up with 1591?

And that's the last slide. Oh did you… Yeah, go to the next one.

And he said basically I never wanted to decide, I never wanted to decide what was a country and what wasn't a country. And that's why he selected, and I don't think he was alone; he had other people working with it, the ISO 3166-1 list as an authoritative list. It may have been the wrong list to choose but there are a million different ways in which it could have been second-guessed but the point was, pick a list and stick to the list because otherwise you will drive yourself crazy.

And I have to say that was one of the smartest things that he did in my view and straying from the, you know, picking a list and sticking to that list, is a very dangerous, it just leads you down a path the end of which you don't know.

He also never wanted to have to determine who was or was not the legitimate government of a country. And there are examples in the cc allocation annals where, you know, one group, one part of a government claimed that it had the right to determine this and another disputed that. And Jon's view was, you leave that to internal government processes and whatever processes are in place within that country should rule and when the country got it figured out, they could come to IANA and tell them what the right answer was. But it was not IANA's job to pick and choose among government representatives.

And the final principle was that he didn't want to have to really resolve disputes about who got to run a ccTLD and that is why he required in 1591 that there be a contact in-country. And the theory was, if the country, if the government really didn't like the way the domain was being operated, they could invoke their own laws and their own rules and procedures to resolve the issue and then come to IANA with, you know, the consent, with the support of the in-country manager who was, after all, subject to those laws, to resolve those disputes.

So this is just sort of a real quick, here's where we think we started. We're still looking for documents and to fill it out but those are the basics.

Keith Davidson: Thank you very much Becky. And extraordinarily useful to remind us all, there's more than the words and the document and just, you know, the carefully considered principles upon which 1591 was based. So thanks for that.

Are there any questions for Becky? No. Any questions from online? No.

Okay, thank you very much Becky.

(Applause)

Our penultimate presentation this afternoon is Chris Disspain who is not wearing his ccNSO Chair's hat at this point but speaking about the .AU re-delegation which, I think as opposed to the .ZA re-delegation, could be termed to be closer to hostile than friendly.

Thank you Chris.

Chris Disspain: Thank you Keith. And thank you for that fantastic introduction placing me completely on the spot.

Yes I am wearing my .AU hat. I'm going to talk about – a lot of the things that I'm going to say are covered by the points that people have made about the way things should be done – I'm going to talk about the way that it was done in Australia. I just want to insert a disclaimer – nothing I say should be taken as a criticism in any way of any person either alive or dead, even if they're in this room, Kim.

The problem with the .AU re-delegation is something that happens to me a lot because people say to me, "So basically the .AU re-delegation was a contested re-delegation or a hostile re-delegation," and in fact, I don't see it quite that way. It is an example perhaps of why, despite what Martin and Manal have quite correctly said about the importance of having clear statements of what needs to happen, step by step, sometimes a little bit of flexibility is worth having in the system because it enables things to happen. And I obviously believe they should happen, otherwise I wouldn't be sitting here.

But for me, the experience, and I am unable, in fact, to explain to anybody the basis upon which .AU was re-delegated, really. I mean, the documentation is there but there is no real explanation as to why it was re-delegated in the end. I think the best that can be said is that Robert Elz, the incumbent ccTLD manager, ceased to communicate and that therefore it was felt that re-delegation was acceptable.

But the lessons that I have taken out of the re-delegation, and I really was fascinated, I mean, Becky's explanation of 1591 is really, really valuable and important. In my sort of shorthand, the three steps were incumbent consent, government buy-in and local Internet community support.

And local Internet community support is a real challenge. Because no one has the faintest idea what it actually means.

At one point we were – and I had a meeting with Robert Elz at which I said to him, "Robert, what will it take for you to consent to auDA taking the delegation?" And he said, "Well, you know, I think you're doing okay but what I think is lacking is the community support." And I said, "Fine, not a

problem, what about if I go and get ISOCKU and the ISP's and all of those sorts of people to say that they, and existing domain name holders perhaps, not all of them obviously, to say that they believe that this should happen?" And Robert's response was, "No, no, no, that's not what I meant. I mean, the community, and that includes even those people who haven't heard about the Internet yet."

So at that point I decided that it was going to be quite challenging to satisfy that particular requirement.

