ICANN Transcription
GNSO Sunday Session
GNSO Review Update
Sunday, 6 March 2016

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James Bladel: Thank you. Our next session is an update from the GNSO Working Party on its recommendations coming out of the GNSO review. And this was the issue that prompted the motion that - if I could ask the folks who are having conversations if you could please keep the conversations down so we can continue up here or start to wind them down or move them outside. Thank you.

So the GNSO Working Party is what prompted the motion, which is on our table for Wednesday. But based on our discussions yesterday indicate that we're probably going to need some more time to review.

But here's a good opportunity perhaps from the working party to get an update on their recommendations and their - and really the materials that are supporting that motion.

So with that, I will turn it over to Chuck and Larisa. Larisa first. And you can walk us through slides and then we'll take questions.

Larisa Gurnick: Thank you very much. Hello everybody. Larisa Gurnick. I'm staff and I've been working with the GNSO Review Working Party and the GNSO review from the beginning. Jen Wolfe who is the Chair of the GNSO Review Working

Party unfortunately was not able to join. So we're presenting some of this on her behalf. Next slide please.

So this is just a review of the timeline. I'm not going to spend too, too much time on it because really the amount of time that you all need to review the feasibility and prioritization work that's been done by the Review Working Party will in large measure dictate what the rest of the timeline looks like.

But the important points are that the report by the independent examiner was issued some time ago and quite a bit of time was spent by the GNSO Review Working Party working through the 36 recommendations. Next slide please. Sure. Sorry about that.

So in doing the categorization of the 36 recommendations, one of the areas that the GNSO Review Working Party flagged as important is the assessment of the review process and making some recommendations for improvements. But just wanted to touch on the important points here.

The Review Working Party has lots of ideas of things that didn't work so well and should be improved in the future having to do with process, the selection of the independent examiner and various other components of the process.

So there will be an assessment that will be put together, a survey of sorts to - for the Review Working Party members, about 20 people or so that have been part of this process, to have a chance to assess the independent examiner, the effectiveness of the working party model because this was used for the first time for the GNSO review, the efficiency of the review process and certainly the staff support.

They also articulated a couple of questions that they wanted Council to consider as part of your work of reviewing the feasibility assessment. And the questions are should the working party conduct a self-review and supplement - to supplement the independent examiner's recommendations.

This was something that was raised early on in the process. There was some interest from the Review Working Party to conduct a self-review of the GNSO prior to the start of the review for various bandwidth and scheduling issues. That was not feasible but they wanted to know if there would be value in doing a self-review at this point.

Or the other option would be for the work of the Review Working Party to conclude with the product that they delivered to the GNSO Council for your consideration and then allow the follow up group to form and work towards implementation. Next slide please.

The feasibility assessment and prioritization is the document that was attached to the motion. And I just wanted to highlight the different areas of the process.

The GNSO Review Working Party looked at the 36 recommendations with a very fine methodology. They considered various factors for each recommendation whether the recommendation was easy or difficult to implement, what the cost for the implementation might be, whether the work aligns with other work or the strategic plan for the GNSO and what the impact might be on other parts of the organization.

They also looked at recommendations in terms of were they clear. Did they need additional information to form their conclusions? And all of this weighed into what ended up being the assessment and the prioritization.

So the process I yielded four categories; green being pretty straightforward. These are recommendations where the working party agreed with the independent examiner. Orange being recommendations that were generally agreeable but work is already under way. So the group didn't feel that anything new would be warranted.

Yellow. The group agreed with the spirit of the recommendations but because the recommendation was either not ported clearly or just needed to be expressed differently, they came up with some suggestions for modifications. And finally, the red group, which is recommendations that the working party felt should not be implemented.

And then additionally they went through a process that involved scoring each attribute of this assessment, if you will, to help them prioritize all of this into categories high, medium and low.

So what you see on this slide is a summary of how the 36 recommendations fell into these various categories. And at this point I will turn it over to Chuck. And I thought it would be easiest to go through starting with the red group first, the ones that are in a do not implement bucket and go from there towards the - with the easier recommendations. Chuck.

Chuck Gomes: Thanks Larisa. And thanks to Larisa for fantastic staff support. This is always the case with the policy support team. It's been much appreciated. And of course I want to compliment Jen. She's not here with us, not even remotely but she's done a great job of chairing the working party. So let's go to the next slide please.

