

**ICANN
Transcription ICANN Barcelona
GNSO Working session: PDP 3.0 Session 1
Sunday, 21 October 2018 at 08:30 CEST**

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Heather Forrest: Okay folks, good morning. Terri, I'm going to look to you and the tech team in the back. Nathalie has got the thumbs up. Awesome. Thank you. So happy Sunday morning everyone in Barcelona. This is our full-day GNSO working session. Apologies for the early start. We have quite a bit to get through today. You'll see the agenda in front of us. We have the Adobe Connect room open as well. We will start with this very brief welcome and turn immediately to Olivier Crepin-Leblond who is sitting here to my right. Good morning, Olivier, to talk about the CCWG IG.

We'll then turn to prep for our meeting with the GAC, which is today, meeting with the CCNSO, which is tomorrow, and our lunch with the Board, which is also today. We will have some time then before the tea break to talk about PDP 3.0 and next steps in that regard. And that's a voting item on our agenda for Wednesday. At 10:30, we have the GDD team in to talk about the latest status update in their area and we will stay here. Thank you to Darcy for posting an update on the Council list in relation to PPSAI IRT.

10:50 we have the folks from SubPro and RPM PDP in to talk about that item that's been on our action items list for some time now, which is the dependencies between the two PDPs and how that impacts timeline in both cases. We have an hour on the agenda for motion prep. This is a particularly useful hour in the sense that we are going out with an agenda of

all motions. So we will need some time to talk about the motions that are on the agenda for Wednesday.

We will then have our lunch meeting with the ICANN Board and Nathalie or Terri, is there anything that we need to know about that lunch with the ICANN board? Anything that we from an admin - from a logistics point of view? No. Okay, fine. We have (unintelligible) at 13:20 to talk about the new fellowship approach. This was put forward to the SO/AC see leaders at a working session with Goran on Friday. I found it very interesting. I also heard it yesterday as our temporary person on the fellowship selection committee. I have a few questions in relation to the GNSO in my mind that have come up over hearing that presentation twice. So I think that would be a fruitful discussion as well.

We then have (Sarmad) in at 1:40 to talk about IDN variance. At 1:55 we will have an update in relation to a complaint that's arisen in RPM PDP and consider what the Council can do to help move that forward. At 2:10 we have some opportunity for Rafik and Keith to address the Council prior to the interview - the election that will take place on Wednesday afternoon. And we have a coffee break, and note that we have fairly unusually not the need to sprint between here and the GAC room. We actually have half an hour between our winding up and joining the GAC, which should be more helpful than in the past. And that winds up our day here.

Any questions? Any concerns before we get started? I know just for the record, we have a few folks who are unable to join us, unfortunately, some this morning, some throughout the week. Unfortunately, Arsène Tungali had visa issues and was not able to join us here in Barcelona. He will be replaced as a temporary alternate by Farell Folly. And do we have Farell? There we go. Well done. Welcome, Farell. Welcome to the GNSO Council. Cheryl Langdon-Orr who is our liaison from the ALAC will join us at roughly 10:00 p.m. ALAC has some things on its calendar this morning and Olivier, I understand that's where we need to get you off to. And at a point I think

Stephanie has a need to step out and Stephanie will be replaced at that time by Elsa. So thank you very much, Elsa, and welcome to you.

With that, Michele?

Michele Neylon: Good morning, Heather. Did I hear that correctly that we're staying here until 10:00 p.m.?

Heather Forrest: Yes, Michele. We are. Thank you for asking.

Michele Neylon: Okay, so drinks are on Olivier.

Heather Forrest: For the record, Michele, we're only in this room until 3:00. It only counts when you're in the GNSO room.

Carlos Gutierrez: Heather, are we recording? Do we need to have the Adobe rooms on today? Are we recording this session? Do we need to have the Adobe - specific Adobe room? Because other days, we need to have two on and so on. And my second (unintelligible) there is no room for the Board to sit on the same table. So I don't know how you are going to deal with that, but we have four hours to go. Thank you.

Heather Forrest: Thanks, Carlos. So it is the case that we're only running the one Adobe room for now. It's only the Council meeting that has a Councilors only Adobe room. And I think what will happen for the Board is that the staff normally takes seats in the gallery. We'll try and add a few more chairs. We've got maybe ten chairs around the table so we'll see what we can do. We'll think about that during the tea break. Thank you.

All right, I see no other hands to let's go ahead and get started. With that, Olivier, welcome to the Council. We'll turn it over to you.

Olivier Crepin-Leblond: Thank you very much, Heather, and thank you for inviting to answer questions regarding the cross-community working group on internet governance and the cross-community engagement group on internet governance.

I've got a few slides to take you through a few questions, which have been recurrent and which we have sent answers to the ccNSO Council and also to the GNSO Council. So we'll go through these and then afterwards I think you can just ask any questions and so on, on any of your concerns on the cross-community working group or engagement group.

So if we can go to the next slide please. I thought I'd start with a little timeline on how the group was chartered and so on. The cross-community working group on internet governance itself was chartered by three different chartering organizations, the ccNSO in September 2014, the GNSO in October 2014, and the ALAC in April 2015.

It was set up at the time before the rules on cross-community working groups had been introduced or even designed. And as time went on, it was felt that it might not fit the actual structure of a cross-community working group as such, ccWG. So a new charter for a cross-community engagement group was proposed in April 2017. Some feedback was received and further down the line revised ccEG charter was presented to the GNSO, ccNSO, and ALAC, the three chartering organizations for the cross-community working group.

The GNSO Council support for the working group itself expired on March 2018 and so that we remained with the - out of the three original chairs, Rafik Dammak for the GNSO, Young-eum Lee for the ccNSO and myself for the ALAC. Young-eum and I remain the two co-chairs for the working group and we still have had extended involvement - extensive involvement from GNSO members.

And then we sent - we received a reminder in June 2018 from the ccNSO about questions they had sent. I'm not quite sure what happened. The original email must have gotten lost or something but anyway, we provided as a group a set of answers to the ccNSO letter, which was then shared also with the GNSO and the ALAC.

We can go to the next slide. So what we'll do now is just to look at a few of those questions and the answers. These have been questions that have been asked a number of times in various fora and also in corridors and so on, and on the group itself.

The first one is as follows. The ccWGIG does satisfy the need to discuss internet governance among SO, AC, and ICANN relevant staff and provide a platform to share information and for a discussion at the ICANN level as a whole. Is this properly reflected in the proposed charter? And a related question is whether this provides enough basis to stay involved as a chartering organization.

Now, of course, we're now talking about the new charter, the ccEG, cross-community engagement group. And in effect, the actual scope of activities section of the proposed charter makes reference to a number of activities, the first one being of course the discussing internet governance issues around the SOs, and ACs, and ICANN, and the issues relevant to ICANN of course. It provides a platform to share information and it provides that platform, enables discussion between board, staff, and community. There's always ICANN Org, ICANN Board, and ICANN community. Bearing in mind that the original cross-community working group had been created because that actual platform, that link was missing.

Being involved as a chartering organization provides a number of advantages. As you know, the obvious one is having a co-chair but also being able to have a liaison so as to enable a sort of better bridge between the working group or the engagement group and the chartering organization.

And also, being able to weigh in directly on any of the results of the engagement group's processes. There are discussions constantly and staff often asks the working group, or the engagement group in this case, about their point of view before responding to external processes.

Let's go to the next, Question 2. With your permission, I'll go through all the - there are six questions. So it's not huge and then we can have sort of the open floor if that's okay with you, Heather. Okay. So Number 2 was assuming the ccNSO adopts the updated charter, will the CCWG be able to initiate a statement that would imply a position on ccNSO or ccTLD related matters without properly consulting the ccNSO. What mechanisms are involved to ensure proper consultation, if any. And that's something, which we've heard from this community here as well. It's a big concern.