I suppose the other problem with local Internet community is, and I think Manal's point is a very valid one, is because we don't know what it means, it's actually very difficult for, especially for governments where there is a government controlled ccTLD, and it's a re-delegation perhaps from one department to another or something like. A lot of governments would say, well we represent the local Internet community and therefore we should – and I don't necessarily agree with it – but that's what they would say.

And so it becomes very challenging.

But having said all of that, the concept of having a very, very rigid, so rigid that there is no wiggle-room at all, I think is actually quite, quite dangerous. It makes it very, very difficult.

I've been saying for a very long time, to anyone who will listen to me, that the fundamental point is, it seems to me, is this, and I do not understand why ICANN doesn't say it, and Becky's already said it, if a government wants to re-delegate or wants the ccTLD to be re-delegated, it is open to them to legislate that that is what should occur. Now, it's also open to the people in the country to object to that and to sue and do whatever it is that they choose to do. But fundamentally, if we, as ccTLD managers, constantly claim, as we do, quite rightly, that a ccTLD is sovereign, then the fundamental point of that is that it must be, by all that is logical, subject to the legislation in the country concerned.

And I'm not suggesting that every government should be told to go away and pass an Act and as Mike Silber has quite rightly pointed out, once you do that, it's actually quite challenging because you then have the rule laid down in legislation.

But I just think that, working on this Working Group has been a fascinating experience and we've got a long way to go. I didn't want to say anything while Peter was in the room to disillusion him; he seems to think that this Working Group is going to lead to a brand-spanking new policy. And I can pretty much guarantee you that ain't going to happen.

But I'm much more interested in hearing other people's experiences than talking about Australia. I'm happy to answer any questions but I suppose my key point is, I find it hard to fit it into almost any of the other delegations and re-delegations that have occurred because it wasn't dealt with in the same way.

Keith Davidson: Thank you Chris. Just one question from me.

In terms of the timing of the process, yeah, I mean, given that there's a lot of things that happen outside of ICANN and so on, how long did the actual ICANN process take?

Chris Disspain: It was an awfully long time ago. Can you remember Kim, how long the IANA process took for .AU?

Once we actually got the papers in, it didn't take very long at all I don't think.

Kim Davies: I think it was, yeah, relatively quick. Bearing in mind that was the first ICANN had contracts…

Unknown male: That's correct.

Kim Davies: …and that complicated…

Keith Davidson: Yeah, talk straight into the end.

Chris Disspain: So yes, I mean, that was an issue, of course that we were dealing with the forming of ICANN and so therefore there were a lot of hard things to deal with on the way through.

Kim Davies: Yeah, the .AU request, as I understand it, was the first re-delegation request that ICANN processed that hadn't started before ICANN existed. Sorry, there were a few that were done in that period, but they were started in Jon Postel's time.

Keith Davidson: Yeah.

Unknown male: And it was still relatively quick I think.

Chris Disspain: Yes, once we got through the point of understanding that we weren't going to get Robert to agree anything and we just went ahead with the request because we have government support and so, once it got to that point, the IANA process was quick, yes.

Keith Davidson: Okay, thank you.

Kim Davies: Can I just add to a comment that you made earlier?

About legislation, I think that is actually a point that we do make. We make it very clear in our processing today that we expect the operator to be in the country, to be bound under local law, and also it's part of our evaluation to check whether there is governing legislation. And it's something that we ask. We ask, "Is there a law that governs the ccTLD operation?" And that, you know, that's reflected in our report as to whether, you know, if the government expresses an opinion, is that an opinion based on some power they conferred under law as opposed to an opinion? And obviously they're a very important stakeholder in the local Internet community. So the government's opinion is going to be important either way but if there is specific legislation on the books that appoints a certain organization to run the ccTLD, that would obviously be a very important factor in consideration.

Keith Davidson: Sure. Okay, thanks Chris. Other questions. I think yes, one, two.

Unknown male: Thank you.

Interesting point about legislation. We heard that in one of the recommendations was to try and avoid it the other is, well it's a very important factor.

And to give you an example, certain countries have the power of in ordinance which is issued by the President who could be not an elected representative, could be a military dictator for instance, but it's legislation.

Unknown male: Yeah.

Unknown male: I'll give you an example that has existed in my country since 1960 had no support from the local community. Number one, what impact would that have, what evaluation would you do in that respect? One. Two, what status or importance would you give to local community objection to something like because they couldn't get into the process to even try to stop it.

