GNSO Wrap up meeting- TRANSCRIPTION
Thursday 28th June 2012 at 10:30 local time

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Stephane Van Gelder: Okay, morning all. We should get started. We'll let the others trickle in as best they can.

This is Stephane Van Gelder for the record. This is the GNSO Council wrap up session. This will go on until 12:00, and this is a no-agenda session which is designed to allow us to first of all take stock of the week that's just gone by. And secondly, to look forward to any major issues that we need to consider in the upcoming - the weeks as we leave Prague and move into the next phase of our work.

So very much an open discussion format. Please do not hesitate to dive in councilors.

I would like to start by reading just a few of the ideas that staff and others have sent for these - for discussion topics for this meeting. So first one is - and I'll just read them as sent.

So these were quickly written down. Please forgive the approximate English - mine.

Defensive registrations paper. Any next steps? Links with other ongoing initiatives. She also requests from new gTLD Program Committee, while the new gTLD Program Committee is not directing any changes to the Applicant Guidebook, to address defensive gTLD applications at this time.

The new gTLD Program Committee directs staff to provide a briefing paper on the topic of defensive registrations at the second level, and request the GNSO to consider whether additional work on defensive registrations at the second level should be undertaken.

So, you will remember that there was, by Zahid, a discussion initiated in the Council meeting yesterday on the IOCRC - on the issue of the IOCRC and what to do next. I'll just continue reading the stuff from (unintelligible).

I'll move next to number two. I'll just run through the topics.

Thick WHOIS PDP. With the renewal of the .com agreement, the council still wants to wait until November before a (DD) is formed to develop a charter for the thick WHOIS PDP working group. So to provide context for that, I'm sure you've all seen the Board resolution from Saturday - the Board resolution from Saturday approving the .com contracts, right?

We should discuss this and possibly also discuss the issue which is linked to this, which was also something that came up in yesterday's meeting, I you remember, in the constituency and stakeholder group Chair discussion period. The topic of having the Board approve a contract and then start to talk about it with the rest of the community was something that came up. So, that could be linked to that discussion item as well.

Another possible discussion item that we may want to get to today, WHOIS policy final review team. The Board encourages public input. This is a result from the - from Saturday's meeting. The Board encourages public input on the final report and recommendations, and request that the SO, ccNSO,

GNSO, ALAC, GAC, and ASAC provide input to the Board by August the 31st of this year. How does the GNSO Council want to provide input? And if so, how to proceed?

We also have the GNSO review, which we've talked about a great deal over the past few days. We have all discussed to some extent the possibility of not - well, the idea of not wanting the review to start too early in the light of two things. First of all, the new gTLD program and the possible impact on the general structure of ICANN and the structure of the GNSO.

The bylaw's mandated review should start theoretically next year. We could send the message to the SIC to discuss whether we might want to push that back, or whether it might make sense. Now, we might want to initiate at least some kind of exchange with somebody rather than just let things roll on and expect someone else to realize that it might be a good idea not to do this immediately on schedule.

And one item that was also added to this list is a discussion of how the GNSO Council would like to engage in dialog of next steps on the IRD working group report and recommendations, with the idea that a GNSO view could be forwarded to the Board by a certain time. So this is obviously something that stems from the motion that we approved yesterday, and in that motion, you will recall that we approved sending the report. But, we also indicated that we would possibly send recommendations to the Board.

So there's a list of topics. Welcome any other topics if there are some, and open up to the floor.

(Jonathan), you wanted to speak.

(Jonathan):   Stephane, can you hear me? Am I coming through on the sound system?

Yes? Great.

Two quick points Stephane. The point that I react to was the defensive registrations paper. I guess the one - one thing is I'm slightly concerned. It's no big deal about the channel it came through and how broadly circulated or aware that the broadest community is of this issue.

Second is a point related to - the second point on that topic is that I feel it's very, very important - I was kind of disappointed with the way the conversation - and this may be my interpretation only between the GAC and the Board on the IC/RC name. They seem to be talking past one another in a lack of clarity over terminology, sequence, detail that seems to be missing.

So, I'm not sure that the substance was the problem, rather than the details. You know and process and so on. And one small clarification that might be helpful in that - one of the things they seemed to have mixed up was first round and second. So you've got first level and second level protection, and then first round and second round of the new gTLD. Clearly, we're all - we're in the first round now, but with issues.

So, I would recommend - my practical suggestion, I would recommend prefacing anything, tedious as it may seem, with (unintelligible) (about) the first round or the second round when we talk about things, as well as we're talking about first level or (unintelligible) starting the conversation.

That's on the defensive registration area.

And then I (unintelligible)...

On the GNSO review, I think we should remember that (Becky) helpfully pointed out to us - this is her interpretation of the bylaws or the rules and that there was some discretion there. So, I'm not advocating that we do delay at this stage. I'd love to hear what the consequences of the timing relative to the new gTLD program. Because, it's clear to me personally that there is

significant scope for review and change, but we've also - that's got to be balanced against the fatigue and multiple issues going on at the same time.

So all I would say at the moment without me expressing an opinion yet as to whether we do undertake the review later, it does appear from what we've heard from (Becky), and I read the same, that there is an opportunity.

Stephane Van Gelder: Thanks (Jonathan). So that is why we might want to send something to the Board. The possibility of delay or the possibility of not acting immediately is one that lies with the Board. The Board could - the bylaws (enable) the Board not to do things immediately. So - because we can't ourselves decide automatically that we will not review.

(Johathan):   That's right. So my proposal would be that we focus our response to the Board not on actually whether or not we delay, because that's a bigger discussion. But simply on the technical clarification of whether their interpretation is the same. So you know, we might (unintelligible) our interpretation (unintelligible)...

Stephane Van Gelder: We'll look that up, because (Jeff) and I certainly, and I don't know we all feel that it's very clear in the bylaws that that possibility for delay is in there. So I'm not sure if asking them about it - but we're looking it up just to make sure it's clear or not.

And what I actually - my suggestion would've been to just send them a letter saying we have - and I'm happy to draft something saying that we have those issues of - well, we have the worry of you know if we start doing it next year, is it too soon? Just to make sure that's on there and that - not on the rules themselves. I think we're looking it up, but I think (they're pretty clear).

Wendy?

Wendy Seltzer: Thanks. In regard to the review, I feel I'd like to make the opposite suggestion. I think that we've been in a situation of deadlock for awhile among Council. We've found that the existing structure, as restructured, is really failing us and I think contributing to the problems that we raised with the Board when we met with them about Council being bypassed by lots of other parts of the organization who see us as a place where things to go to die rather than get done quickly.

And so, I would suggest that we step out in front of the review and work with the SIC to produce a reviewed charter that gets at the questions that we want answered and helps us to become a more effective, more efficient, quick acting, consensus building structure that can integrate new members and work with the constituents that we have now.

So I propose quick rather action rather than wait.

Stephane Van Gelder: (Unintelligible). (Another two).

If I can just respond, Wendy, one thing that - I mean from what you're saying, it sounds like we might need to get a small group together to look at that. And if that's an initiative that - let's talk about it a bit more. But from what you've just said, that might be a way forward.

I just want to say I don't feel the current structure has failed us. I think that's my personal opinion. I don't think that that stands, because I think the current structure has been very effective in some ways, and problematic in others. But just to say that it's failed us I think is a bit harsh.

(Unintelligible). (Thomas)?

(Thomas): If I maybe (unintelligible) clarify for me. Are we talking substance on the individual agenda items now? I thought that we were collecting agenda items.

Stephane Van Gelder: You can talk about whatever you like.

(Thomas):   That's most helpful.

So to start with...

Stephane Van Gelder: (Wolf) adds as usual.

(Thomas):   Okay, so I'm going to do some random words.

You know in terms of agenda, should there be any time left, I still like the idea of sending some sort of note to the new CEO as encouragement or as - you know, just to give some community backing to this new person that might feel being the loneliest person in the world, you know, because he's taking on an extremely challenging job.

Should we come back to the other agenda items, I will then, you know (unintelligible). But now, that's okay.

In terms of the (unintelligible) contract, I think we should - Stephane when you draft the letter, I sort of would send that as a follow-up to the discussion that we had. We were highlighting the IOCR/TRC resolution, the URS, and the digital offering subject where the community ID'ed the - the GNSO has been bypassed. And this is sort of another example where this happened.

And in response to what you said, Wendy, I (unintelligible) - sympathize with the idea not to delay the review of the GNSO structure. I mean, I think for such matters, we can be as good as we are.