And the simple answer is no. Obviously, it is not going to come out with statements that are basically written, one, without the knowledge or even without the authorization from any of the chartering organizations. In fact, this is not a group that is there to do this sort of thing except of course if chartering organizations would like the group to produce such a statement. But I would imagine at that point that it would have to go through the proper process of approval in each one of the chartering organizations.

Let's go to Question 3. Does the new charter provided a mechanism to ensure that the CCWG update the chartering organizations adequately and regularly? This was foreseen in the original charter but never been effective. How will such a situation be avoided in the future? This is all the thing about support. So at the moment, it's called a CCWG but the only support that it receives is 0.001%, I think, of Nigel Hickson's time. We do have Desiree Cabrera who acts as a Secretariat but sort of informally and just basically updates a webpage from time to time. Doesn't actually have time allocated to support the group.

So producing regular reports like what the other ccWGs have done or like some of the PDPs have done recently needs to be done primarily either by the group itself, which certainly then takes in this busy time, takes time from the group to produce the report. But staff is unable to do so. So every time we have to produce a report, we would have to have an external consultant, which is not a very good way to do things. And hence, you haven't seen that many updates from the CCWG.

The ccEG will, and this is where I'm asking you to put your weight on this, have perhaps a bit more support shared maybe from a few FTEs from each one of the chartering organizations so that we would be able to have a regular update on these things. And the slides have just disappeared. They're back. Wow. I can't read that quickly.

So effectively, what we're looking for is to have a little bit more support. We're not asking for a full-time member of staff, obviously. But the aim is to have more regular updates and a better communication. And in addition to this of course, the appointing of liaisons should bring a regular update to each one of the chartering organizations on a monthly basis. And so the charter itself outlines what minimum requirements, what minimum reporting requirements we would be imposing on the group.

Let's go to Number 4. What is the envisioned role of a chartering organization with a proposed charter and what is the added value for the group to be chartered by two or more supporting organizations. And of course, I've mentioned it earlier, the co-chairs and having more of a say into what the group does.

But one of the important things is the contribution through its members to the input that the ccEG receives about the process that it follows. The members of the group engage in external processes. They go to the IGFs. They go to the ITU processes. They go to UNESCO. They go to United Nations and they report back with firsthand information. So the more people we have in

that group, the more likely it is that we'll get accurate information, or more accurate information and certainly, from various points of views, and also from various stakeholder points of view.

Although this is chartered solely by the moment the ccNSO and the ALAC, and hopefully in the future again by the GNSO, we do have also have GAC members that take part in the discussion and they can report back to us in some of the processes that do not allow for multi-stakeholder participation and are sometimes just based on a single stakeholder type. In some cases, the group itself will have to determine the actions to take and so that will always have to be turned back to the chartering organization.

So if there is a public consultation that is taking place out there that is particularly important for ICANN to chime in or to contribute to, the group would come back to its chartering organizations and proposed a joint statement or something and ask for authorization or say is this something that you would like the group to send out. This has been done in the past, the very simple thing with the Net Mundial statements. It was a very middle of the road statement but it shows the involvement of the ICANN community in those external processes and the support that sometimes that the ICANN leadership gets in those processes.

If we can go to the next one. And Question 5 has actually got two parts answer. It's quite a long one. Is there a clear picture, like an overview of all the internet governance related activities within ICANN. For example, there's this group. There's also a separate group on the Board. That's the Board working group on internet governance and there is also - there are also activities done by staff and that's the multi-stakeholder strategic initiatives department that produces some updates.

So in light of the apparent need to be more efficient, wouldn't it be wiser to consolidate all these efforts? And that's a very good question, and indeed, the efforts are being consolidated. The work that we do in the group is highly

coordinated with the government engagement department of ICANN, since Nigel Hickson does support. But also with Theresa Swinehart's department. And so there is a constant exchange of information between the groups.

We also, in addition to this, have one meeting with the Board working group on internet governance at every ICANN meeting where we coordinate our work. And in between, the chairs of the cross-community engagement group or working group at the moment are in touch with Matthew Shears, who is the Chair of the Board working group on internet governance. So there's a constant exchange of information. Indeed, Matthew is on the mailing list and was a member of the working group before he went onto the Board.

If we can go to the next slide. The further thing, the value of the cross-community engagement group is to provide this platform, this neutral platform for engagement across the different - across the chartering organizations, the community, and the Board, and staff. In addition to this, there are some cases in some of these external meetings where some working groups, external working groups, nothing to do with the cross-community working group have the requirement to have members that go in and that can speak and act. And it's inappropriate for ICANN Board Members to be on these groups. It's also inappropriate for ICANN staff to be on these groups because they might be deemed as speaking on behalf of the Board or on behalf of ICANN Org.

The cross-community engagement group would not have someone there to speak on behalf of ICANN, but certainly have somebody in the room who can take part in the discussion and then report back to us directly. As I mentioned earlier, the closed door - not everything has got open doors in the world and the closed door groups are those that often are the most difficult to deal with in internet governance. Especially when you look at things that are happening at ITU, for example, at the moment.

So the shared space, the ccEG would provide a shared space between the different parts of the community. That's the main aim of the group. And 6, I think that's the last one. Why would this group advertise ICANN at various internet governance fora and who is represented. Again, shouldn't that be done in a more efficient and coordinated way? It actually is done in an efficient and coordinated way.

So ICANN sends Board Members to these external processes, say IGF. ICANN also has workshops that it does in those and the ICANN community members also do workshops in the IGF, in all of these external for a, being able to coordinate between them and perhaps offer a pool of individuals that have the knowledge about these things within ICANN is one of the things that the cross-community working group or cross-community engagement group can do.

It hasn't acted - the group itself hasn't acted as a voice for ICANN. It never has. It never will. It's there to find out the right community members to do things. So for example, at the (WESUS) forum in Geneva, we had a number of panels a few years running, one being about the ICANN IANA stewardship transition and we basically just acted as a convener, if you want, to get the parties that were directly involved with us to explain to the rest of the world what IANA stewardship transition was about. Same thing also for the ICANN accountability process. So it was just there to organize the group and organize the workshop but not actually speaking on behalf of ICANN as such.

And I think that was the last one. Is there another slide after this? No, that's it. So I'm open to any further questions. I might have been unclear about some of the points here. Just one thing to add. The working group itself, or engagement group does not act as a funding buddy for anyone. So when I say we have community members that go to the IGF, it's on their own dime or it's through whatever source that they might have to go to these places. When it comes down to board members, that's nothing to do with the working

group and when it comes down to ICANN staff, again, nothing to do with the engagement or working group.

And that's it. So happy to answer any questions you might have.

Heather Forrest: Thanks, Olivier. We have a queue. We have Keith and Tatiana at the moment. Keith?

Keith Drazek: Thank you, Olivier, and so I think this - thank you very much for the presentation and the update. I think that's very helpful. I am a strong supporter of a continuation of the ccEG. I think it serves a very important purpose for an opportunity for the community, the board, staff, and to have an engagement on these issues. So I think it's very helpful.

I do have a bit of a concern about the reporting element that you reported in that I think it is important for a regular written update from the group to the chartering organizations rather than just relying on liaisons. So - and I understand there's the challenge about the staff, sort of the lack of staff support to develop a report. But I do think it's important that the members of the group be able to come together maybe once a year or three times a year prior to each ICANN meeting and produce, even if it's just a few pages, of a written formal report to the community and to the chartering organizations.

So that's my one reaction but overall, I'm a strong supporter of the continuation of this group and the GNSO becoming a chartering member once again. Thank you.

Heather Forrest: Thanks, Keith. Tatiana?