Keith Davidson: I think again you're going back to Becky's point, Becky's very strong point that she made on Jon's behalf, which is it's not ICANN's job to do that. If the legislation is the legislation it doesn't matter whether it's, you know, as you said, it's a military dictatorship or it's a whatever, I know this is often a hard pill to swallow, but you cannot on the one hand expect ICANN to operate on the basis that a ccTLD is sovereign and we have all the rights that flow from that and we sit here and pay whatever we chose to pay, if the contributions and all of that stuff on the one hand, but on the other hand to say that if there is legislation and the local community doesn't like it, ICANN should find some way of interfering.

Unknown male: No, that's. So I can I just, one response.

The second part of my question was, what importance would you give to local community opposition to something like that?

Unknown male: Yeah, I don't know. Okay, I've got Manal and then Eberhard for question, and then Becky.

Becky Burr: I just wanted to respond to that.

I think it's really important to understand that the point was not for IANA to look at the laws and figure out what the laws of some country says, that's not what IANA is equipped to do. The point was, if there is a law in the country that applies, the government in that country has the ability to enforce that law in a way that this comes to IANA as a consensual done deal. And I think that's a really important distinction.

Keith Davidson: Okay, thanks Becky. Manal?

Manal Ismael: Okay, I know I'm breaking my promise not to ask for the floor again.

Keith Davidson: Your contributions have been most useful. So otherwise I might be seeking to cut you short but no, please.

Manal Ismael: I just don't want to be misunderstood for promoting a rigid model. I mean, in fact, I'm asking for flexibility. The current model, in my opinion, is based on "one size fits all" and it's based on the very worst case scenario. So all applications has to go through the very worst case scenario and it is where flexibility is really needed, so.

Keith Davidson: Okay, thank you.

Manal Ismael: And the other thing is that governments – again, I'm not promoting that governments should be speaking on behalf of everyone else – and I mean, local community support should be submitted but then since we don't have a concrete definition, we shouldn't be trying to make sure that we define…

Keith Davidson: Accepted, yes, thank you. Eberhard.

Eberhard Lisse: Eberhard Lisse from .NA, I'm a member of this group so not all of this will come as a surprise to the people sitting on the panel.

First of all, the 1591 where it says that significant parties should have a say in who is the designated manager is clearly stated in a new delegation, it's not in, it's not concerns the incumbent.

Secondly, if my understanding was so that Robert Elz signed a paper or consented to re-delegation?

Unknown male: No.

Eberhard Lisse: That was my understanding. In the end, I had the understanding that he washed his hands of it. Anyway.

As I have said in the group before, I do not really understand what authority or where ICANN/IANA actually takes the authority to deal with ccTLDs against the wishes of the incumbent. And you know, I usually chose another word but I don't want to become too confusing.

This is in particular for the ones that were registered before 1591, before ICANN, she mentioned .IO was in '85, .ZA in 1990. I recently read the narrative from Mike Lawrey about .ZA when I was looking for our history project. Postel was not involved in this early things. IANA didn't exist but he wasn't involved.

So I'm really wondering what actual authority IANA or ICANN has to deal with this over the objections of the incumbent. I'm very happy with local legislation, it doesn't matter whether it's an order in council or an order by dictator or whatever, in the end who has the biggest gun will win whether it's a democracy or not. But once the significant will of government, in one or other form, the local incumbent will have to submit in one or another way.

And I mean, the Namibian government has passed an Act which is a verbatim copy of the South African Act, including typing errors, removing any broad representation clauses and the day after it's going to be activated, it's gazetted but not yet activated, the day after it's going to be activated it's going to get an injunction and it's going to be de-activated again. Until this has been gone through the courts.

However, if in the end, the Namibian courts decides that the way it is, there is nothing I can do and will do. As amended, I will still safeguard my property and Becky, sorry, Peter was wrong in saying that there should be no intellectual or other property in the databases, it's clearly never stated, it should not be in the domain.

And that's a GAC principle. Intellectual property, copyright, is legislated in each country and depends on each country differently whether a database is copyrightable and under what – in Australia is has a generalist right – in other countries it doesn't. So these are separate issues. They may affect security and safety and stability of the Internet and they complicate the issues much more than whether we find a way of helping the Egypt government to re-delegate their domain.