If the Board chooses to bypass us whenever they're saying needs to be - things need to be done expediently, then that doesn't very much help. So I think we should make our point that the discussion should go first.

And maybe even (unintelligible) on that, that when we said that either the (unintelligible) of the multi-stakeholder approach and (unintelligible), and we never be as fast as the Board making resolutions or decisions in one single session.

So, I would prefer at this stage to send a letter describing why we are considering to have the review of the Council's - of the GNSO structure delayed if we think we are not in a position at the moment to effect the impact, particularly when it comes to the evaluation of the new gTLD program. And, I think that's important data that might, you know, task the GNSO with completely new subject matters that have an impact on the structure.

So, I just - wouldn't just say we're going to delay or considering to delay, because that would seem like we're trying to avoid work, but that we're lacking fact to base our decision and work on. And, that we appreciate feedback on whether that is an approach that would be supported. Thank you.

Stephane Van Gelder: Thanks, (Thomas).

So on the .com letter, actually I hadn't volunteered myself to draft that one. Be happy to volunteer you if you want to. I mean, we're - you know, the letter on the .com contract that we'd like - that we might send to - not the review. The .com contract (unintelligible).

Man: (Unintelligible).

Stephane Van Gelder: Letter on the fact that they've passed the motion?

Man: Yes.

Stephane Van Gelder: Hang on. Hang on. Let's work through (unintelligible)...

Man: (Unintelligible).

Stephane Van Gelder: All right, go on.

Man: So on that, and I - (David Taylor) drafted a statement. For some reason, it didn't get (unintelligible) so enterprise back there.

                        (Brian), do you know - can you forward that around to the GNSO Council? I just (don't) want to assign someone new to it when there's actually a draft (unintelligible)...

Stephane Van Gelder: I didn't know that, so that is helpful. Yes.

                        Yes, (unintelligible)?

Man: My response is very brief. I'm not sure we should assume or presume that we're writing specifically on the method by which the .com contract was awarded from (unintelligible). I think that may be a symptom of a bigger issue and it should be involved in that. So, that's just my response to that.

Man: Yes. Can I get (Kay) to clarify that? (Unintelligible)...

((Crosstalk))

Stephane Van Gelder: Hang on. Hang on. Let's just keep to the queue please.

Man: (Unintelligible).

Stephane Van Gelder: Yes. All right, well we'll - you'll be in the queue in a minute.

                        Zahid?

Zahid Jamil: Question and then my comment. In the .com renewal, I didn't hear any discussion within the GNSO yesterday on the prep sessions about this letter. Could someone just clarify? Stephane, what are we going to need to do? Maybe just can you tell us what we're intending to do with this letter? And then, I can follow-up with my question.

Stephane Van Gelder: Right now, not intending to do anything. Just weighing our options. One could be to write to the Board the letter we're talking about saying - expressing surprise is one of the options. We could do nothing. We could - you know, just discussing it out of what happened yesterday.

Man: So the note that was being written was not specifically referencing the comment or anything in and of itself, but it's more the notion of the Board cancelling Friday meetings, rescheduling a closed meeting earlier in the week and deciding finally on a subject it's planning for the public forum five days later. That's the note.

We're surprised that you would vote on an item in a closed meeting when that subject is planned for the public forum five days later.

Zahid Jamil: I just wanted to sort of make a comment with respect to what Wendy said. I'm in complete agreement with her because I think that we do need to be sort of planning ahead. To just simply say we're going to delay because we're not in a position to really do a review is one way to go.

But, I think that it would be helpful if we actually started working on - right. We're not going to start reviewing at the moment, but I think working with the SIC in the position Wendy made was actually good. I would defiantly second that. That's all.

Stephane Van Gelder: Thanks.

(Bill)?

(Bill): This is for (Curtis) then I guess. I've had a number of conversations with the Board people about this particular issue, and there is a perception among some that there is something broken.

To the extent that there are people on the Board thinking that, if we just come back and say, "Well, we want to cut this off along the way and move back and deal with it later," it seems (that they're thinking) (unintelligible) might be useful to at least (unintelligible).

(Unintelligible) begin to have a node within the Council for that discussion and to (unintelligible).

The other thing I just wanted to say, often a - this is perhaps kind of a small point, but when we are characterizing the (unintelligible), those of us who get in - who are not part of the majority that had the leading position on what the (unintelligible) majority or something (unintelligible).

Somehow, it could be noted that it was not a completely uniform (unintelligible) within the Council.

Stephane Van Gelder: Thanks, (Bill).

So on the review, it does sound like we're heading towards a small group. Could I just get an idea of - I mean, there's clearly not consensus on the idea of holding a review back or not. So, I think this should go to a discussion forum and maybe find a consensus position be worked on that. Or, at least a few of the ideas about next steps be fleshed out in that small group.

So, can I just get an idea from Councilors? Back to the queue.

Can I just get an idea of - at this stage, and the discussion isn't closed yet, about how - would people be in strong disapproval of creating such a group just to get an idea...

Man: (Unintelligible).

Stephane Van Gelder: All right. Okay. Well, you're next (Jonathan), so...

(Jonathan):   Thank you. I think - I've got two points. One of the notes to the Board, I think to the extent that we write a note about the (bipart) issue and all of that, I think we should just do our level best to ensure that there's coherency between that note and the note that we send to Fadi. You know, so we welcome him with open arms and indicate perhaps some of the issues that we face. We should try and make those as coherent as possible.

And my second point is about the restructure. I too, like you Stephane, feel that to describe us too strongly as broken, dysfunctional is problematic. But nevertheless, I have some sympathy with Wendy's frustrations. Personally, I don't think that's necessarily an issue with rules and structure. I think we all obsess too much with rules and structure. I think it's as much cultural as it is about rules and structure.

And so, I would encourage all of us to continue to make the efforts we have made already to work as collaboratively as possible and not push it all into a rules-based discussion. That said, I am in support I think of -- depending on the scope of it -- of starting the discussion about the restructure in a smaller group. And, I don't think that's at odds with asking for the delay.

In fact I think if anything, they are complimentary because it shows we're not fudging the issue or trying to kick it down the road. We're willing to discuss and engage on it, but we have some real practical concerns with opening up the full picture right away. So thanks very much.

Stephane Van Gelder: (Jeff).

(Jeff):   Thanks Stephane. I think we need to be a little bit careful here because we
                       keep using the terms review and restructure interchangeably. I think what
                       we're talking about is a review, but what I hear some people talking about is
                       restructure. In fact, we could start the discussion early on the review and not
                       even touch restructuring. Restructuring is not essential for the review.

                       And the point I have is that I don't believe it's a failure of the structure. I
                       believe what's going on is a failure of all of us as Councilors and as
                       participants in the community.

                       As a working group Chair for a number of groups, including the PDP Review
                       which took God knows how long - three years. I was the Chair of that group.
                       And the hardest thing was to get participation. Everyone likes to be on a
                       Council and likes to make comments about the way they see groups running,
                       but very few of them are actually in those groups.

                       And so yesterday was indicative of another one, right? There were
                       commentary from the IRC and perceptions raised from outside, and that's
                       fine. But some of the people making the comments were not in the group or
                       even observing the group. And in fact, haven't - even in the PDP Review, had
                       actual people done the work in the group faster and come to meetings and
                       come prepared, that could've taken a lot shorter.

                       Same thing with the IOCRC Drafting Team. As the Chair of that group, I'm
                       trying to push it along as fast as I can. And I've sent questions out, and I've
                       set questions out in advance to all of the people on the group. We get
                       virtually no emails back in response to those questions.

                       I try to - we try to - all the Chairs try to push the discussions, but if you're not
                       getting the participation from all of us, and not just us being the Councilors,
                       but the community, the groups aren't going to move forward. And, we can't

expect staff to move us forward. Because when they do, sometimes we're not happy with that because they're doing it on their own.

So let's re - I'm all in favor of starting a review of how we improve those processes. I'm not in favor of starting any kind of review on restructuring until we really know how the new gTLD's fit into the whole structure when they come in, and that's at least a year and a half away.

(Unintelligible), start with a review of what's going on and then push off the restructuring until we figure all of that out.

Stephane Van Gelder: Thanks.

Wolf?