Tatiana Tropina: Thanks you very much. One comment and one question. So the comment is thanks for the excellent presentation and I do support what Keith said. I do understand the constraints, the time staff has to (unintelligible) here. But I also think that the group has enough excellent volunteers just to create a

shared Google Doc, just once a year, twice a year and not rely on liaisons only. So produce the group view and not the view of individual liaisons to this group.

So we strongly advise to recharter this group. A question though. You provided in your presentation very well elaborated answers and a general framework of what this group is doing. But could you maybe in a couple of words tell us where your immediate and short-term goals, like for example, for this ICANN meeting and for the next half a year, what are the most pressing issues you are discussing so we will have an idea. Thanks.

Olivier Crepin-Leblond: Thanks very much, Tatiana. Olivier Crepin-Leblond speaking. So obviously, I think the first thing we want to get is to get that ccEG rolling. It takes valuable time that we can spend talking about policy and about these external processes rather than actually discussing process. And I know that several of our meetings we had participants and board members that came over and rolled their eyes after 25 minutes discussing this thing because it seems we've discussed it forever.

That being put aside, the current real focus at the moment is primarily what's happening in a week and a half. The plenipotentiary ITU, PleniPot, the conference that will take place in Dubai. It's a three-week conference. If you thought you were having a long time at ICANN, imagine doing three weeks of this.

It's pretty involved there are a number of proposals from member countries that touch directly on ICANN. I don't have the details here but we do have a public session that will take place on Thursday morning and I hope it doesn't clash with any of this Council's activities because we will have the experts that are following the plenipotentiary and the ITU work very closely, being able to share with us what the real threats are. And I'm speaking of threats because ICANN is not directly named as such. It would be a bit difficult for a country to name ICANN specifically. But certainly, the ICANN functions are

referred and we're talking about DNS, about allocation of IP addresses, et cetera.

So that's one big focus. The other focus is what's happening at the United Nations General Assembly. Up until a few years ago, the UN left anything to do with telecommunications and with the internet to the ITU and to also the UN DP that runs the UN development program that runs the IGF. These days, it appears that a number of countries have asked for things to be more focused on internet issues as well.

So again, we have experts. I'm not an expert in each one of these. There's so many different processes taking place but we'll be able to explain what's happening when we meet on Thursday. Of course, the IGF coming up in Paris is another thing. It's a discussion forum. It's not something that might affect ICANN directly today but it's usually - the IGF is often a place where ideas start, like a seed, start growing and then they get taken on to other locations for action. So we have to be alert to what's going on there too and obviously, provide a good image as everyone that goes there, a good image about what ICANN is doing as well.

Especially since I think there's a lot of miscomprehension of ICANN in some circles. Certainly, the expedited PDP, the whole thing about GDPR, the subsequent procedures track is something, which very few people outside these walls are actually - while they're aware that something is going on, but they don't quite know how or why and criticism is fact to come by when people are ignorant about issues.

These are some of the points that we're looking at, at the moment. But I do invite you on Thursday morning to attend the general session. And then we'll have experts rather than somebody rambling about these things.

Heather Forrest: Thank you, Olivier. I don't see any other flags up. Just to note for everyone and with thanks to staff who have an amazing memory of the schedule and

understanding of the week's schedule. So there are classes, Olivier, not necessarily with Council autonomous vehicles. But just so that everyone notes, the session that Olivier is referring to does clash with the high interest topic of innovation and TLDs. There's a budget working group presentation and also a public session for the RDS 2 review team.

But nevertheless, the good news is that we don't have a Council clash. So there we are. Thanks, Olivier, and Olivier, if I might pick up on the comments that were made by Keith and Tatiana because I think they're excellent ones about reporting and how to manage this difficulty of limited staff resources and time.

One of the things that we've been experimenting with in the EPDP, which you just mentioned, is a sort of quick and dirty report that's not produced by staff, that's produced within the team. The idea here is that that's - it's not the sort of fancy, beautiful, professional looking report. It's more about the substance and less about the format. That is evolving over time. I would say you can have a chat with Rafik here to my left. He's actually in large part the responsible owner of that report, and can share with you his experiences and lessons learned in relation to that.

But that might be a way forward for all of us in the ICANN community, rather than put huge amounts of time and effort into a professional looking thing. We really just want the information and in a concise format.

Olivier Crepin-Leblond: Understood. Thank you. I'll speak to Rafik afterwards and we'll be able to produce something more regularly.

Heather Forrest: Greg? And we'll make you the last question on this one.

Greg Shatan: Just briefly, more a suggestion than a question. Greg Shatan for the record and a member of the CCWG or ccEG, IG. Just a suggestion that we have a truly excellent email list, which is full of a lot of substance and that merely

cutting and pasting the best stuff from that email list into a shared Google doc, as Tatiana suggests, would get us about 90% of the way to a really excellent report. And that all we need to do is just keep that information flowing. Thanks.

Olivier Crepin-Leblond: That's great. Thank you. Noted.

Heather Forrest: Super. Thank you very much, everyone. Thank you, Olivier, thank you for joining us this morning. All the very best to you.

Olivier Crepin-Leblond: Thanks very much again for inviting me and I'm afraid I have to run to another commitment in the room next door. Thank you.

Heather Forrest: All right, everyone, we now turn to the next item in our agenda, which is the prep for our meeting with the GAC this afternoon, ccNSO tomorrow, and Board over lunch. We can turn to the next slide. We'll pick up right away with the GAC-GNSO agenda. So we have thanks to Julf for helping us to prepare this one and I actually see that we're missing - oh no, it's there. The introduction to the GNSO and PDPs is something that we've discussed for a while. GDPR and curative rights. Julf, I wonder if you might offer us a bit of insight as to what you think is on the GAC's mind in picking these items? No, okay.

So I think we have been talking about this introduction to the GNSO and PDPs for some time because of the fact that the GAC has this year onboarded more than 100 new GAC members. And that is proving a considerable burden in terms of up-skilling those people and we have offered in various ways and times some sort of means of up-skilling them in relation to the GNSO. Previous offers for a webinar were rebuffed. We did have a webinar some two months ago, maybe more. It might have been earlier in the year. Unfortunately wasn't very well attended time, which may be a time zone issue. It may be some other issue.

But Julf proposed that we seize the opportunity in this agenda to take some time to talk them through the PDP. I'm a little bit concerned that we not spend our time talking the snake diagram to death because I just don't think that that's a very user-friendly welcome to ICANN. So we'll see what we can do by way of a plain English introduction, and including 3.0. Now, I will note in relation to 3.0, the SO/AC chairs met with Goran on Friday afternoon and the key component of that meeting, which Rafik and I attended, was a (unintelligible). I suppose that was before you arrived, Rafik. The (unintelligible) is an opportunity for each of the SOs and ACs to say here's what on our priority list at the moment.

I did make reference to PDP 3.0. In fact, I spoke of all of the items on our agenda on Wednesday and the one that received a bit of questioning was PDP 3.0. (Manaw) did ask would that be put out for public comment or was that purely an internal matter within the GNSO. And I explained that because it really stemmed from the GNSO operating procedures, our internal procedures, that there would not be the typical formal public comment period. But I also pointed out that we had had that three-hour cross-community session, which was of great value in Puerto Rico where we invited the entire community into a large room, larger than this, and took notes on what other parts of the community thought could be improved. And there was particularly strong GAC representation in that session.

So she did raise the question. I note that for everyone here. We have GDPR and WHOIS on the agenda. I'm not entirely sure if that's code for EPDP. Michele?

Michele Neylon: Thanks, Heather. Michele for the record. I'm looking at the order of that agenda and I would suggest we move GDPR/WHOIS to the last item because otherwise, you'll never get curative rights done.