Keith Davidson:	Thank you Eberhard. I think that was a series of observations rather than questions. And I think , so thank you Chris for your time.
	But Becky made her observation at the time…
Becky Burr:	I can wait until afterwards.
Keith Davidson:	Okay.
Becky Burr:	I don't disagree with him.
Keith Davidson:	Okay. And our final speaker this afternoon is Abibu Ntahigiye from Tanzania and I hope I've got that pronunciation right.
	Welcome Abibu.
Abibu Ntahigiye:	Thank you Keith for inviting me. Actually I got an invitation day before yesterday. It was copied my colleague from Nigeria so I realized that she had not responded so I volunteered to speak something.
	Not because that .TZ has been re-delegated to tzNIC or manager but just to share experience and what is happening within the African continent.
	So how we understood the re-delegation in Tanzania is we took it as an analog to the exam. Only that in schools or colleges, the exams are closed but for re-delegation as such is an open exam. You can do it repetitively and on the same paper because they are the same requirements. But at the schools if you fail an exam then you repeat maybe another difficult one, contrary to the previous one.
	So with the re-delegation, having a chance to repeat the same exam, and you can decide when to do it. That's it. When you are prepared. That's how we understood it.
	And so in re-delegation there is no failure. There is only that delayed pass, that's what you understood.
	With that understanding, so basically the challenge here is how to go through the process and the best process is to take a long time but do one seating and then you pass the exam. That is the good process we think.
	And in Africa most of the countries, I can't mention anyone, I have the experience, I know them, they would like to go for the exams before getting prepared and this way they end up into problems and trying complaining maybe of the whole process.

Now for the initiative of Tanzania, it's almost about five years now, since the initiative started, it was in 2005. And this was facilitated by the regulator, by the government through the regulator. And this way some of the African countries perceived that .TZ is managed by the government but in fact is not the government. There is a separate entity which was established in 2006 through PPP and this involved all stakeholders. But still there is a challenge that some of the presenters have presented, that to have 100% local Internet community representation is a bit of a challenge. Because some of the people do not, especially in Africa, do not even realize the benefit of Internet for the time being.

So the company intended to take over the management of .TZ was established in 2006 but the Secretariat was recruited in 2008 in March. So basically the technical issues were (inaudible 01:18:27) from March 2008 and by August last year, we managed to successfully take over the domain registration responsibilities from the previous registrars and we initiated the re-delegation in October last year and by December last year we are through with the process.

And basically we are waiting for IANA report so that the ICANN Board can give its recommendations.

So in essence, I keep on requesting my colleagues, whenever we meet in various meetings, that to do their homework. Even five years, to do your homework, so that once you requested for re-delegation then at the first sitting to go through.

That's all I can share, thank you.

Keith Davidson: Thank you very much. And so there were two separate applications to ICANN, 2006. You made an application to IANA in 2006? 2009. Oh, 2009.

So all of the previous work was just in country work. Okay, thank you.

Okay, questions?

Just being aware of the time. We have five minutes until we have to vacate this room.

Unknown male: What is the position of the incumbent, the current registrant? Is this a contested re-delegation or is he in favor?

Abibu Ntahigiye: We hope it is in favor because you haven't gotten any inquiries, submitted information has been requested and we have been advised that the IANA are going through with the full report. Or maybe I didn't get your question.

Unknown male: The current manager of .TZ, is he on board or he is opposing this, your application, that is what I am asking.

Keith Davidson: Oh, okay. I think there's a comment coming from the back.

Abibu Ntahigiye: I didn't get your question, maybe.

Unknown male: The current manager of .TZ, is he supporting the re-delegation or is he opposing the re-delegation?

Abibu Ntahigiye: Very positive, they are very positive. Yeah.

Unknown male: Okay, thank you very much. My name is Howie (sp?) from Kenya.

Keith Davidson: Speak up, please.

Howie (sp?):   Okay. I see you presented a scenario, but I'm wondering what are the challenges because I'm seeing there's a lot of disconnection between the community level participation and the government process. Because we are talking about putting up domain names for public institution or NGO, it takes a long process in Kenya for example. And you find that the people in the community also do not understand what you're talking about. So the challenge is that in Africa, we are seeing that it's only a clique of people who are aware about what is going on. How do you, how are you dealing with that kind of question right now?