Wolf-Ulrich Knoben: With regard to that discussion, I'm a bit optimistic that we can co-exist. So, we had this discussion with the Board. I think was a (unintelligible) to the Board, and a question was referred to that review or restructuring. And, I heard a (unintelligible), he is the Chair of (unintelligible). He was focusing on more, but they were more interested in effectiveness rather than organizational structure or issue in that review.

And if you look at this, (so I understand the) - the (unintelligible) that - that the SIC is the one in charge of having oversight of all these reviews. So if we have a close link to them of common understanding, well - but, they would like to see us (unintelligible) into that respect not to (unintelligible) in a question of restructuring right now or not, so that would be helpful. And I think if we could after that time convince the SIC, I think the Board is also convinced.

(Unintelligible) - I see then that would be helpful to have a small group on that starting very early - very early, because the time is (right). And them coming with some idea and putting in those ideas. Thanks.

Stephane Van Gelder: Thanks Wolf. Just a highlight that (Brian) has sent me a text that was referenced by (Jeff) earlier on to the list, for those of you who want to see it there.

Zahid?

Zahid Jamil: Yes. I don't want to pick up on the issue of whether we are disappointed with the way the GNSO structure is working or not. But since it's now being - you know, the debate goes back (unintelligible), I want to join that.

But, they have been a disappointment as far as these (unintelligible). There are several of us within the group (unintelligible). But definitely one of the issues about why a review should be sort of going forward is it doesn't have to necessarily be restructuring. (Jeff), I completely agree with you, but I think that's basically where a lot of people do want to take it. Because - and if you look at the lack of participation, which is the point you raised, it may have something to do with some of the (unintelligible) structure in the voting that takes place on the Council.

Now, your view may differ from mine, but my constituency had a certain view. I'm having challenges getting my members to participate in a whole bunch of things because they're asking, "What's the point?"

So, that may be a valid view, or if some of you have an opposing view, but I'm telling you what some of the members do feel, at least in our constituency. So, that's their view and I understand yours is different than that.

But, I would just like to caution that yes, I think there will be some discussion on restructuring when we're going through review. Obviously, everybody's may differ. Thanks.

Stephane Van Gelder: Right. I actually didn't say that I didn't disagree with the disappointment that was being expressed. I said that I - to call everything a failure seemed too strong. That's what I said.

Secondly, I would be delighted (unintelligible). If that were the (unintelligible) that made me react.

So I have (Thomas), (John), (Allen), (Jeff), (Jonathan). (Thomas)?

(Thomas):   So (Jeff), thanks very much for making the distinction between the two terms. I think that's extremely (helpful) basis for our discussion on this.

I would like to strongly disagree with you (Bill) on the notion that we need to make clear that there was no (unintelligible) with the decisions. I think the Council is working in a democratic manner. I think everybody who knows democracy knows that unanimity is the exception rather than the general rule. And, I think that being over cautious - and this is something that I wanted to bring up much earlier but there was no time.

I think the times - you know, whenever you make statements taking off his Chair hat saying now I'm speaking in a personal capacity - what have you - I mean, that's all good. But, it's the result of being over cautious, but you seem to be misrepresenting this group.

And, I think we have elected a Chair, and the Chair at times should have some discretion to make a point on behalf of the Council. And if that Chair were now also forced to display accurately what the result of certain -- I'm paraphrasing now -- what the result of certain vote were, that would not be a good thing.

I think at this - you know, it's closely connected to the review question, because I think the current structure can work if we get enough community commitment and input, and if the GNSO represented by the Council,

represented by the Chair (they) seem to be strong. And at the moment I think we're not making an impression with the GNSO Council Committee that should be taken particularly seriously.

I think it's seen that way by sometimes, and I - you know, I think that just as an encouragement, let's trust democracy and empower our representation to make points in other (unintelligible).

Stephane Van Gelder: Thanks (Thomas).

I just want to say that I continue to be extremely pleasantly surprised at the quality of discussions that we have at these wrap up meetings. I find it fascinating that it's generally now that we really get into the issues that we all seem to care about and that we have this quality of discussion.

I wonder if it - I mean, I'm - just as I'm listening to the discussion, I'm trying to work out why it's only now. Is it because we don't have an agenda? And, I'm happy never to work on one again for any meeting if that's the case.

Is it because we feel too constrained in other forums? Is it because we're just tired now and we've let our guard down after a week? I don't know, but it's interesting.

Oh, Wolf says it's because I'm going to leave you. But, I don't know what he means by that.

Anyway, (John)?

(John):   First it's just that...

Man: (Unintelligible).

(John):   We're recording?

With regard to the discussion about defensive registrations, what's the source document that we're starting that from?

Stephane Van Gelder: It's the result (20120410.ng2). You asked for it.

(John): I did, and I got it.

(Jeff): The briefing paper I think was sent around on - I'm trying to find the exact date, but I think June 4th.

Stephane Van Gelder: June 4th.

(Jeff): It was sent to you by (Kurt Fritz) to us as a Word file. Marika resent it around to the group this weekend. That's the document, but Stephane's correct. There's a resolution about that document (unintelligible).

(John): I ask only because defensive registrations has been such a large part of the discussion at the consumer trust metric and competition work group already as a (unintelligible) all been working on that matter.

(Unintelligible) exactly the extent of the level of defensive registration. Set that aside.

The other thing is (Jeff), your point about participation in work groups is well understood. As I said that in our meeting on the weekend, I am a - I'm the Council Liaison to that particular committee, and so feel even more compelled to participate. But once those meetings began to be scheduled two hours a week, it - even in had to bow out of more than I could participate in. And I mean I felt bad about it, but I still had to do it.

In the course of the PDP changes, discussions about the structure of a work group, a drafting team, is it - historically, there used to be - and then correct

me if I'm wrong. I don't really have the legacy in my head. There used to be a requirement that there be participation from each specific group, yes, and now there is no such requirement? Is it possible that there - that a revision such as that could lead to some of the - to more energy at this point?

Stephane Van Gelder: So you're suggesting we go back to the task force model, single house model, which is good because we've done that before. But we'll just go back to (unintelligible).

(John):   Well, I'm - I guess what I'm suggesting is out of ignorance. Is that - you know, as I sit through and participate on many of these work groups and drafting teams...

Stephane Van Gelder: (Unintelligible)...

(John):   ...you know, should there not be required participation from each of the groups. So therefore, we would at the end have at least someone to...

Stephane Van Gelder: (Unintelligible). Yes. My response was tongue-in-cheek. On the volunteer thing - on the workload thing. Now that does go back to another point that we're constantly making, and I'm certainly pushing it, which is you know workloads. And I think what you say about - you know, I'm starting to participate and then suddenly I'm into this cycle where I have meetings - two hour meetings every week. And for some of us, those meetings might be at 3:00 am as well. That makes it very difficult.

And, it goes back to you know the note that I sent to the Council, this was before (unintelligible), about the volume of documents. It goes back about the work - it goes back to the work load issue. I think you know if we're talking reviews, there certainly needs to be a review, but I think it needs to be more general in that regard. In the regard of how do we equate a model which relies so heavily on volunteer input?

And to the point that - you know, if volunteers aren't able to participate fully and devote - some of us will spend 5, 6, 10 hours a week on ICANN-related material. And in that time, you know, we have to fit in our everyday work life, maybe a family life, or whatever. So it does become very difficult. I think that's a crucial issue.

(John): I made reference, and I didn't mean it (unintelligible). The potential emergence of a professional (class) (unintelligible). My view is that that could be counter to the urge to continue to globalize the organization.

So, there is a longer-term concern that I have over this.

Stephane Van Gelder: (Allen)?

(Allen): Thank you. I have comments on several of the things that had been mentioned. With regards to review and restructuring, there are certainly people on Council and outside of Council who feel restructuring is warranted now. But regardless, restructuring should come as the result of a review or as a conclusion of a review, not as a premise. It should be well founded and understood.

Regarding participation, I don't think we - (unintelligible) suggested going back to task forces, but there's a big difference between a task force which had even representation and simply requiring that stakeholder groups have somebody on the group so (unintelligible) walk away from it completely.

My impression is that if one took the active workers, and I don't mean everyone signed up for a mailing list, but I mean people who showed up for more than 50% of all meetings for the work group, we'd find a very small core of people both within Council and (unintelligible). Certainly people on Council, long-term participants, who almost view it as a rule saying you must not participate in a work group.

I understand the concept of work load. And for those of us who participate in many workloads and try to make it to every - many work groups and try to make it to every meeting, it is a heavy and unbearable load. And if I wasn't semi-retired, I couldn't handle it. I understand that. But, I think we need some level of participation. Right now, we're not seeing that.