Heather Forrest: I think it's a sensible suggestion, Michele. Any objections to that? I see nods around the table. Cool. Staff, can we ask you to manipulate the slide for us

on the moment this afternoon? And it's an interesting point, Michele, in the sense of the way that that's broadly worded, it's not entirely sure what the topic of discussion is. Michele?

Michele Neylon: Thanks, Heather. Michele again. No matter what way it is discussed, any topic, which includes the acronym GDPR or the term WHOIS is catnip for a pointless circular, useless, nonproductive conversations regardless of who the interlocutors are.

Heather Forrest: Thank you, Michele. Our third topic on the agenda is the curative rights protection PDP. The GAC is aware of course that this is on our agenda for Wednesday. Curative rights is also on the Board-GAC meeting agenda. They spoke about it yesterday within the GAC. So this I suspect is going to be their first priority. Nevertheless, I think we ought to still keep that introduction to the GNSO first to make sure that that doesn't get overlooked by the other two topics, which could be a black hole.

Julf, any thoughts here on how we ought to pitch any of these items? Any strategies in light of the report and thank you very much for submitting your report to the Council list? We've asked, Donna, Rafik, and I have asked Julf to largely take the lead when we speak to the GAC, to give more prominence, and authority, and substance to the GAC liaison role. So with that, turn it over to you, Julf.

Julf Helsingius: Thank you. Julf Helsingius for the record. I don't unfortunately have so much insight into what they really want to discuss. I did ask for that input but didn't get any sort of real input. So I think we pretty much just have to sort of make it up as we go and we see what they really want to talk about. But yes, I'm definitely afraid this whole GDPR thing is going to be about the EPDP.

Heather Forrest: Stephanie?

Stephanie Perrin: Thanks very much. This probably might be a delicate question to broach with them, but on the EPDP, we have been encouraged to take group positions. And I pay close attention but I can't really figure out the GAC group position on - their members appear to be speaking for themselves, not necessarily with a common position.

So if there's a way to sort of subtly ask what their position is, that would be great. It might help. Thanks.

Heather Forrest: Thanks, Stephanie. I don't see that there's any obstacle to us asking subtly or otherwise in a sense of this isn't just their list of questions for us. It's meant to be an open dialogue. So by all means, I think that's entirely appropriate. And remember that meeting will take place in the GAC room. You're more than welcome to sit in a place that has access to a microphone just because Donna, Rafik, Julf, and I sit at the top table. We're really just there because it's a small table. So by all means, those who wish to contribute in that discussion, and particularly those who have particular expertise in relation to the EPDP and/or curative rights that would be helpful.

Good. All right. Any further questions on this agenda? If not, we'll switch to the next one. Seeing none. Okay. So this is our agenda for the ccNSO. It is by contrast a very long agenda. We have had a number of items in relation to CFC effectiveness review and the IFR, the IANA function review. And sincere thanks to Philippe and Donna for championing those efforts within the GNSO Council.

Rafik - excuse me, Philippe and Donna, anything you think heads up by way of those three first items that we need to think about? Or do you think that's purely an update. I understand it's an update.

Donna Austin: Yes, just in relation to the CFC effectiveness review, I think we're being very effective in our review. It's moving ahead quite quickly. The IANA function

review I have no insight into. It's not something that Philippe and I are involved in.

Heather Forrest: Okay. We have on there then CCWG on auction proceeds and Erika, we're lucky to have you involved in that discussion. So I have a feeling, again, that is an update of current status and discussion of where we are.

The FY budget - FY '20 budget, the Board as I understand it has on board and Org have only just maybe two weeks ago started budget-planning process again. So a bit of discussion around that, and of course the ccNSO has a very hearty standing committee in relation to budget and operations, similar to our SCBO. So I suspect we will hear from them and their thoughts, early thoughts on that.

The next item deals with specific reviews and operating standards, and opportunity to discuss where we are with such things as ATRT3 and SSR2, which has been a hearty topic of discussion throughout the year amongst the SO and AC chairs. The ccNSO has undertaken a study in relation to emojis and we'll hear from them on that.

And then the final item there is recommendations on confusing similarity evaluation for new GTLD and IDN ccTLDs, and I suspect that is something that they would like to raise with us. Philippe, anything - do you have any sense, any prioritization on this agenda, anything that we should think about before we go into the meeting with the ccNSO? Any particular insight that you can offer as the liaison?

Philippe Fouquart: Thanks. No, I think that's fine. There's the - we've got the TOC up front so that's okay. I was looking at that. Thank you.

Heather Forrest: Any questions, concerns on this one? I suspect given that they're all on the agenda as open dialogue, it's not probably necessary that we appoint people

for each of these. We can open the floor and share views and see how we go. I see nodding to that.

All right. With that, let's turn then to our discussion with the Board, if we can turn the slide. There we go. So the Board posed this question to all SOs and ACs, how should ICANN's multi-stakeholder model of governance and policy development process evolve to balance the increasing need for inclusivity, accountability, and transparency with the imperative of getting our work done and our policies developed in a more effective and timely manner, and with the efficient utilization of ICANN's resources.

This question was posed to all SOs/ACs. We in turn posed the question back to the Board and Rafik, amongst the leadership team, has reminded us on each ICANN public meeting occasion that it would be nice to move away from the our question, your question format and have more of an open dialogue. I will say that that suggestion has thrown the Board a little bit. They're not entirely sure what to expect from us and my comment is that's what open dialogue is.

And I am hopeful that this will be perhaps a model of how we could go forward that we could have that sort of open dialogue. What I would say the leadership team, Rafik, Donna, and I have talked about this, and again, I don't think there's a need to appoint people. I think this is really a true exchange of views. I understand the Board has not formulated an answer itself to this question. So that means we will not get a response to what is the Board's view, but I would like to say that we could ask board members what their view is on these things and I would encourage folks to do that. With that, Paul?

Paul McGrady: Thank you, Paul McGrady. This is actually a very timely question given the slowdown of the IRT for the PPSA. Am I using all the words right? And obviously, that is board, or staff, or somebody playing traffic cop in terms of the development of the implementation of an adopted policy. And so again, I

don't want to get into the substance necessarily of that because people around the table will have a different view on whether or not that needs to be slowed up, or sped up, or whatever.

But it does an interesting question about this question, which is how do we get it all done effectively, timely, efficiently, all that kind of thing. So I think this is a great question. I think the slowdown of that particular IRT is a great example that could be discussed. Certainly, there are probably 15 or 20 other examples that people could think of. Thank you.

Heather Forrest: Thanks Paul. Michele?

Michele Neylon: Michele for the record. I have to strongly disagree with Mr. McGrady. The slowing down of the IRT is due to a number of legal issues that were not apparent to ICANN at the time that the policy development process for which that IRT was constituted were being taken seriously. The suggestion that Paul is making is that somehow, ICANN staff are interfering with the policy development process and that interference is impacting the effectiveness of the policy development process. Whereas I would postulate that putting forward with something, which is illegal, would be far more of a risk than slowing something down and actually doing it right. Thanks.

Heather Forrest: Thanks, Michele. Donna?

Donna Austin: Thanks, Heather. Donna Austin for the record. So I think this discussion fits in with our PDP 3.0 and I think this is something that the Council has been working to for the last 12 months. And I think that's probably where we can focus the discussion. That this is something we've been working on. So maybe to the extent that we can pull some of the information out of the PDP 3.0 effort that we think what things would we like to highlight from that that we can have as part of the conversation with the Board around this.

I mean it's not like we're going into this call. This is primary what we're about here is the policy development process. I think the question is quite timely but I think we're well prepared to answer it too. So to the extent that we can leave the dialogue and just make the points that are coming out of the work that we've done these 12 months, I think it would be helpful.