Abibu Ntahigiye: The local Internet community involvement is, as I said, is really challenging and it's a continuous process. And this comes through involvement in the Board of the entity managing the ccTLD. So if we have open, open membership, then the local community involvement will get on improving. This is my understanding. And even the Board membership to the Board is still open.

Keith Davidson: Okay, another…

Unknown female: Hi. I had a question about basically this is a question to the panel and a reaction to what I've heard this afternoon.

                   I'm representing the Philippines in the GAC and we are, the intention is for us to proceed with a re-delegation of our ccTLD, which, for some time now, has managed the domain of the Philippines, even the government domain and the military domain of the country and so the process for us to take is not very clear in terms of who do we go to and who do we talk to and I think this was one of the concerns that was raised earlier in terms of the structure and the timelines from ICANN in terms of how a country, who wishes to proceed, be

guided on such procedures. And so this is basically a comment and question that other people in the room may have and response to.

Thank you.

Keith Davidson: Okay. Noted and perhaps we can talk after the workshop.

Is there any final burning issue or observation from anywhere?

Thank you.

Nilam Himan (sp?): Yes. My name is Nilam Himan (sp?), I am from Indonesia.

Currently we have a situation where the ccTLD is managed by Budi Rahardjo, he is from the academic and there was a dispute between him and I think the other entities that manage the ccTLD.

And right now, after the dispute, the government takes over for a while and then we give the operator, the registered operation to an NGO based on several Internet communities. Currently, the current holder of ccTLD, Budi, is trying to really litigate the ccTLD to the government.

Chris Disspain: Oh, I see.

Nilam Himan (sp?): Okay, so there is the situation right now where the current registry operates without basically an underlying mandate. They just have it from the government as like – they are not the one who manage the second-level – not the top-level domain.

I tend to agree with several of our colleagues from the Egyptian and from the Philippines. Like there are a lot of issues with the delegation where there's not really a clear procedure or steps for this kind of re-delegation, especially for one who – like for example, in our country case, Indonesia, where the current holder of the domain name is giving it to the government – but still the government has to provide with all the necessary requirements such as…

Chris Disspain: I understand. I understand. I have a suggested solution for you.

Nilam Himan (sp?): Okay.

Chris Disspain: It's not a solution but a suggested way forwards. And for the lady from the Philippines as well.

Sometimes this is quite challenging because it is very difficult for the ICANN staff to discuss the intricacies of a re-delegation with you but there are a significant number of people involved in the ccNSO who have reasonable

amount of experience in these things, some of whom you've heard from today. We're happy to talk to anybody. We'll even talk to your government. So if you would like to seek, to have a brief chat with me afterwards and we'll arrange a time to just talk and maybe we can give you some pointers and some help about what it is that you might need to do.

We never take sides so if you're involved in a delegation that might be contested delegation, we're never going to take sides, but what we will do is provide the same information to everybody so you have as much information as you can.

So I'll happily meet you outside and we can have a chat, all right?

Keith Davidson: Okay, thank you Chris. And thank you. Abibu, thank you very much for your thought provoking presentation too, thank you.

(applause)

And now I think we're past our allotted time so I'd like to thank everybody for coming along today and taking such a strong interest in the subject. And I think, quite unusually for an ICANN after lunch meeting, we've ended up with a room fuller at the end of the session than it started.

So thank you very much for your attention and if you do have any issues relating to delegations and re-delegations that you think might be of interest to the Working Group, please either talk to a Working Group Member or to me.

Thank you very much.

(applause)

Bernie Turcotte: I was wondering if anyone would have a pointer to any original documents that pre-dated ICANN's involvement in IANA in delegations or re-delegations. I've reached out to a few people that I know and pretty much everyone has the same answer in that they don't have the original copies of their original correspondence with Jon Postel. That's about where we are.

Keith Davidson: Thank you very much Bernie.

Suzanne, you sent us an e-mail to the list on the thoughts of the GAC regarding the GAC Principles and I guess it would be appropriate to at least table that e-mail with your permission into the records of the Working Group. Are you happy to do so?

Suzanne Sene: Oh yes, please do. Thank you.

Keith Davidson: Thank you Suzanne.

Okay. I was trying to think of something to ask Bernie, no. Oh, okay, I guess then all I can do is call for people to re-review the documentation that's been circulated and make your input to Bernie or to the list, particularly if it's an item that you want to debate. Please put it to the list.