As you heard me say yesterday and I mentioned it again today when the meeting with the Board, there are 36 recommendations. That's why all of you need a little bit more time to take a look at them. And Larisa shared with you all the types of information that we provide with each recommendation.

So I sure hope you'll take a look at that. I know it'll be time consuming. It took us a long time to finalize that. And we really do as a working party want the whole GNSO support for what we suggest. You may disagree with some of these things. That's fine. What the working group suggested - we disagreed with three of the recommendations that Westlake made.

And those are the three that are on this slide right now. I doubt that we have time to go through the yellow categorized one. We'll briefly look at those. Maybe just flash them up on the screen. But I know I think you only have a half hour allotted for this, so.

But let's go - let's take a look at the three that we didn't suggest the GNSO pursue. And ultimately obviously the Board committee needs to consider whatever we recommend - the GNSO recommends with regard to this.

So Number 21. That the GNSO Council should regularly undertake or commission analysis of trends in gTLDs in order to forecast likely requirements for policy and to ensure those affected are well represented in the policymaking process.

We had - as a working team, we had a lot of trouble the way this is worded and not fully comprehending how we would do this. The trends in gTLDs, how does that help us? We struggled with this one a lot. And you can see the notes that we put there saying it's not well phrased and that we didn't feel that it was appropriate to implement the recommendation at this time.

Now maybe more clarity can provide - be provided on that at a later time. There's nothing to prevent the GNSO from doing that. But the recommendation by the working party is that we do not recommend this one. And let me go through these three and then open it up for any questions or comments if you have any.

Number 23. In order to support ICANN's multi stakeholder model, all constituencies should have seats on the GNSO Council allocated equally as far as numerically practical by their SGs.

I highly suspect that each of you could react to this one right now in terms of GNSO structure. We didn't put any comments there. But we really thought

that this would really create a lot of complexities in terms of implementing with regard to GNSO structure.

And I see some heads shaking, which doesn't surprise me at all. So we did not recommend this one here. And I can talk about that more if you want but I suspect that I don't need to for most of you here.

Number 32. That ICANN define cultural diversity possibly by using birth language and regularly publish this along with geographic gender and age group metrics at least for the GNSO Council stakeholder groups, constituencies and working groups.

We found this one to be so broad. It's not a - none of these are bad. There's nothing wrong with them. But are they realistic to implement? Certainly Westlake did suggest a way of defining cultural diversity, which they were trying to be helpful in that and that was good.

But we found this one - ultimately we concluded as a working group that this was way too broad to be able to effectively implement at least in a realistic time period.

So let me stop there. We have two more - there's two more slides on the yellow ones. But to allow just a little bit of interaction and I know for some of you this may be the first time you've seen any of the 36 recommendations. But let me open it up for any questions or comments on any of these three or with regard to, you know, the working party's efforts itself.

James Bladel: Stephanie.

Stephanie Perrin: Yes. Stephanie Perrin for the record. I would just add to Chuck's remarks on that one about diversity being broad. ICANN doesn't have a decent privacy policy and therefore would have no clue how to manage the personal data

that it's collecting at this point in time nor of any - with the statistical stuff they have to do to make sure they don't publish.

I mean we might have only one Cree speaking member of NCSG. In fact I don't think we've got one Cree speaking member of NCSG at the moment. So, you know, those kinds of things I wouldn't trust us with at the current time.

My question, and I don't like to harp on this but I'm going to. We are really busy and burnt out. And I understand that we want to take advantage of all the great work that's been done in the group and I tried to help with that group. So, you know, I'm committed to that too.

But I just don't see how we're going to do all the work we have on our plate. And some of the work that Westlake recommended is not as high priority as oh say the RDS and the implementation of the IANA, you know, the accountability stuff.

So your thoughts on that would be most appreciated. Maybe we can phase it somehow but goodness knows how.

Chuck Gomes: Well let me first comment on the RDS. As Chair of the RDS, I'm going to allow a month for each phase. So three months will all be done. For some who may not fully realize, I was being facetious. That was supposed to be funny. It's going to take us a long time on that. Stephanie...

Man: (Unintelligible).

Chuck Gomes: ...good. Good points. The - Larisa already presented the fact that we tried to put priorities on these for the very reason that you're talking about. And another category that she mentioned was how difficult it is to implement.

And so ultimately if the Board committee approves any or all of these recommendations as suggested by the working party or even if they change them, that's going to be a Council management task in terms of managing. Okay. Now there are some that are pretty easy, that are pretty straightforward. And hopefully some of those can be done quickly.