Heather Forrest: Thanks, Donna. And before I turn to Marie, I'll say that the Board is indeed aware of our PDP 3.0 project. They're also aware that it's on our agenda for Wednesday. And I was asked to convey the message time that it's not the case that - the generic wording of the question is because this question went to all SOs and ACs. It's not meant to imply that they're not aware of or assuming that our PDP 3.0 effort is not alive.

So thanks. With that, Marie, and then Paul.

Marie Pattullo: Thanks, Heather. Marie Pattullo from the BC. It's just an information point. In the CSG, we met with some of the board members yesterday and this issue was raised. So we had Avri. There was Becky. There was Sarah and they did confirm that this is nothing to do with trying to take away the PDP from the GNSO. That they're very clear that policy development belongs in this room but if there's anything they can do, they'd like us to let them know. So I just wanted to be sure that nobody went into this thinking it was combative because it's not. Thanks.

Heather Forrest: Thanks, Marie. Paul?

Paul McGrady: Thanks, Paul McGrady again. Just to defend my honor, I wasn't suggesting the staff had inappropriately done anything nor was I suggesting that ICANN forge ahead with something that they believe to be illegal. I just thought that this is something that's relatively new, a slowdown of an IRT after an adopted policy, and then happen to fit the four corners of the question we were having.

So umbrage is too strong of a word but something less than umbrage at the suggestion that I was trying to imply that ICANN should do something that they believe is illegal or that our dear staff were doing something inappropriate by slowing it down. Thank you.

Heather Forrest: Thanks, Paul. Looking around the room, don't see any further hands. So what I propose that we do then for the lunch with the ICANN Board, again, in this room, staff will vacate their seats to make some space. It's normally the case, to Carlos' point at the start of the meeting, it's normally the case, Carlos, that sadly we don't get the full Board at that lunch.

So we've made a rough estimate of how many we think we'll have. We'll make sure we find places at the table for them and I would suggest fill your plate, sit back at the table, and get settled. And I'll be happy to open the session. We'll introduce the question. I explain very briefly our rationale for why we flipped it on its head and sent it back. And turn to Cherine to make any opening remarks and then we'll just open the floor.

Okay, with that, and we are doing well with time, the next session before our tea break is PDP 3.0. So we have in the agenda on Wednesday, the PDP 3.0 final report. As I said in my report, I hope this is only the first of such initiatives for the Council. We have on the table 14 recommendations in the form of let's say recommendations for adoption to the Council. Those 14 recommendations are the ones that we identified as having in principle support after that last round of input from the SGs and Companies. And we could see that we were coalescing around those 14.

We parked 3 and also parked separate statements of - in fact, there were minority statements from the IGO/INGO Curative Rights PDP final report that were produced by the two Co-Chairs of that PDP. They make a number of dispute points about, for example, the GNSO operating procedures and gaps in those procedures. So we've effectively parked those things for future discussion.

One point of significant debate between Council leadership and staff in bringing this to the agenda on Wednesday was how detailed should we be in relation to implementation. So this isn't a PDP final report. We're not talking about policy versus implementation of such. But you'll notice that the recommendations are not as detailed as they could be in relation to how each of these recommendations might be moved forward.

And I thought we might have an opportunity to have a chat now on, and what we might do is move through this document in relation to each one of those recommendations, and just have a bit of a brainstorm about how we might go about implementation. Not a hard and fast commitment, but have an early thought as to what we might do come Wednesday if we're successful in approving these recommendations.

So if we can page forward on the Adobe to the place in this document where we begin that chart, where we begin to set out the various recommendations. You'll see that those are summarized here in the front of the report. Hopefully you've had a chance to look at that. The background discussion of the information that was put together in largely through our session in Puerto Rico and afterwards, meetings with the SGs and Companies.

And here from Section 4 are each of the suggested improvements set out. The first one, the terms of participation for working group members. I have an update in relation to this. So staff has been working closely with ICANN legal, and with the ombudsman, and likewise, Council leadership has been talking to the ombudsman around this idea in terms of participation, how this links to the ICANN expected standards of behavior, and so on.

And in fact, Donna, Rafik, and I will meet with John Jeffries and his team this afternoon, I believe it is, yes, this afternoon, to talk about exactly this topic. Any support that we can get from legal in making that, in developing that statement, in improving upon the statement that we've used for the EPDP.

Herb Waye, the ombudsman, has also volunteered his services to assist in the development of that statement.

So the possible implementation step is identified there is to further develop the EPDP team statement of participation in consultation with the ombudsman to produce a template for seeking affirmative commitments in the working group members before they can participate in a working group. We have a few members in the EPDP here at the table, EPDP team. I wonder if you could comment on did this make any splash, the EPDP team statement of participation? Did this create any discussion? Was there anything to come out of this?

I see lots of nos. Nodding heads, nos. Rafik, any thoughts from this as liaison for the EPDP?

Rafik Dammak: Thanks, Heather. It's Rafik speaking. I think maybe why nobody is making a comment on this is because I don't think we really leverage it that yet. So it's a good question. We may need some time to highlight this. But so maybe that's can - one of the explanation why the people don't see the added value for now.

Stephanie Perrin: Thanks, Stephanie Perrin. I think really as Michele said earlier, the EPDP GDPR is, I don't know, I don't think catnip is strong enough. It's not a good testing ground to test this out when people are so transfixed with the topic that they're not looking at the format. It's a pity. Maybe we'll be able to have another look in maybe six months and discuss it.

I wouldn't say that there's been a profound success from the effort but I wouldn't blame that on the effort. I think it's just the catnip problem. Thanks.

Heather Forrest: Thanks, Stephanie. Marika?

Marika Konings: Thanks, Heather. This is Marika. On the EPDP and I think looking from a participation perspective, we do see very high numbers of participation and consistent participation, and also assignment of alternates when members are not available. I don't think that's necessarily a result of the statement of participation. I think there are other factors in play but I think as Stephanie says, it may be worth indeed testing this more in the concept of a normal PDP to see if there are similar effects, and maybe also at some point have a conversation with the EPDP leadership team for how the statement of participation was enforced, or whether that was even necessary, or whether indeed people kind of abide by it, or through the commitment they thought that they saw the results - that the statement was intended to (unintelligible).

Heather Forrest: Thanks, Marika. What I would suggest then that we do in view of the comments that were made here is to, as this states, to use that EPDP team statement of participation in the template. Let's give it a bit more time in the EPDP. I take Stephanie's point that it may not be the best model but nevertheless, we have that document and I think the intentions are good. And so that can serve as a baseline. And I wonder if when the time comes what we might do is put together a small working party of a handful of councilors who would like to volunteer to bring that statement into a more robust document, in view of the participation of the EPDP team members.

I would like to think that Donna, Rafik, and I can do some work this week and maybe turn around an updated draft or at least some notes from our conversation with ICANN Legal to make sure that that gets captured in that discussion. Because (unintelligible) on an ongoing basis, Donna and I will no longer be parts of these discussions as a Council. So we'll make sure to capture any discussions we have this week.

It's also the reason -- excuse me -- it's also the reason why we prioritized having as many meetings as we can while we're on the ground and together, the three of us this week, and get as much done as we absolutely can.

So all right, any concerns on that one? It seems to me we have a fairly clear implementation path for that. No? All right, the next recommendation, and if we can scroll down a bit too so we can get over the page, is considering alternatives to the open working group model, the possible implementation step there. Council to identify and consider the various model options documented when commencing new PDPs to determine which best fits a particular PDP effort.

I wonder if as a first step here, a rough proposal, it would be helpful if staff were able to help us by simply collating in a very concise document, not a 20 page report, here are the various models for how PDP membership could be set out. That would offer us a bit of a tool kit that we could look and see here's what the options are. And Marika, your hand is up.