And, it shows up in that when the results go out for public comment and things like that, we get comments from people who often have good ideas. Too bad no one ever mentioned them earlier.

Stephane Van Gelder: Thanks.

(Jeff) next.

(Jeff):   On the - just to clarify I guess. The way it used to be was there were two options for Council. They could either (unintelligible) task force or they could form basically a committee of the whole - of the GNSO. And to the task force, you're right. It has - as (Allen) kind of put it, it was not that everyone was required to participate. It's just that everyone had equal representation to the (unintelligible).

We've had these problems. Just lack of participation is not a new problem. That was - the same problem under the old structure as it is now. The workload is more now, but even back then if you were to listen to discussions, the work load was huge then too.

So I'm not sure if going back to that model is any different. But part of the reason that I found in discussing the dysfunction of - especially discussing the dysfunction with outsiders is that we spend so much time talking about process, and restructuring, and review, and things we could do better, and such little time on the actual substance.

Everyone - I mean, look at the queue for this. This is great. But when you get to a subject like IRTPC, or security, you hear (unintelligible) - you hear crickets essentially. No one wants to talk about those issues. It's really we spend so much time on process, that's the dysfunction. I think I sat at a table with - last night with Margie and Marika, and my wife was there. And, my wife commented that she - we (unintelligible)...

((Crosstalk))

Man: (Thought you were crazy.)

(Jeff):   No, I was crazy before that.

After that, she said she had listened to a couple of conference calls that were having with Council and it was late at night, "How do you take that? All you guys do is (unintelligible)."

Spot on. We don't. We schedule it and people come in and actually there could be sustentative discussion. But every one of those sessions during the weekend go short. Every one of the discussions on outreach and process, they go long. So - I mean, we have 45 minutes in, there's a lot of substance we have to discuss and we're not going to get to it.

Stephane Van Gelder: But this discussion is really good, and I'm - I mean, Marika was making that point to me on IM that you know in the list of topics that I gave earlier on, there are some that - at least one that we need to provide a response on pretty quickly. And, I was replying back that this is the only time where I get to certainly be able to just let the discussion roam.

And I - you know, we can - we do have a Council list as well where, you know, often - (Jeff), you talked about the fact that there's no response on anything. I often feel like I'm shooting and you know, pissing in the wind -

sorry. I couldn't think of a better expression. When I'm sending messages to the Council list and nothing comes back.

However, a personal opinion - because you're right (Thomas), I must preface everything I say with some kind of tag. I've seen ever since I've been Chair - seen a constant fight between - or tensions between the role of the Council and the role of the GNSO community. And I've heard a lot of people trying to push the Council into basically a rubber-stamping role on anything that the community does in the work that the community does.

And arguing - this is obviously paraphrasing and it may be not totally accurate, but it's something that struck me. I've heard people argue that the whole - that the policy (unintelligible) work is done in the working groups and the drafting teams. The Council should rubber stamp. And probably, box the Council into the role that you've just described as well. So, that may be a result of that pressure as well.

And if there's a review, I'd certainly like to participate in it from that point of view and just ask that we look again at the - expect - the role we expect the Council to have.

Because you know - and coming back - sorry to drone on, and I'll try to stop. But coming back to the point that I reacted to earlier on that Wendy made, I've constantly - ever since I've been on this Council, felt a great deal of pride at what's being don here in the work - the interactions. It's a pleasure to work with the people I've worked with here. And, I've often felt the Council doesn't have enough pride in itself.

(Jonathan)?

(Jonathan):   Thank you Stephane.

Comment - a brief comment on a few of the issues that have been talked about.

First of (unintelligible) is (Thomas)'s response to what (Bill) said. I don't see those as polarized or different opinions. I think we can have a - we can empower a confident Chair, and that doesn't preclude that confident Chair from reflecting that there are at times a lack of unanimity in the output. So I don't see those as contradictory.

Essentially, I can support - I feel I could support both of you in your opinions. I understand where (Bill)'s coming from, and I also understand where you're coming from (Thomas). I don't think they need (unintelligible). So that's my opinion on that. I think - well, the Chair can speak without having to take of their hats every time but still reflect where there is not complete unanimity.

In terms of the restructure/review, I'd like to support that point as well. I think to suggest that a restructure is the - conclusion of a review is to preempt the review process. So I think - I guess I'm with you (Allen) on that. It may well be the outcome, but let's concentrate on the review before we presume the restructure.

I agree with you Stephane on the quality of the conversation. I think we're stifled by our agenda and our - and again, process. But if we could work harder at trying to (unintelligible) agendas that create and facilitate those type of discussions, I wonder if the professional class that (John) has referred to might assist in participation, I'm sure it could. We just need to be careful to harness that effectively and not also - and ensure also that that - that there are - the interests that might come from that aren't - don't skew things and...

Stephane Van Gelder: Thanks (Jonathan).

Just to read the queue out so people know where they are. I've got (Bill), (Wolfgang), Zahid, (unintelligible), (Allen), (Mary), and (Chuck), and now (Ching).

(Bill)?

(Bill):   Thanks.

On the pride issue, I thought that's interesting because Steve DelBianco published the other day that we're the Marines, so ICANN probably had maybe the opposite problem. But we could have some sort of a - you know, a team building mantra or something to buck us all up. You know, a Stewart Smalley moment. But we - I don't know. Think about it.

I have three real quick ones. First on the review stuff and so on. On (Jeff)'s point to process over substance; sure. Everybody hates that. However, it may feel more annoying when people talk about process if you're in a group that wins consistently. On the other hand, those who feel that they're not giving - that their views are not prevailing or are being bypassed in some way may be more inclined to feel there's something wrong with the way the process is working. That I think is an entirely normal thing here.

But, it's true there are - there's reasons for people to feel perhaps some disgruntlement. And anyway - so - but the point is nobody was saying restructuring. I didn't hear Wendy say, "You know, let's restructure to (help them out)." Nobody's eager to go through another Council restructuring exercise. It's simply a matter of it - is it perhaps useful to start the (unintelligible) collective reflection on how well is this working? Strengths? Weaknesses? Benefits of current structures, and ways they could be better.

And, I think we have - the discussion is in the wind anyway. I mean, Board people are at - pulling me aside and asking about it. Other people are talking about it. It's a topic out there in the public mind. So for us not to even begin to

think about it together at all would be kind of weird. It'd be kind of ostrich-like behavior. So, I think having a group to at least begin the mission is not a bad idea.

Secondly, on (Thomas)'s point. I wasn't suggesting that every time Stephane refers to us he should say, "And by the way, the vote on that was - " or something like that. It's simply a matter of nuance. If you are in - if you've had a (divisive) vote and you're in the group that lost, and you're - is not - there were a number of people who felt that they (unintelligible).

When you constantly hear something being characterized as if everybody was gung-ho of this view, you feel a little bit like history is being whitewashed. It's sort of like those Soviet parades where, you know, people would disappear from the podium. You feel like, "Well, wait a minute. That's - you know, we spent you know months and months arguing against this, and now you know out there in the public space the idea is that the Council absolutely feels so and so."

So, I'm just saying I think there have been a number of representations of that discussion that I think the nuance didn't quite capture that sense. So I'm just saying - I'm not saying we should formalize this and restrict the share or anything like that. I'm just saying a little bit more nuance, perhaps (unintelligible).

And the last point real quickly about why people like to talk on the last day more. It is the case that - I mean, this is generally true for ICANN. Everything is overly structured. Everything - we have so little unstructured space. We have all these interesting people come together and they're forced into these unbelievably complicated dialogs that are, you know, taking place in windowless rooms with bad coffee for endless hours.

And you know, I'm always thinking, "Hell, I'd like to take some of these people out in the hallway and have a different conversation." I really wish there was

some way, not just from the GNSO but for ICANN to build into its program a little bit like a - some un-conference time. You know, some (unintelligible) time. Some time when people could just sort of like debate ideas around pertinent issues that are kind of pressing and not getting addressed.

So, we spend all of our time dealing with the immediate crisis rather than over the (horizon) or out-of-the box, so pick your metaphor.

And by the way, if you're pissing in the wind and nothing comes back, then you're doing it the right way so...

Stephane Van Gelder: Thanks (Bill) for those instructions. I didn't say nothing came back, but let's not go there.