Bernie, yes I remember the question I was to ask you, in your circulation of the questions relating to very early delegations, did you include John Clensen on the circulation list?

Bernie Turcotte: As I said, I am uncertain whether John Clensen is on the Internet history list from the Postel Center but I can reach out to him directly though, that's not a problem.

Keith Davidson: I'm sorry Bernie, can you repeat that? Can we have a bit more volume?

Bernie Turcotte: To date what I have done with those requests is, the main request is from the Intranet History mailing list from the Postel Center from which I have had no replies. I've reached out to some of the cc managers that I know personally and no one has any copies of their initial delegations that fit in that category of being delegated before ICANN was around. I can write down Clensen and I'll be glad to take any suggestions of places to write or check. Some people in the group have started sending me material – that would be Becky and Bill

Semich – for basically indexing and gathering as part of the history part of it. But, to date, I've gotten absolutely no pointers and no information saying that anyone has some of the original documentation.

Keith Davidson: Okay, thanks Bernie. Becky?

Becky Burr: Yeah, I did, I have been looking for the original Terra Node Contract and I am going to submit a friendly Freedom of Information Act request to DARPA to get a copy of that. It doesn't seem to be on the Internet but I think that's only because it's so old, not because it's classified or anything. I did find some statements of work from the Terra Node Contract. Bernie I think I sent that to you earlier today. And so hopefully we can get some information that way.

Keith Davidson: Has anyone tried Googling it?

Becky Burr: I have Googled and Googled. And Bernie have you asked Vint (sp?) by any chance?

Bernie Turcotte: No I have not yet but he's on my list if I don't get any replies from the other sources.

Becky Burr: Okay, the only other suggestion I would have in John Clensen.

Keith Davidson: And perhaps Joe Sims?

Becky Burr: We have the history from the time Joe was involved. I think the history that we're missing is '80s and '90s.

Keith Davidson: Thanks very much for that effort Becky.

Dotty did you have a question? Gabby, just behind you.

Dotty Sparks de Blanc: Bernie…

Keith Davidson: Yes, speak quite loudly and straight into it, not…yeah.

Dotty Sparks de Blanc: Like this? Bernie, Oscar Moreno, Puerto Rico, was managing a handful of Caribbean countries in the '80s. I think you should contact him and see what he has because he had a lot of them and he was doing the whole thing by himself through the company that was at the University of Puerto Rico.

Bernie Turcotte: I know Oscar and get along rather well with him so that's a great suggestion and I will give him a shout then.

Dotty Sparks de Blanc: Good.

Keith Davidson: Thank you Dotty.

Sorry, could you repeat that?

Patricio Poblete: Can you hear me?

Keith Davidson: We can hear you but please speak loudly and slowly.

Patricio Poblete: Okay. Our ccTLD .CL was delegated in '87 and we, unfortunately we have lost the e-mails of that early time. We have asked many times to the IANA and other people in ICANN to try to help us get those e-mails from Jon Postel files and we've been told that those files exist but access to those files is not easy or not allowed. Apparently he didn't keep his personal mail apart from the IANA mail and so what we've come to understand is those e-mails do exist but they're not easily accessible or if at all.

Keith Davidson: Okay, thank you Patricio and by good luck your team all go through the earthquake and things unscathed, so, but anyway, thank you for that input.

Okay, is there anyone else, any other source documents that we could find from those early days? Any other suggestions?

Debbie?

Unknown male: Hello?

Keith Davidson: Yes?

Unknown male: This is Yap Peer (sp?)and I do seem to remember that Elizabeth Porteneuve claimed to have a lot of old documents as well.

Keith Davidson: Can we have more volume please? Sorry Yap, could you repeat that?

Unknown male: I wasn't involved in the early days but Elizabeth Porteneuve is claiming to have a lot of information as well.

Keith Davidson: Elizabeth Porteneuve, okay.

Unknown male: Yes.

Keith Davidson: Bernie, do you have contact for Elizabeth?

Bernie Turcotte: Oh yeah, I do.

Unknown male: I do as well.

Keith Davidson: Excellent. Excellent. Okay. Speak straight into it and loudly.

Stephen Deerhake: Hi Bernie, it's Stephen Deerhake, .AS. We were delegated kind of contemporaneously with ICANN coming on the scene and we do have that e-mail. It will require some digging, but if you feel it's useful, I'll dig.