So when you review the report that was attached to the motion, please, you know, take a look at those things. Our assessments aren't perfect. They may be wrong. You may disagree and that's fine. But ultimately for any that are approved by the Board committee, the Council is going to be tasked with managing that.

And our 36 of them or I guess 33 assuming all the others were approved going to be done at the same time. We certainly don't think you could do that. So your point is well taken.

James Bladel: Thanks Stephanie and Chuck. The queue is now Amr, Tony and Edmon and Stephanie. Sorry, Susan. Stephanie just finished. Okay. So Amr.

Amr Elsadr: Thanks James and thank you Larisa and Chuck. I just wanted to add a quick point to the briefings Larisa and Chuck provided earlier in that when the working party was looking at these and then provided feedback on each of the recommendations, the working party didn't just look at the recommendations.

It also took a close look at the rationale behind them in the study itself and tried to take that into consideration to perhaps understand why these recommendations were made. And that's particularly true for those recommendations that were color coded red and perhaps some of the others.

So if there are questions about that over the next couple of months while Council is considering this, it would be a good idea for the members of the

working party to work closely with Council and provide answers whatever questions arise. Just though I'd mention that. Thank you.

James Bladel: Thanks Amr. Tony.

Tony Harris: Yes. Tony Harris. Chuck, I listened to what you just said and something stuck in my mind. Was it 23 that you decided should not be implemented that had to do with constituencies being equally represented or did I read that wrong? One of the ones that you said would not be implemented.

Chuck Gomes: Oh you talking about Number 23?

Tony Harris: Is that the one?

Chuck Gomes: Yes. That's the one where it - they suggested that all constituencies have a seat on the Council...

Tony Harris: Okay.

Chuck Gomes: ...and allocated equally as far as numerically practicable. I'm not sure how that would - you could figure out equally even if you took in practicality. But yes, that's one that we recommended not being pursued.

Tony Harris: Oh. Well my question is how does that go against what I understand as ICANN policy to promote and stimulate the creation of new constituencies? Doesn't that in a certain way disenfranchise new constituencies?

Chuck Gomes: What you'll find there are actually other recommendations related to that issue as well. It could go against that, yes; my own personal opinion, yes. I mean obviously if every constituency got a seat on the Council guaranteed, I'm sure that would be a motivator.

Now is that the kind of motivation that would be practical and implementable? We didn't think so. And the Council is now, what is it, 21 members? It could grow to 30 or 40 under this - I'm talking personally right now. But the whole working party had concerns about practicality of implementing this.

Now, one of the - one of the reasons this is coming before the Council - that wasn't necessarily in the procedures, but we felt as a working party that we didn't want to just go by our thoughts. Let's get some feedback on these things. And you could disagree with the working party's recommendation on this one. That's what we're asking for is Council feedback.

Tony Harris: Thank you. That clarifies that. Thanks.

James Bladel: Thank you Tony. Edmon.

Edmon Chung: Edmon Chung here. And I want to speak about the Number 32. And sometimes - I sometimes get confused myself whether I am cultural minority but I will use that position.

Speaking as a cultural minority, you know, I think this is an important aspect. I agree with the assessment that, you know, what is presented by Westlake is overly broad and probably not implementable.

My question is actually not just for that one, maybe for the others as well. Did you look at whether this is, you know, did you agree with the assessment? That's kind of building on what Amr said.

Do you agree with the assessment versus, you know, can we prioritize to actually implement? Because I think, you know, the assessment that there is some, you know, room for improvement for cultural diversity at least I agree with it.

I equally agree that it's difficult to implement. In fact in a - in the APAC space, that is - so it help, you know, to facilitate by the APAC hub. We are actively discussing this specific issue and trying to develop, you know, trying to think whether there could be more narrowed down actual implementable processes that can be put - mechanisms that can be put in place.

We haven't really come up with anything yet but, you know, to close this - I hope this does not send a message that, you know, the GNSO disagrees with the assessment but rather, you know, at this time in terms of the prioritization this is not, you know, that's - we don't have enough to actually move forward on. And there's a big distinction there. Thank you.

Chuck Gomes: Thanks Edmon. Chuck speaking again. And I think I can safely say for the working party that 23 and 32 for both of those I think the working party agreed with the identification of the issue. It was the specific recommendation and the ability to fulfill that that we had concerns with.