Can I just ask - I just want to understand one thing (Bill) that you were saying, for which - about the role of the Chair. I've never felt - and I'm not sure you're saying that, but I just want to make it clear. I never felt - for example, I know what you're talking about on the IOCRC. Your group was not in agreement with the end result.

Whenever I've touched on the subject -- I've only introduced it -- I've always constrained my role as Chair as an introducer of topics in that regard. And then others that either were on the working group or whatever, we'll talk about it.

So, are you saying that in my - okay. Thank you. That's clear.

(Wolfgang)?

(Wolfgang): I can be very brief because you know, these three points just raised by (Bill) were also on my agenda, and I support all those three points.

You know two very small additional remarks here. I think a review of GNSO is certainly one thing, but you know we should understand that ICANN - for several reasons, ICANN as a whole enters a new (phase) and has to think about you know - you know, something has to be changed. I think we all feel it. You know there's 2000 new gTLD's (unintelligible) the internal life of ICANN will change.

And with a growing external pressure coming, you know, from all these United Nation conference is another. ICANN has to react in a different way. So it's more of the same substantive work. So this means we have to think about it.

And so if the GNSO Council to be proactive or to think about not only about its own future, but about the future of ICANN as a whole. But it means we had ICANN 1.0 in 1998 and in 2002, then the reform started and now we are living under ICANN 2.0, or let's say 2.1 or 2.2. But time is right now to move to ICANN 3.0. I think this is (unintelligible).

You know, more or less I have this feeling and that means ICANN enters as a whole troubled water and the GNSO and GNSO Council, you know, it's a core element of the ICANN structure. It's in the midst of this pressure which will come.

And that's a very small point to the IOC/RC dispute between Thomas and Bill. I personally was frustrated, you know, how the representative of the US government used the drafting team to play against the Board.

So I think that was really done in a way where also I did not feel that, you know, my working in the drafting team and as a member of the Council was reflected adequately. It was nothing against you, Stéphane, it was really the way how the US governmental representative used this to attack the Board. So this was unclear and I think, you know, we should not allow that we are

used to play, as an, you know, as an instrument, you know, against other bodies of the ICANN community.

Stéphane van Gelder: Thanks, Wolfgang. I have Zahid, Yoav, Alan and Mary, Chuck, Ching, Wendy and Jeff then we'll get some substance. Zahid.

Zahid Jamil: Yeah, in my attempt to defend the IRTP-C's level of interest I know (unintelligible) topic that people (unintelligible) but I've got to say it was surprising. The con calls that I was on there was a lot of people. And the kind of work that they - I learned a lot and it was very interesting.

I was only a liaison from the Council and I can't say I made all the calls personally but whenever I was I saw a lot of participation. So there was that, you know, sometimes things do get participation.

(Unintelligible), Stéphane, personally I think, you know, working in the Council has been a pleasure and it, you know, the sort of people you work with and the level of intellect was fantastic.

We have some problems with getting our work done sometimes and that's frustration and that comes back to the issue of structure. Right now we're only talking about a review but what I heard Wendy say was we want to do a review and the restructuring thing came from Jeff's response. But maybe I'm wrong about that.

But the restructuring could - but restructuring it could be part of it, it could not be part of it. Let's not get into that debate now. But what we should do is leave that door open. Let's not say well let's not talk about restructuring. Let's say there will be a discussion about (reviewed), etcetera. It may lead to restructuring. Why do we need to talk about what may or may not happen or close the discussion on that? It's just something I thought of.

A little further on that one of the reasons why the restructuring is deemed necessary by, you know, (unintelligible) by some folks is we have folks out there who, as individuals or working group members or members of my constituency - okay let's take Mikey as example. He works really hard. And there are others worked in RAP and others who feel that sometimes things come to the Council and they don't necessarily go through as they may have liked.

Now sure, we should have the capacity to be able to judge what's coming into the Council. But when I remember in my early days on the Council I was told the purpose of the GNSO after the restructuring is to be a policy manager and not necessarily policy developer.

So I (unintelligible) so we're not going to vote on substance as much as I thought I would. But it's a policy manager role. That seems to not be what we're doing anymore. I don't know if that's a good thing or a bad thing. But at some stage we need to rationalize exactly where we're headed because that's sort of the briefing I got when I came onto the Council.

On the point of the public meetings and why we're having more discussions a bit and interesting sort of in depth discussion on things, Stéphane, I think it's two things: One, yes, there's an agenda and everybody is either sort of looking at motions and saying well we've got to focus on these motions so maybe that's one of the things that happened.

The second is the way that the room is structured. I mean, it's a straight line. This sort of structure may give - and the closest we have is you, for instance, right now - may give more opportunity for us to (unintelligible), Stéphane, no I didn't mean that. But the point is to have an open discussion. So sometimes it may be the structure of the room. And, yes, a (unintelligible) does not contribute to an open discussion sometimes. Thanks.

Stéphane van Gelder: Thank you, Zahid. Can I just say I'd like to close it off after Joy, which is kindly - she's the last person in the queue - because we do - would just like to get a couple of decisions made in this meeting and it's supposed to end in half an hour. So I have Yoav next please.

Yoav Keren: So first of all I want to relate to what Jeff said. I kind of thought that he stole my line. I really - I really support that. I think we - my personal feeling has been always, by the way, before I joined the Council, maybe it's one of the reasons I actually joined the Council, is that we talk too much about process. I think we - the substance - and we should be more active and talk more about the major issues that are on the table.

I can understand, Bill, with your saying on, you know, those that lose - I don't see things here as win or lose that want to talk more about process. But I would actually - the only process I would be happy if we continue to talk about is how do we make the policy development process quicker?

I think the criticism on the GNSO and the GNSO Council is usually from the side that things take too long. We've had the discussion yesterday on the IOC/RC issue and I must say that I want to kind of clarify what I was saying yesterday that, you know, we have worked the rush. And when I say work the rush I meant, you know, we - this can be done in a PDP but I can totally understand those that are afraid that, you know, this won't be in time because we had that happen before.

So if we do get into any further process discussions I would be very happy if we talk of how do we do this. I think we can. I think if everyone will understand that to make this Council and this organization more functional and not be seen by others as dysfunctional it is important that this process will be much shorter.

That might, you know, require in some cases to have like public comments shorter, things like that. I know not everyone like it. But this might be helpful for everyone to actually, at the bottom line, get a better result.

And I want to also (unintelligible) to what Thomas said on the chair's hats. I think Stéphane, you were doing always a very good job on being neutral in how you manage the Council but I totally agree with Thomas. I would - I think that it's, for me, was sometimes awkward that you need to change your hats.

I think that is - it is important that next chairs will still keep neutralizing the process in administrative part of managing the Council but should be free to speak more than, you know, that it is now.

And about the session I also believe that it's a very good session. And I just have, you know, maybe an idea. Maybe we should have the first session at Saturday. As he said, Zahid, the structure is - it may be something like a brainstorm; no agenda, no nothing, instead of having to brainstorm at the end of the meeting let's have it - at least one at the beginning and start on that; that might be helpful.

Stéphane van Gelder: Good suggestion. Alan please.

Alan Greenberg: (Unintelligible) three quick points. With regard to the Council being an administrative body and worried more about process than the actual (unintelligible) the person with seniority on this Council (unintelligible) contiguous service. (Unintelligible) have to recall that that was directed at a very explicit result of the last review.

(Unintelligible) off in no uncertain terms supported by some people on the Council. I personally think it was a mistake. But it's not by accident that we're not talking about substance; we were told not to talk about substance for better or worse.

I'm absolutely delighted to hear these discussions on how to speed up the policy development process. I think it's absolutely crucial to the success of the Council and to how it's viewed.

(Unintelligible) like not being the lone voice at this point. It's going to be hard. It's going to have to violate some of our other long term polices and practices. But the net result is we have to be (unintelligible) it must be consensus policy.

(Unintelligible) last thing that I'm running off to the ALAC closing meeting now. If you choose to adopt the statement that Brian contributed and David Taylor drafted there is an error in fact in it (unintelligible) and dot Com was on the agenda. Didn't say they were planning to approve the contract; said they were going to talk about (unintelligible).

Stéphane van Gelder: Alan, just to that point, which I think is useful to make. I've been online getting requests from others to - can we see if that comment - we can all agree to sending it and reading it out in the public forum today. And I've responded by saying - and I think your point is in that direction as well - by saying that I felt it was too soon.

I'm - for example I've got no time to read the comments right now because I'm doing this. Others may be involved - involving themselves in this discussion. We've just got the comment half an hour ago. And I think another problem we have is we try to do things too quickly at times and then we're too slow at other times.