Marika Konings: Yes, thanks Heather. This is Marika. Just to confirm that staff will be happy to do that and I think we actually already did part of that in preparation for the EPDP. Because I think there, we actually outlined a number of models that have been applied to date. And I think probably the only thing that's probably remaining is actually adding the EPDP structure to that as a kind of new variation. It's probably a combination of some of the previous approaches as another option. We can put a bit more effort in as well and kind of listing pros and cons or circumstances in which a certain model has proven more useful versus another set. Hopefully that is a starting point.

Heather Forrest: I think that's great, Marika. Thank you. Can I suggest, Marika, for the efficiency of the Council, let's try and keep that to no more than two pages. Because I think if we provide too much information, we'll lose ourselves in the detail. I think the temptation there is to provide everything about each model. But let's keep that as concise as possible and that also tightens the resource strain from the staff side.

Any objections around that? Staff will put that together. We'll have that information to hand for the next time we start a PDP. Donna?

Donna Austin: Heather, thanks. Donna Austin. So the models themselves I assume we're taking from what's being used within ICANN. It might be helpful once Marika and team put the document together, if other people have some ideas about models as well that they've used outside of this organization, it might be helpful. Because I think it's time to think outside the box. So to the extent that it's possible for others to have a think about that and make a contribution to the document I think would be helpful.

Heather Forrest: Thanks, Donna. I think that's an excellent suggestion. I'm just looking at the wording of the possible implementation steps there. I think it's entirely open. We haven't narrowed ourselves to consider what's currently in use. So I would wholeheartedly support that and hope the next Council would take that up.

So again, I think first step there would be for staff to put together that paper and then maybe have a small working party within the Council to take that next step forward and bring those to Council and have a more substantive discussion. In terms of - and I fear I'm overstepping here, but in terms of the broad timeline of when this might happen, I would like to think that we don't lose the initiative of the PDP 3.0 project. You all will have the opportunity at the January strategic planning session to do this kind of in-depth discussion of this sort of thing that doesn't fit very nicely within a 15-minute slot in a Council agenda. So pitch from me for how to use your time.

Any further comments, questions in terms of implementation of Number 2? No. Could we scroll down to Number 3 then, please? Criteria for joining of new members after PDP working group formation. You remember this one goes to the idea of what happens when members join after a PDP is already under way or long underway. We've suggested as possible implementation here documenting a set of basic template document - we need to fix the wording there. A template of requirements for up skilling new members

newly joining after the PDP's formation with a view to preventing disruption of PDP progress and reopening settled issues.

I think the idea here in the world template is that it's not a PDP specific thing. There will of course be PDP specific up skilling that needs to happen. But to the extent that we can have something, and perhaps this dovetails to the statement of commitment, something that suggests here's what a new member needs to do at a basic minimum when they join.

I suppose this is one again that probably requires a small working party to get-together. It could even be something that happens in a breakout session of the strategic planning session next January that you sit down, work out some writing here and how that might work. Any thoughts on implementation of this one? Marie, please.

Marie Pattullo: Thanks, Heather. This is Marie. I've got one slight concern about the wording because I remember we discussed this during the webinar as well, the cutoff date, essentially, there shall be no one else. And what happens if you move job, or have a baby, or break your leg. There are lots of reasons why people may come on board, which genuine reasons. I'd be concerned about us putting out something that looks negative in that you cannot join just in case. I think it's really a wording issue, not a substance issue. Thank you.

Heather Forrest: Fair enough, Marie, thanks. And I'm actually going to go back to the previous version and look because I tinkered with the wording on this one after the webinar. Michele and then Paul.

Michele Neylon: Thanks, Heather. Michele for the record. I agree as well, with what Marie was saying. I think when discussed this previously, what we're driving at here is the objective, limit disruption as a result of members joining, blah, blah, blah. I mean ultimately the issue being that people join a PDP working group months in and then you're having to re-litigate stuff that we'd already gone through, or they simply haven't read the background material.

I don't think we want to end up with a situation where we're saying, no, no, no, you cannot join after a particular date. It's more a case of if people are joining after a particular date that there needs to be some form of gating exercise that they have read the background materials, that they have some idea of where the hell the working group is at, that kind of thing. And I'm not sure - I thought we had other wording on that previously. Thanks.

Heather Forrest: Thanks, Michele. Before I turn to Paul, so I've just turned up the red line version that had - it was my task to take those items and make amendments. And it is an oversight on my part. So what we initially had in the actual recommendation, the wording of the recommendation was limitations to joining of new members after a certain time. And I've reworded that here to criteria for joining of new members. That was that more positive spin. I need to update the description as well in light of that change. So I'll be happy to do that. We'll recirculate and capture that. Yes, good.

Paul? No, Paul is an old flag. Okay. Michele, old flag. Okay, so that's a note for me to do. You'll find an update version of this in your inbox shortly. Any objections to that? I can't see that there would be an objection because we've already modified the actual recommendation. It's just a description that we need to make consistent.

All right, super. Let's move on then to the improvement Number 4, the capture versus consensus playbook. The possible implementation steps here is the possibility of a drafting team, including current and former PDP working group leadership. That was an addition that we added, and helpful actually that I'm looking at my redline version as we talk.

That is a recommendation that came out of our webinar was to make sure that we capture the expertise of our existing and former leaders, to review existing provisions of the working group guidelines for gap analysis, and develop amendments to the working group guidelines or a stand-alone

playbook for future PDPs. This is something that Council could champion and have the current and former PDP Chairs involved in, collaborate a bit. Again, I would hope that this is a fairly short-term effort, working team of some kind, to put that together.

Any concerns around that? I don't think it's something we can kick off initially. Of course, we have to get through Wednesday and approve these recommendations, but I think as soon as we have that done we can lean on our existing PDP Chairs. No. Stunned silence. Well done.

Okay. All right, let's look then at Improvement Number 5, the active role for clear for and clear description of council liaison, the PDP working groups. So this is an issue we've discussed throughout the year. Great to see it here. We have developed a clear role description of the GNSO Council liaison to a PDP and the suggestion here additional is to develop a briefing document for new Council liaisons, including the role description and highlighting relevant provisions of the GNSO operating procedures on the role and responsibilities of a liaison.

And then build in the PDP timeline various milestones at which the working group leadership team should reconsider the liaison. Are we effectively using the liaison, how can we do this better. That would fundamentally be a recommendation that we send back to or build into a new PDP charter sent back to the PDP leadership or build in the charter.

In terms of the briefing document for new Council liaisons that really is the fundamental of Part 2 of our Council meeting on Wednesday is the seating of new Councilors and the volunteering of new liaisons. I wonder if it would be appropriate at that point if the new Council on Wednesday afternoon put this in an AOB discussion. The sooner we're able to upscale those new liaisons, the better. I actually think this is a top priority item for the new Council. So I would suggest that the new Council have that in mind, maybe, as an AOB item, because we will have some new members to the Council who have not

served on the Council before, who are relatively new to the ICANN community. And the sooner we can scale them up, the better.

I'm happy to volunteer in the background if any help is needed in putting together a work party to draft that document. I'm more than happy to help with that. Does that make sense, folks, the prioritization and the drafting?
Susan?

Susan Kawaguchi: I totally agree with that. One thing that comes to mind too is having the old councilors or the ones leaving the Council, let's put it that way, actually sort of do a download to the new liaison. Because there may be some insights and things that would be helpful in moving forward. And sort of - so we don't lose that knowledge.

Heather Forrest: Thanks, Susan. I think Susan's suggestion is an excellent one. And I wonder if we actually ought to include it here as a possible implementation step that we more formalize the handover between old and new liaisons. Yes, I see lots of nods around the table. I think it's so blindingly obvious, I don't know why we haven't thought about it sooner. Well done, Susan.
Donna?