So your point's very well taken. We don't - I don't think any of us disagreed with the intent of 23 and 32. I'm not so sure about 21 speaking personally. That one puzzles me a little bit more. I'm not sure what they were really getting at or how you could do that.

But - and that was the case of even the yellow category of recommendations, which are next on the slide and we won't have time to go through those in detail. But where recommendations where we clearly say we agree with them but we suggest a slight modification either to make it more implementable or take less time or whatever, things like that.

Edmon Chung: Sorry. Just very short. So for 32 especially I hope there is some language that qualifies it especially, you know, respecting this diversity and stuff. You know, if that can be put in place, it would be good.

Chuck Gomes: Thanks Edmon. And Larisa just confirmed we'll work on that. That's a good point. And (Ranalia) basically asked for more explanation on each of these three, which we'll need to provide. So that's consistent with what you said as well in the previous session. Go to the just yellow and all (I want) to do is just look at them.

James Bladel: Okay. But I do have Susan. Susan, put myself in the queue and then Wolf-Ulrich and then we'll draw a line under that and move onto the next - I know. Thank you. Susan.

Susan Kawaguchi: Thank you. Susan Kawaguchi with the BC for the record. So on 21, you know, it's not worded perfectly but I do agree that we should analyze trends and especially new gTLDs. We're seeing all kinds of disturbing trends.

I mean I could personally even my day job could outline, you know, describe lots of trends between malicious behavior, high level and malicious behavior within one cc - or new gTLD and, you know, predatory pricing, all kinds of things.

So I'm just curious to - is it - are you objecting to the wording? Are you objecting to analyzing those trends? Because I do think we need to really look at how some of these registries are run and what they truly are selling and the type of business behaviors they're doing and create policies. I think we're lacking in policies. So I agree with a lot of 21.

Chuck Gomes: And I think we did too. We definitely disagree with the wording. We think the wording is unsatisfactory. But forecasting likely requirements for policy that might be able to be doable. It's not clear how. But again, hey, we asked for GNSO input on these things. Make sure that's in there.

Maybe you can come up with a way that words it better because you're right. There's nothing wrong. In fact it's good to analyze trends and try and forecast policy needs. But (Lis), take a stab at rewording it. Okay. And suggest that.

And maybe the Council decides that we should change this from red to one of the other colors and assign a priority and so forth.

James Bladel: Thanks. And I took myself out of the queue because it was very similar - not exactly but very similar to Susan's question. So last is Wolf-Ulrich.

Wolf-Ulrich Knoben: Thanks James. Mine was also adding to Susan's. Same question here. The question is to me shouldn't we not just object to that rather than giving floor space there to think about, you know. (But) it's a need in the community to trigger those analysis about that.

So I heard something from this side so it could be from others as well. So that the first step should be is there any need to do so. And then the question is how we can do that. And if (you are) on the working party, we have no way - we have no clear explanation how to do that. But the question is do we want it to happen. And (a good) start that could be put into the report to the Board. That's the first comment.

The second comment is to Number 23. I also would agree to that and even, you know, since we started in the lower house, in the Non-Contracted Parties House, we started an effort right now to think about combined between Commercial Stakeholder Group and Non-Commercial Stakeholder Group about so-called Work Stream 2 for the structure review of the GNSO.

So we started that effort. So we are just establishing a working group internally thinking about it. So we that - the necessity for a Work Stream 2 in structural terms of view and this could be put in that - into that work stream. Thank you.

James Bladel: Thanks Wolf-Ulrich. And I note that we're out of time. But I know that you have some more materials to cover. So can we proceed now with Chuck? Your microphone is off Chuck.

Chuck Gomes: Sorry. Let's take a look at the next two slides; just a few seconds each. If you can change to the next slide. There's three of the yellow ones. I won't even give you time to read them because we are out of time. And the next slide. Please switch to the next slide.

Okay. So you can see there are six yellow on these two slides that we don't have time to go through now. These are ones that we support but we suggest some modifications.

Look at those. See the modification that the working group suggests and do that. Now the green ones, and there are a lot of green ones that we just support. Those will probably be the easiest for you to go through.

And then the orange - was it orange? I don't know what color it was. The other color, the fourth color are things where we think there's already work being done. A real obvious one is they made some recommendations about policy and implementation.

Well that work has been done by the Policy and Implementation Working Group. That wasn't finished when they made their recommendations. It was real close but so that's just gives you a quick overview of what you have there. And I'll stop and let Larisa finish.