But right now I would be - to me it's just physically impossible to process that and with any confidence decide that we're going to read the comment in the - I will read the comment in the public forum this afternoon on behalf of the Council. I'd much rather thresh it out on the list and then send it as a written comment to the Board in a few days time just give...

Alan Greenberg: I did have the benefit of an early version because I was trying to do something...

Stéphane van Gelder: Okay.

Alan Greenberg: ...in parallel with the ALAC - the ALAC statement which we may or may not approve in the next half hour is a much shorter one and I hope it will be (unintelligible). (Unintelligible) just pointing out that (unintelligible) took out a lot of the context and a lot of the details of that although it is parallel to it.

Stéphane van Gelder: Thanks. So please send your edit to the - or your clarification point that you've just made to the list so I can rework it in that draft then. (Unintelligible) very much. Thanks, Alan. Councilor Mary Wong.

Mary Wong: (Unintelligible) form of address. I think Stéphane can't wait for me to the leave the Council.

Stéphane van Gelder: Not true at all. It's just that in every single issue's report I read Councilor Mary Wong started this by introducing a motion so I'm just going after that.

Mary Wong: If I can introduce motions and cause that much consternation (unintelligible) should be looking forward to Stéphane and I sitting in the back room after Toronto.

                  No I want - actually Alan made the comment to me about the factual issue in the note that Brian sent around it and (unintelligible) the agenda for the Board meeting around (unintelligible) that the Board was going to vote on a resolution with dot Com at that meeting.

                  So - but I think that even though you don't have time to read the comment I think it's a good comment and it's fairly detailed. Particularly if ALAC is going to pass a motion (unintelligible) if you can do a one sentence that the Council was surprised and disappointed at the Board's decision to pass a resolution

on dot Com at this meeting and we'll be following up with a more formal statement to the Board. I think that might be something that (unintelligible).

Going back to the discussion we just had about (unintelligible) very brief statement worth making.

Stéphane van Gelder: Okay. I'm very ill at ease with doing that because I just don't feel that we've had time. Bruce sent an email on the 20th - most of us started traveling on the 20th or the 21st. So we did get advance warning but, you know, once again this comment I've not even read yet. If you all think I should stand up and say a single sentence please give me the sentence and I'll do it.

(Unintelligible). Chuck.

Chuck Gomes: First of all thanks, Stéphane. Chuck Gomes. I want to reinforce what Bill said about the opportunity to have a structured discussion that Bob and others have also commented on. That's been one of the things that have made this meeting always so good. (Unintelligible) reinforce that and I hope as a community I think we can expand on that.

Lots of discussion on efficiency and speed and criticisms that the Council gets for that or the GNSO gets for that. I understand all that. There's a very, very easy way to correct that. Make the Council a legislative body. In other words ignore the multistakeholder model and the bottom up process. Previous councils have done that. The old DNSO; they were very frustrated because things were slow.

And so what happened? The Council started making the policy decisions themselves. They started doing - and that was the task force versus council as a whole model.

Now whether we like it or not the role of the GNSO Council in the bylaws, I happen to think it's right - that's my own personal opinion - is to manage the

policy development process. Well all the criticisms about the time spent on process I think they're off base.

Now maybe the way we do it needs to be changed but that's exactly what the Council should be doing is working on the process. Now I personally think one of the good things that came out of the GNSO improvements process is the working group model.

And that actually evolved out of a very successful working group that Bruce led, okay? And I still think those - all the things in that are really good. One of the best things the Council could really focus on is how do we make that work? How do we improve it? How do we get more participants? How do we get the impacted stakeholders to participate on that?

That would be a process issue that would be really valuable to focus on instead a lot of the other things with regard to process that we focus on. So I'm going to challenge some of the thinking. I agree with you; some of our process focus could be better directed. But not necessarily not on process; that's the job of the Council, to make it work, to make it more efficient, to make it faster. And those are process issues.

Stéphane van Gelder: Thanks, Chuck. Ching.

Ching Chiao:: Thank you, Stéphane. Being a relatively new councilor here so I'm - (might) just offering to my two cents here. And maybe a quick solution to what Chuck has said is that during this less than two years of, you know, participating and trying to, you know, get up to speed and actually to - trying to speak at the Council level I think what we have done - what Chuck just said, I mean, it's just all about the process.

And in contrast in the country I would actually think - and here's the quick one and the solution just came out of my head and it probably - this could be a funny one - is that if we have a, you know, three times a year face time, each

time we have four hour, I just don't see personally - at the personal level I don't see why we bring up this many, like working group level of details we show them in the public forum meeting.

I mean, whether we should do things similar to this maybe to reserve one or two hours of, I mean, I mean, the public brainstorm time and list the topics that has been, you know, you know, we have talk or even get the public participation through that. I mean, the reason I'm saying so is because, I mean, hey, the Board, they - so now these days they will have their actually "secret meetings."

So, I mean, we - so we can have the, I mean, kind of the motions or the other discussions which - that's really involving policy decision making actually matters during our teleconference calls and then, you know, utilize every, I mean, those four hours on public face time to get, you know, public awareness, public participation so on and so. That's a quick thought on that.

I think - actually, Stéphane, you said - you probably brought up, you know, during your term or probably in this two or three years, I mean, the Council has been served, you know, probably to use the term, I mean, the rubber stamp.

I kind of, you know, have a funny feeling to that. But I feel that it's because of - those are the - I mean, those are actually created, I mean, those issues are, you know, dodged by the Board or by the GAC. I mean, we've seen this and we've talked about this. They are in the driver's seat of - now they are in the driver's seat of those (unintelligible) - those things (unintelligible). And then we'll have to respond; we have to react.

I mean, I mean, I guess this - just about time, for example, we (unintelligible) to review the first round and we have the competition and consumer trust working groups. And I think this is also time to, you know, plan for the second round.

Especially, for example, we plenty (lengthy) of time on discussion and creating this, I mean, the applicant, I mean, support program. And I think it's about time, you know, to think about, you know, I mean, the second round. And, you know, just to trying to see how we can take the driver's seat.

(Unintelligible) also brought up in your discussion (unintelligible) is the IRD and the working group. I know we'll be preparing - the chair will prepare a report for that. We'll have to make sure then - we'll have - I'm not sure if Steve is here - Steve Sheng is here (unintelligible) discussion with him.

The purpose of this report and the letter - after the letter being sent to the Board is actually their intent to dispense the working group. So I would just kind of worry where is the next step for this? We still need to request for further on the issue report and we will still have to send our recommendations (unintelligible) in this report.

Maybe there's some, you know, (unintelligible) in the text that we are sending to the Board, some questions on how to follow up on this one.

Stéphane van Gelder: Thanks, Ching. Wendy.

Wendy Seltzer: Thanks. Quickly; I'd gladly volunteer to be part of the small group and - or a small group if we choose to form one or to form one informally discussing the - what shall we do about communicating with the Board about review and planning internally for how we prepare for that.

Regarding the issues coming from the Council my greatest concern is when there are issues that haven't yet come to a vote or consensus call; issues that are still under discussion so we haven't even gotten to the point where there's a winner or a loser, there are just voices that have been heard and sometimes the louder voices get characterized as the view of Council when rather than (unintelligible).

And onto substance I have had good discussions here, mostly outside of the formal seating of meetings on various RAA and Whois issues and security issues. And I welcome those and welcome the chance to engage them I think leaving us enough time between meetings in our schedules is critical to being able to go out and engage with members of the working group and other members of Council so that we can have those substantive discussions because we just don't get to them when we're all seated up in the front of the room for our meeting.

And we had one motion actually come to the floor. We had some substantive discussions in there that weren't motions but we also had quite a lot of reporting of reports that we could have been given to read rather than have read to us.

Stéphane van Gelder: Thank you, Wendy. Jeff.

Jeff Neuman: On - just to go over - my comment on process on the weekend was just - the weekend sessions started out as being working sessions. They were not intended as Council sessions or Council (unintelligible). Really the reason to have these groups come in is that we as a community know what's going on in each of the working groups and that we can actually debate some of those and have some talk on the contents of the report; we being the community.

And I know the Council shows up and we have us shape and the you shape and maybe that's not the right way going forward. But that's why the weekend sessions were set up; it wasn't so that we could talk about process. Now we could have a separate session on that. And in fact Wolf and I, who set up the agendas, that's good for us to know - it's good feedback.