Donna Austin: Maybe it should be done in conjunction with the Chairs of the working group. So when Keith and I, well, maybe Keith just ends up with it on his own. But if there's going to be a handover that the actual Chairs for the working group are involved in that discussion I think might be helpful as well. You don't think so? Okay, we'll leave that one on the table then.

Susan Kawaguchi: I think also that would be fine but I think a candid conversation between two councilors would be helpful.

Heather Forrest: Thanks, Susan. I made a note of that to include in the possible implementation steps, initiate handover between old and new GNSO Council liaisons. So that will also be in the updated version of the document that you

receive and that, let's say, doesn't speak to the point that you've just raised, Donna.

Excellent. Great. I think that's a super addition to this. Improvement Number 6, document expectations for working group leaders. Chairs, co-chairs, leads that outlines the roles and responsibilities as well as the minimum skills and expertise required. In this, the amendment that I made following our discussion in the webinar was to add that parenthetical there of chairs, co-chairs, leads to capture the full scope of working group leaders and the possible implementation steps here are reviewing the GNSO operating procedures -- need to capitalize the P, I shall do that -- to evaluate and amend where appropriate the role and responsibility descriptions of PDP chairs.

There are myriad provisions in the operating procedures setting out the roles and responsibilities of PDP leadership. And specifically, it refers to the PDP Chair. The operating procedures don't speak so much, in so many instances to PDP co-chairs but that maybe in and of itself is something that needs to be considered.

And then further, develop a briefing document for newly appointed PDP chairs, highlighting relevant provisions of the GNSO procedures on the roles and responsibilities that they hold and how those can be tailored for working groups. I think that's largely in the same spirit of the previous idea of some sort of a transition, some sort of a welcome pack, some sort of an onboarding exercise so that new chairs have that information to hand.

I think this is particularly important as we expand in size and experience level as a community as we onboard some new folks through fellowship, through various other programs that are - we're encouraging them to be leaders but we don't really have any sort of support for new leaders.

So I would suggest with this one, going to be most pressing at the time that we next commence a PDP. So not the most immediately burning issue. I would suggest it could be secondary to the initiation documentation for the Council liaisons. And again, I would suggest a working party here of some folks from Council and our existing working group leadership and Council leadership to work together to bring that forward.

Anne, please.

Anne Aikman-Scalese: Thanks, Heather. I don't know if you're actually looking for any input from the gallery at the moment, but one thing. I've noticed a marked difference from earlier working group leaders being more facilitators than position takers, whereas now, we have situations that involve, well, let's make sure we have two or three co-chairs because in fact, we realized that the co-chairs are advancing certain positions.

The operating procedures permit that. That's one of the reasons we have co-chairs is that so a co-chair can express an opinion and even quite a strong opinion on a particular issue. And the thought is that there would be balance. But I think you also - the phenomenon you're facing as well when leadership from different segments of the community is that they also instruct drafting by staff and whatnot. And you see positions coming forward in the drafting that you sometimes have to say, well, gee I don't recall a discussion quite that way.

And so in terms of Donna's comment about looking at other models, I just wonder if we should be looking at more neutral leadership, more neutral chairs, facilitators hired from outside because it just - a lot of discussion and time, and effort, and energy is ultimately devoted to, well, this chair or co-chair or that chair or co-chair is stuck in his or her position. And this one has filed a complaint, and that one has gone behind the scenes and negotiated within the Board.

And it almost seems as though the most effective chairs and co-chairs at this point in time might not actually be persons from segments of our own community, but rather persons who are familiar with all of our workings, but maybe are retired or not hired by anybody. Or just the situation is not very neutral or facilitation oriented in our current PDPs.

Heather Forrest: Thanks, Anne, for your comments and I think it's very helpful to have them on the record here. It's certainly the case that this recommendation derived from input that we received from the broader community back in San Juan about exactly the sorts of ideas that you're putting forward here. And it's particularly helpful, and given your experience on the SCI and your knowledge of the operating procedures to have that input before the Council. So I'd like to think that we can capture that.

Philippe?

Philippe Fouquart: Philippe Fouquart from the ICPC. On this particular point and following up from what Donna had mentioned, I take part in other activities in other ACOs and et cetera. One major difference that I see here in that respect is that when co-chairs expressed their positions or opinions elsewhere. They tend to use hats, but rarely here, co-chairs here are saying, okay, I'm going to be expressing a position or an opinion. But if on behalf of my affiliation, my (unintelligible) or whatever, I hardly ever hear that here.

In terms of working practice that could be useful to make sure that people are aware that they can certainly express their positions as long as there's no ambiguity as to where that comes from. Thank you.

Heather Forrest: Thanks, Philippe. I think we focused on one particular aspect of this recommendation. The recommendation is holistic in a sense that says look at all of the roles and responsibilities that are documented there. And there are certainly provisions there around neutrality of chairs and how a chair is

meant to facilitate consensus. But I think all of it is consistent with what we have.

In terms of the possibly implementation steps, is everyone comfortable with this idea to happen at a future date of putting together a small party to consider the operating procedures? And I think we might, in view of Anne's intervention, maybe rely on some of our colleagues who were formally on the SCI to help us with that. And Donna?

Donna Austin: Thanks, Heather. Donna Austin. I think all the points Anne made are really valid. One of the concerns I have is it seems like we would need to pay somebody to do the role of a chair or facilitator if it's external to ICANN. So there's a cost element involved. And then we also have that problem that we're trying to deal with that the PDPs become - start off as maybe an 18-month project and morph into a three-year project. So it's how we manage that. I know that's another challenge we're trying to deal with. But the concerns are valid, Anne. I'm not disputing that but we need to be mindful of any recommendation that imposes a cost and how we deal with that.

Heather Forrest: Thanks, Donna. Pam, you'll be the last word on this one.

Pam Little: Pam Little for the record. I'm a little surprised here what Anne just said, although I realize it is (unintelligible) with some PDP might have that experience. I'm just curious why that's happening and it's not being enforced. Because in the current operating procedure, and I quote from the relevant paragraph is follows. "The Chair is expected to assume a neutral role, refrain from promoting a specific agenda, and ensure fair treatment of all opinions," blah, blah, blah.

Then if a Chair should not become an advocate for any specific position. So I'm just surprised and curious how we have a role that - or guidelines pretty clear about this and then we now have heard it comment from Anne. So how

do we address that or how do we enforce that rule as a Council or as the PDP manager? Thanks.

Heather Forrest: Thanks, Pam. I have a queue now and Carlos, you're asking about Adobe? No. Okay. So I have a queue. I have Paul and then I have Stephanie. Paul?

Paul McGrady: Thanks, Paul McGrady here. So yes, this is something that has become I think more obvious in recent years where essentially, the community has written into the operating - those what you read, something called a hat, which doesn't exist in there. And they say, I'm taking off my co-chair hat and I'm putting on my personal hat, and now I'm going to advance a particular point of view or agenda.

And sometimes they remember to put their hat back on. Sometimes they remember to take their hat off. It's super confusing, especially to people who are part of the PDP working groups who don't necessarily know where the co-chair, who is supposed to be neutral, is coming from. And so I think it's a significant problem that we need to really explore, whether or not the hat is somewhere in there, written between the lines. Or it's something that we need to , as a Council, say, listen, neutral means neutral and if you can't do that because you're a fabulous advocate for your position, and good for you, then don't be a co-chair.

And if we - I think we should consider sending that message now and invite people to resume their role as an advocate or redouble their effort as neutral. Thanks.

Heather Forrest: Thanks, Paul. Stephanie?