Larisa Gurnick: Thank you Chuck. Next slide please. So next steps and I understand that the conversation with the Board probably touched on this. It would be - the dates with the question marks are just there to inspire some thinking and give you a chance to come back with a timeline that would make sense to consider all these recommendations and finalize the report.

But in terms of what happens next, it would be the Council action. In addition to that, there's some excellent work going on with the help of Chuck and Amr and others to define what a successful outcome would look like for various recommendations that are being proposed for implementation.

This will help tremendously with the implementation effort as well as with down the line being able to evaluate whether the improvements that were envisioned by the recommendation are actually taking hold.

Then there would be a comprehensive report provided to the Organizational Effectiveness Committee for their analysis and consideration. And then the OEC would make a recommendation to the full Board. And then the full Board would take actions on all the recommendations.

And of course not to be forgotten, the timeline is the assessment of the review process that we started talking about to make sure that the lessons learned from this experience are fed into all the subsequent reviews. Thank you very much.

James Bladel: Thank you Chuck. Thank you Larisa. Any other questions on the - either the materials, the update or the next steps? I think you're going to get off the hook here. I just had a quick question here, which is - and again, I think that this is because this was - this effort was started before. This is James speaking. Sorry.

But this effort was started before this particular meeting and before, you know, before this Council Leadership Team. So my question is do you require - as part of the GNSO review, is it required for the Council to vote and approve or endorse the outcomes of this working party or are these going directly to the Board regardless or - I'm trying to understand the process because it's not PDP. So maybe you can clarify.

Larisa Gurnick: I think the clarification is whether or not required. I think there's a clear understanding that it would be an important step in the process particularly to ensure that everybody's views are considered towards the end of the work of the GNSO Review Working Party. People are quite busy. And I think this

would give those that didn't have a chance to participate another opportunity to offer their viewpoints during the time that was very, very busy.

So is it a requirement? Not per se. But a very important step. And I think the Board members that are looking at it from the Organizational Effectiveness Committee strongly endorse that same approach.

Chuck Gomes: This is Chuck. Just to add to that. I think it makes it a lot stronger and represents the multi stakeholder model a lot better if this was coming - if this is endorsed by the GNSO Council. Now like she said, it's not a requirement but I think that makes it a lot stronger.

James Bladel: Okay. Thank you Chuck. Thank you Larisa. If there are no other questions, then we will ask staff to pause the recording. Wolf-Ulrich, I'm sorry. Chuck, can you stick around for one more question...

((Crosstalk))

Wolf-Ulrich Knoben: It's not just a question.

James Bladel: Oh.

Wolf-Ulrich Knoben: Is not a question to the - a question to the process with regards with motion, you know, which is on the table. So how we should be deal as a motion right now because it's on the table. It's not seconded. So I see we need some more time in Council. So I withdraw the motion.

James Bladel: So my recommendation Wolf would be that we ask that specific question on our Tuesday prep session because I'd like to take this back specifically to registrars and ask if we can put together some volunteers to review the work party report and whether or not we would have time to tackle that in a month and whether a deferral would work or whether we need to go even a little bit further because I really don't know.

And I know Amr you had your hand up. Is that - go ahead.

Amr Elsadr: I was basically going to - this is Amr. Was going to basically say what you did depending on how much time the Council needs to review this. If the feeling is that more than one month will be required, withdrawal may be necessary because you can only defer a motion once. So, yes.

James Bladel: Yes. That's a good point though. And sorry for glossing over that next step.

Chuck Gomes: Just Chuck again. I think you're - if you don't withdraw it and it can happen Tuesday, that's fine or Wednesday. But if you don't withdraw it, then you're talking about a deferral and then you're forcing your hand to act on it in the next meeting. So...

((Crosstalk))

James Bladel: Yes. We are - that's exactly what we're thinking. Marika.

Marika Konings: Yes. This is Marika. Just to note that even when it's deferred at that second meeting, you can still withdraw at that time. So it's - it doesn't force you to have the vote at that time. It's just that indeed if the motion stays on the table, you're required to consider it. But at that time Wolf could still decide to withdraw it and resubmit it for the meeting after that when that time is needed.

James Bladel: That's a good point. Thank you. I think to Chuck's point and what I was agreeing with is that withdrawal is only for one meeting, not indefinite. Sorry, deferral. It's getting late.

                Okay. Now we can stop the restarted recording and prep for the next session.

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