And (unintelligible) but just wanted to clarify that that's really what the intent of the weekends were, was to actually talk about the substantive working

groups and reports and things for the community not necessarily just for the Council.

On the second one - second comment was on winning. I guess Bill had mentioned the winning. I don't think anyone feels like they're winning which may be everyone feels like they're losing, which may be a good thing, right? I think of the show Glee in the United States where everyone's a loser and they all go like that. I kind of feel like a loser so maybe that's good.

((Crosstalk))

Jeff Neuman: So we're Marines that are on Glee. So as far as the structure of meetings I do feel like they are very structured. I feel like even Stéphane's trying to move us along because we've got to end at noon because God help us if we go a few minutes over. I do feel constrained. When we do actually get into some good discussions it's like okay now we've got to go; we've got to wrap it up.

So I think maybe we can do something about that, have more open ended meetings, less structured time so that we - on the weekends too everyone feels like they have to make a presentation - every group. And I get that too from, you know, setting up the meetings we kind of give pressure - Wolf and I give pressure and Stéphane from certain - even ICANN staff that every group has to have their slot. So the DSSA has to have their slot every single time.

The, you know, and maybe we can actually get away from that and just give longer time periods to more of the substance for the - again the community, not necessarily the Council.

How to make things go quicker? Look, the only real difference between a PDP and other processes we do is an issue report and two mandatory public comment periods. That's the only difference. So I don't really feel like - I feel like we've put the excuse on, well it's a PDP so it's got to take longer.

Really, as I said at the beginning, the way we make it go quicker is actually working. Having those weekly calls - I know, John, you said that that's a hassle but that's how you make it go quicker. It is a hassle; you're absolutely right. But if you don't have those weekly calls and you don't have people responding there's no way you can move it any quicker.

And finally, because I'm trying to go quick, if the GAC can manage to have a communiqué during the week and discuss it I think, Stéphane, we could actually - I do believe we could work on some statements quicker than others. We don't need a few days to mull every single statement over; I think that's the problem.

And I also don't feel - I wouldn't be worried if you, as the chair, got up during the public forum and gave the thoughts of Council. I think we have pretty much agreement, maybe not on the words but certainly on the concept that a topic was voted on by the Board. I don't want to refer to dot Com. I know Mary in her statement said dot Com. I don't want to refer to the agreement. I think it's irrelevant what it was.

The relevance was there was something that was voted on during the weekend that was later scheduled for the public forum and that was wrong and that caught us by surprise. So I trust you as our chair or whoever our chair was to reflect the views of the Council in this type of arrangement. And we don't need review after review of - review after review of review of what you as the chair could say.

Stéphane van Gelder: Thanks, Jeff. Joy and then the closing remarks.

Joy Liddicoat: Thank you. I just wanted to echo and then add to a couple of - several of the points that have been made earlier. But particularly on the pride point I certainly don't feel a lack of pride in what the GNSO Council is doing at all. And I - but I take your point, and it's well made, Stéphane, that there are - in

our patience for some of these issues we focus on the things we don't do so well and I think that's a fair point.

I just wanted to pick up on the point about winners and losers. I think we're in a - as Chuck said a democratic space and it's a multistakeholder space. And we win some, we lose some as constituents and individuals. I'm not too worried about that. But I think by the time if some voices or some particular perspective has been to dominate that undermines the principles that we might (unintelligible) to espouse. And I think that then becomes a problem.

And I think that, you know, I've valued this, you know, space as an open (unintelligible). I think (unintelligible) suggest we have in the agenda space to permit a discussion, in other words, you know, open unstructured time. And I'd value that.

And, you know, I think in the short time I've been on Council there are some councilors who've neither made a substantive input into any Council meeting I've been in, telephone or face to face. Others seem to participate at the other end of the spectrum shall we saw. And neither of those two - neither of those two is necessary or related to the quality of their input necessarily.

So I think, you know, more time to have discussions about how we (work) to give us, you know, I would certainly value (unintelligible) idea about more open time on day to day.

Stéphane van Gelder: Okay thanks. I know some of you want to continue reacting. It's five minute to go and, Jeff, you - or two minutes and, Jeff, you saying that it would be a disaster - that we shouldn't be constrained by the time but this is the way it's run now and we are tasked with get a slot and we do have to try and (unintelligible) it so I do try and do that.

There's a couple of things that I do want to try and do. First of all the - are you saying that we've got nothing else after this, yeah?

((Crosstalk))

Stéphane van Gelder: Okay so who's up for staying in this room all day?

((Crosstalk))

Man: ...that's a good one.

Stéphane van Gelder: All day - Zahid said the room is free all day; let's stay here all day. You need to pee. So do I but...

((Crosstalk))

Stéphane van Gelder: All right, okay, so let's carry on a little bit. I'm certainly enjoying it immensely. So let me just continue with what I was saying and then continue to go back to the queue.

First of all on the comment that has been circulated I've now had time to look at that originated from the IPC. I just want to try and get a sense of whether you want me to read that this afternoon so I'd like to read the comment now and get the discussion going on that.

The GNSO Council wishes to express its disappointment with the Board's decision to meet in a closed session on Saturday, 23 June, to vote on a topic which was slated for discussion at the public forum on Thursday June 28, 2012, and there's a link.

ICANN staff had placed the topic of the renewal of the dot Com agreement on the Thursday public forum agenda some time ago and this item remains on the public forum agenda tomorrow.

We are aware that - today - yeah, thanks. Someone didn't edit that. We are aware that a number of GNSO constituencies, stakeholder groups and advisory committees were looking forward to addressing this subject with the Board and the ICANN community at the public forum.

However, although the GNSO Council and its constituencies were aware of the Board's intent to discuss the contract we were not aware of its intent to approve the contract at its closed session.

This comment is not with regard to the merits of the Board's action; it is for the constituencies and stakeholder groups that highlight those as they see fit. However we, the GNSO Council, find the process followed by the Board to be objectionable at a time when we are all being urged to advocate to the ICANN model at a time of increased global scrutiny.

And it is therefore imperative - this still needs slight improvements - yeah. It is therefore imperative that the Board hold itself to the highest standards of transparency and accountability that it is mandated to uphold.

So do we want to - I'm happy to actually read that out but. Oh? It's completely different. Thomas is asking if I've received his note, which I have. And I don't know if you sent it to everyone, Thomas, but it might be helpful if you do. But it's a completely separate note. I'm happy to open a discussion up on that.

I do have some councilors IM-ing me as I'm speaking saying I've got prior engagements because I'm following the originally planned timeslot so I may have to leave which makes it very difficult to know what to do.

So I'll just - there are a few things that I also wanted to just let you know and then I'll go back to discussion. First of all I will - the informal discussion point that I made - that I listed at the beginning of this meeting and the notes from the discussions I made some on the fly notes. I'll be sending those to the list after the meeting so that they exist. And you can react to those as you see fit.

I also wanted to let you know that because of the change of schedule for the general ICANN meeting, as you know there's no longer any meetings on the Friday. And in previous iterations of the ICANN meetings the SO and AC chairs gave a report to the Board on the Friday morning. That report - that report-giving has been cancelled but the report itself still happens.

I've drafted a report which will be put up on the ICANN Website. I'm trying to find - I can't find it now but there will be a tab somewhere on the ICANN Website and the process of submitting a report just highlights - giving the highlights of our work week will continue just to let you know about that.

So let me - let's just agree, if you will, that we go on for 10 more minutes and then stop. I have Jonathan, I have Bill, I have Mason, Zahid, of course. Oh? No we'll just go on for 10 more minutes.

((Crosstalk))

Jonathan Robinson: Very, very briefly. Two points; you expressed an intention to read out that statement or a close variant of that. I suggest that if that is the case you just seek any objections. (Unintelligible) show of hands if anyone objects otherwise you proceed with that.

(Unintelligible) Chuck's comment earlier on process and the value of the process I think if I understood correctly I agree with that in full. We should (unintelligible) and respect the processes that are in place. I think the issue is less about (biparting) due process and more about obsessing with process itself and making (unintelligible).

Stéphane van Gelder: Thank you. Bill.

Bill Drake: I would like to counter-propose a different procedure which is that the people read comments and statements (unintelligible) picture the two we might like

(unintelligible) agree or disagree to the other one. (Unintelligible) have different properties, different tones and I (unintelligible) is more appropriate. It doesn't lecture the Board. And it simply (unintelligible) that we're disappointed that a resolution was passed when the topic is to be discussed today.