Bernie Turcotte: At this point given we have zero, I think it would be fun to see anything from Jon relating to cc's so I would be glad to have that.

Stephen Deerhake: Okay. And I assume you've been in touch with Josh Elliott?

Bernie Turcotte: No I haven't spoken to Josh.

Stephen Deerhake: I should have contact details for him if you're interested.

Bernie Turcotte: Yeah because I don't have them. So if you could forward that at the same time, that would great.

Keith Davidson: Thank you very much.

Unknown male: And I think Vint has most of his e-mail from about 1982 so hopefully that will still be useful. It's kind of hard to get at it and I can order it in format.

Keith Davidson: And you have Bernie Turcotte's contact details? I'll pass them to you after the meeting.

Okay, I think that probably sums up a drowning in paperwork hopefully for Bernie and hopefully we'll get some useful commentary from that.

Okay, is there anything else other than future meetings that is a burning issue to anyone on the Working Group? Anyone online?

Okay, onto next meetings. I think our recent cluster of meetings has proved to be about the only way to do things. Perhaps today we can just try and find the next meeting and then go through an iteration of at least monthly calls with a flurry of calls coming up to the deadline for the filing of our reports for ICANN Brussels.

And Bernie, do you have a timeline in mind of the completion of your next tranche of work and circulation of documents to the list, what a good date would be for you?

Bernie Turcotte: At this date I would imagine that we've got, well, I've got about a – let me restart. Only on analyzing, gathering up the documents and sort of creating an official reference point for all the delegations and re-delegations and looking at those, there's probably a month's work, just to get it done. Because there is

over 100 of them and it just takes about an hour and a half each to compile those and go through them and this is not doing any serious analysis either. This is just an initial look at to try and pick out the candidates which would be worthwhile of a more detailed analysis. If we also get involved in the history project, that will take more time. But I think that's a longer breadth project.

So I guess, if we don't want to hold things up, because I think a month is a long time, I probably can try to get an initial set of documents out to the group. We've got the meetings this week of the 8th of March, people will be traveling back and getting caught up the week of the 15th. I would imagine that it would probably be useful for a lot of people to have a meeting before the Easter holidays or right after. So I imagine that I would try to get something out to people on the analysis of the old material and any comments I've received on material I've already issued for the 18th so that we could have a meeting on March 25th, if that makes sense for people?

Keith Davidson: Okay Bernie, I think that's quite consistent with the sort of usual day for our calls.

Bernie Turcotte: Yeah, March 25th being a Thursday.

Keith Davidson: Yeah. And March 18th being a week before. And we try to post documents so people have a chance to read them.

Okay well I think we should schedule, if no one has any strenuous objections, schedule our next call for the next time slot following on from whatever the time slot was on the last call for Thursday the 25th.

Becky Burr: I have a conflict on Thursday the 25th that's like, I have to go to my daughter's junior recital, it's like a big conflict.

Keith Davidson: I can understand that being a huge conflict in fact. But I think there will always be…

Bernie Turcotte: At what time Becky?

Becky Burr: Well I'll be traveling so if you do, I'll tell you the times, I'll think about this and send you the times on that day I could do it.

Bernie Turcotte: Okay and what I can do Keith in the meantime is draft up a schedule which people can consider at that potential 25th meeting.

Keith Davidson: Okay I think, again, because we can be, or because we are slow and iterative in our processes, you know, if Becky misses a meeting then she will catch up next time. So let's pencil in Thursday the 25th at the regulated time and Bernie perhaps if you could circulate that to the list as a first, get it into your

diary now date, and then Bernie you and I can work on the subsequent meetings on the way forward to Brussels. And the work program to accompany that.

Bernie Turcotte: Yes sir. Given the last one I believe 11 standard time, we would probably go forward six hours as is our custom and that would make it 1700 UTC on the 25th of March.

Keith Davidson: We do it in 8 hour leaps Bernie.

Bernie Turcotte: 8 hours? Okay, so that would make it then 1900 on the 25th.

Keith Davidson: Brilliant.

Unknown male: That's not interfering with an episode of Coronation Street or something?

Keith Davidson: Okay, is there any other issue that any Working Group member wishes to raise? Is there anything that any observers wish to raise?

If not, thank you all for your attendance and we'll see the remainder of the Working Group hopefully either online or in the session on Thursday.

Thank you all.