And I think that that's a pretty straightforward and an appropriate stance to take so I would like to have both options considered. And of course if we vote and decide on one I would like you to report that (unintelligible) vote for the different versions of the letter when you stand up - I'm kidding, I don't actually want you to do that.

Stéphane van Gelder: I know you're kidding. It's pretty funny. And you see I started saying we won't have time, we haven't had time, let's take our time and now we've got two different comments. It does get complicated. It's fun. Mason.

Mason Cole: I just - I've been listening carefully to (unintelligible). So just (unintelligible) of history when (unintelligible) Stéphane correctly pointed out we began (unintelligible) for GNSO (unintelligible) Friday or maybe Saturday.

In the way of another piece of history when I was (unintelligible) Board's interaction with our group (unintelligible) 15 minutes around here should we, you know, should we (unintelligible) 10 minutes by traveling to the Board's room (unintelligible) all of which were perfectly valid ideas but that wasn't the real problem. You can't tweak your way 20 minutes here and there and (unintelligible) issue.

And when it comes to the GNSO my point of view is there's really nothing wrong with our process. When we overhauled the GNSO the last time (unintelligible) set up a process that really is quite effective. It (unintelligible). So it's, you know, this is all set up (unintelligible) and a competent way to handle business.

The issue I think comes with overwhelming its capacity. (Unintelligible) know that we're all well intentioned and we all approach ICANN work with a sense of (unintelligible). All that's perfectly appropriate but we're not going to be as effective as we can be until we (unintelligible).

(Unintelligible) always going to be more work to do. We can back up our starting to Friday and then to Thursday and then the Wednesday and then make it a two-week meeting, you know, plus the two to three weeks that it takes to prep effective for an ICANN meeting.

There's always going to be more work. Until we decide to make very smart decisions about which work to take on and how to go about it we're always going to have this problem. But I do have faith in the council model and I don't think it needs to be (unintelligible) with all the intelligent people sitting in this room (unintelligible) a lot smarter about how we attack (unintelligible).

Stéphane van Gelder: Jeff says you're not talking about me but...

Mason Cole: No, not you.

Stéphane van Gelder: Zahid.

Zahid Jamil: (Unintelligible) I like the fact that we didn't specifically mention dot Com and I also liked the fact that - I'm talking about Thomas's comment - I liked the fact that he was also mentioning not just the dot Com but several instances where the Board has done something which is similar.

What I did was I tried to sort of insert that paragraph that you made into this document. The criticism - I shouldn't call it a criticism but one of the problems I had with the last paragraph of the draft that was circulated earlier was that on the one hand we're saying we don't want ICANN to be open to criticism but then with the last paragraph we said it is therefore imperative the Board hold itself to the highest standard of transparency.

If the language could slightly be modified - I'm trying to work on something right now - slightly modified because it sounds like, as Bill, said we're lecturing the Board. We are, you know, the Board is over us. Now, I know, you know, I'm trying to work out something that hopefully incorporates both.

And we can't tell the Board, you know, that what you need to keep to the highest standards; it becomes a little tricky. Maybe some other language like we hope that - or we have faith that the Board will continue to uphold the highest standards of transparency and accountability or that nature. We need to be a little balanced in that. That would be my view. Thanks.

Stéphane van Gelder: Thank you, Zahid. Thomas is next. Not next. Wolf is next.

Wolf-Ulrich Knoben: (Unintelligible) about comparing those versions here but what I would like to say is - because we have also had a short - only short time (unintelligible) constituency with some people so we would like to support what was (unintelligible). Especially, you know, we should point out in that answer - refer to the GNSO interest, that's fine, not, you know, it seems to me that (unintelligible) your version, Thomas is just pointing from the Council point of view.

So it is a statement coming from the constituencies and from the stakeholder groups as well; it's supported by them. So I would like to see that - if you could put it that way so that that is made clearly so that would help.

Stéphane van Gelder: Thanks, Wolf. This is getting very difficult, I think. And you all said how much you trust me and you love me and you think I'm delightful so just trust me to make a comment then. Didn't you say that?

((Crosstalk))

Stéphane van Gelder: Then if you trust me I'll base my comments on...

((Crosstalk))

Stéphane van Gelder:...on Brian...

((Crosstalk))

Stéphane van Gelder:Zahid doesn't trust me. He's shaking his head no.

((Crosstalk))

Stéphane van Gelder:(Unintelligible).

Thomas Rickert: I apologize for you getting ahead of me. But my suggestion was, A, that you just - you understand the sense of the Council process. That wasn't enough then the question was no we need to have something written; does anybody object to either of, you know, either of them stand and said either of them could stand. Rock on.

Stéphane van Gelder:Thanks.

Thomas Rickert: Oh and by the way part of the problem - part of the sensitivity that I have in terms of the sharpness of the (unintelligible) I think the Board misrepresented us in their meeting with the GAC (unintelligible) the transcript you'll see that (unintelligible) aspects of our behavior that were mischaracterized.

Stéphane van Gelder:Not everyone's clear on what you just said so if you want to - I'm seeing lots of...

Thomas Rickert: It was the function of the privacy, you know, well we haven't heard back from the GNSO. (Unintelligible) the Board says we haven't heard back (unintelligible) quite clear as to what the process is (unintelligible) allowed the GAC to conclude that the Council was somehow negligent and I objected.

Stéphane van Gelder: Thank you. Jeff is next.

Jeff Neuman: Thanks. I was just going to say ditto on the comments. We trust you, Stéphane to make the statement. (Unintelligible) want to follow it up in writing we can (unintelligible). On John's point I want to just stand by.

I think that at least in the IOC Red Cross we certainly made it clear to the GNSO what the process was, what we were doing - well no to the Council and the Council represented to the Board, sorry, so the drafting team made it clear to the Council, the Council made it clear to the Board our process when we submitted our statement the statement that was approved by the GNSO Council with some minority that didn't support it.

But when we submitted that to the Board it actually said in there that we're going to work on second levels now. So they did know we - they may have forgotten but they did misrepresent (unintelligible) were made to look bad when actually we did everything we were supposed to do.

Stéphane van Gelder: Thanks. Jonathan. Done? Anyone else? Okay so - well what I propose to do just because I'm not going to just ad lib this completely. I propose to read the final draft of the IPC statement that I've just reedited and sent to the list. Yes?

((Crosstalk))

Stéphane van Gelder: Well I want to - that's what I'm going to do. I'm going to freely base my speech on that draft because I'd rather not just stand up and say anything.

((Crosstalk))

Stéphane van Gelder: What I'm saying is - what I said earlier on is trust me to do something if you trust me. I do have to determine what I'm going to do and I've determined

that that statement that the IPC has done that Thomas and others - from what I can see you've all included comments in that statement. Is that not true?

Zahid Jamil: It just sounded like you wanted to present it to us for approval. I'm not - I have no intention whatsoever to approve. I trust you fully to make a statement without, you know...

Stéphane van Gelder: Well what I'm - I'm explaining to you what I'm intending to do so that you're not blindsided by it. If you feel, Thomas, that part of your statement needs to be included in that I've just send the latest draft. I'd rather just stand up at the mic with a written statement than just freely go in and, you know, put my foot in my mouth. You want me to put my - okay, that's nice.

Alan Greenberg: I think people who read statements at the mic actually look like of - I don't want to say look foolish. You don't have to read just speak. Speak to the Board. Look at them - you're smart enough I think - use your own words to restate the concept. You don't need to read. I think when people read they talk too fast, it's boring; just speak.

Thomas Rickert: There's a consensus point between the two letters. Simple. It's straightforward. We were surprised that the Board did this - made this decision given that there's a - the public forum discussion today. So you can say that without reading something.

Stéphane van Gelder: Okay. You asked for it. Thank you, Joy. So let's just end this. Very interesting wrap up meeting. I've just got a few last things to say. First of all to thank, obviously, all of you for the time that you've given this process this week and your continuing efforts. Thanks to you all.

Thanks to the GNSO community for their input. Thanks for staff for their support. Thanks to the meeting organizers for their support and the - not so bad coffee, Bill, let's not be too harsh. And we - as mentioned earlier I will send the notes that I was writing on the fly to the list.

There are suggestions for a few other comments that we might make; suggestions for an informal group that we might constitute. All those suggestions I'll try to send to the list. And let's pick up the discussion there. And that's it. Thanks to you all. Get home safe. See you all soon.

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