Stephanie Perrin: Stephanie Perrin. Let the record show I agree with Paul, which doesn't happen all the time. I raised my hand because I think there's no delicate way in the middle of a working group to say, Chair, you have no business saying

that. there is no mechanism. We need some kind of an audit mechanism, and oversight mechanism so that we can, without having a full-scale meltdown of a working party, which nobody wants, we can say bring the Chair back in line.

Because I do think that people tend to volunteer here at ICANN because they want to advance their positions and it seems that that's crept into chairmanship too, that people are chairing because they want to control the process, which is the absolute antithesis of what a Chair should be doing. And if there's no way to call them on it without having a full-scale meltdown or getting yourself ejected, then it's going to get worse. And I think it's really important that we maintain neutral chairs. Thanks.

Heather Forrest: Thanks, Stephanie. I have a queue. I have Donna, and then Michele, and then Susan.

Donna Austin: Thanks, Heather. Donna Austin. So Stephanie isn't the release valve the liaison? If a member of the working group has a problem with the neutrality of the chair, and they don't want to address it directly with the Chair or the Co-Chair, shouldn't they go to the liaison as the first point of contact?

Stephanie Perrin: That works where there's a liaison. Yes. And I mean I was the liaison for the RDS and nobody came to me, and I was a total failure at that because clearly, that was a bit of a free for all, that particular working group. Now, mind you, Chuck was an excellent Chair. But the Chuck neutrality, maybe we should get Chuck back in and use him as a monitor, you know, to check in on how the Chairs are doing. I'm sure he'd just sign up for this in a heartbeat.

But that's the kind of, you know, we need people to be nudged back into being a Chuck like Chair, and I don't know that is the liaison the right person to do that? It's going to put them in a very difficult situation.

Anne Aikman-Scalese: Just a real quick comment, I'm sorry to interject on what Donna said. I think that the operating procedures call for if you have a problem that can't be resolved directly with the Chair, you go to your constituencies first and raise the problem with your constituency. I don't think it says go straight to the liaison. But that's - someone can check me on that.

Heather Forrest: Thanks, Anne. In fact, we reference that in the next recommendation in this group, which is one that was still under discussion. We're referring to Section, well, primarily referring to Section 3.6 and 3.7 of the operating procedures. I will leave that aside for the moment and say we know where we are in the operating procedures. To Donna's point very quickly, before we turn to the queue here, the challenge - to Pam's original question. I just don't want to lose sight of Pam's original question, which is what can a Council do and how does the Council deal with this.

This is a case of if the Council doesn't know, the Council can't deal and Council leadership are in the difficult position of we really - our first line of response is, and (unintelligible) we're the Council, our first line of interaction is the liaison and I'm fairly confident that's what's in Donna's mind when she's thinking the liaison. The liaison is the bridge between the PDP and us as a team.

And so to the extent that the liaison isn't telling us, for whatever reason, it might be all kinds of reluctance around that, the liaison is not saying we're having an issue in X PDP, we don't know about it. And if we don't know about it, we can't put it on the agenda. So I think this is part of the reason why -- I'm mindful of the time -- but this is a particularly fruitful area of discussion and I think we can usefully use out the rest of our time for this session talking about this. Because it's clearly one that has a fair bit of interest.

So I know have Susan, and then Michele, and then Darcy.

Susan Kawaguchi: I think Michele was really in front of me, if you prefer.

Michele Neylon: I could but as it's the last time we'll get to share quality time together, that I might cede to you this time.

Susan Kawaguchi: Fine, I can always talk. So I think this is a hard nut to crack. Everybody is very passionate about their views and what should be done in a PDP. And often, you join because of you feel that urgency. I think the RDS PDP starting out with and maintaining a chair and then four co-chairs that were all from the stakeholder groups was a way of - we hoped that we would have some balance. Because all the stakeholder groups in the GNSO were represented on the leadership team.

And personally, there were times when I thought Chuck might have veered in a way that I did not see - I did not - he and I had different views and I would say to Chuck, I don't think this is where we should be going with this and I think you need to refrain your assessment of this. Or how we were sort of - when we were syncing up on things.

So having that clear and open communication is really important. But that said, these are difficult groups to run and takes a tremendous commitment. So you almost latch onto anybody that will say, yes, I'll do this. So maybe it's more training for the - instead of hiring somebody to do it, which I understand might - a facilitator might be a good reasonable solution, having additional training for a chair. Do you think you would want to chair something in the future. You need to go through this training before you commit to anything.

But I do think that representation from all stakeholder groups on the leadership team is critical. And one more point, sorry, on the liaison role, I think -- and not to belabor issues that I've brought up in the past -- that was one of the reasons in my experience on the IGO/NGO as liaison that I thought it was really critical that the liaison not be part of the leadership team. Because you need to have that neutrality and people can do that in a lot of

different ways. But I really think we need to make the liaison from the GNSO Council separate from anybody on the leadership team of a PDP. I think that should be a hard and fast role, but that's my opinion.

Heather Forrest: Thanks, Susan. Michele and then Darcy if I've got the order right.

Michele Neylon: Thanks, Heather. Oddly, I actually agree with some of the points that Susan made. The challenge I think is - Stephanie was talking about how Chuck Gomes was able to be a very neutral and very dedicated chair in any working groups that he was involved with. However, he's the exception, not the rule. There aren't many people who work for a company that will allow an employee of that community to basically work full-time on a working group while they're footing the bill.

That's essentially what's being asked in some cases when you were trying to shepherd some of these working groups. And the RDS PDP being probably the best and worst example. Other working groups might have a slightly lighter workload but realistically speaking that you would - that somebody who has skin the game is about the only person who's going to be motivated enough to actually step up and take on the role. And the economic realities are that you're not going to be able to find that many people who are going to do it. I mean, this has already been said.

I think Paul McGrady did have a couple of - I think I was trying to - if I understood what he's talking about, I mean this idea of making it very clear when you are speaking in your as Chair, when you are speaking on behalf of either your own company, or your constituency, or whatever. I mean that's something that when I chaired groups in the past, I tried to my best to make it very clear at what point I was speaking on behalf of whom. And that's not obviously the easiest. But expecting people to have that super-duper level of neutrality, and commitment, and all those other things is probably a bit unreasonable. Asking them to make it very clear what the hell they're doing and why they're doing it is reasonable.

And there have been issues in the not so distant past where certain people have advocated for particular positions and when challenged on it have denied it, even though it's blatantly obvious to anybody that that's what they're doing. And I think that's something that we just need to be a bit firmer on and I think that's something where the liaisons and others might need to step in. And I also would agree about the thing about the liaison being as neutral as possible. Thanks.

Heather Forrest: Thanks, Michele. Darcy and then Paul. Marika, sorry. Darcy, Marika, then Paul.

Darcy Southwell: Thanks, Heather. Darcy Southwell. I think to follow-up on what Stephanie said about the liaisons, I think there's a number of areas and in the totality of our PDP 3.0 recommendation where this really comes down to being more proactive. And we need to be more proactive in training the liaisons, communicating what the role means. I know it's defined in the procedures but let's talk about what it really means.

I think talking with the chairs and getting the chairs up to speed, and similar to what Susan said about some training. It's a tough job. I've never had to do it, never really volunteered to do it. I have a lot of respect for those that do. We've asked a lot of them. So how can we proactively make sure that they understand how to have that dialogue when there is a challenge. Also have it with the liaisons because they have to be proactive as well. And whether we're having an outside chair, or - which I'm still not sure what I think about that, or chairs from within the community, they need support to help get that done and to be neutral because it is a tough role. And I just think we need to have more -- whether it's training, or discussion, or whatever -- we need to set those standards in the beginning. Thanks.

Heather Forrest: Thanks, Darcy. Marika, then Paul.

Marika Konings: Thanks, Heather. This is Marika. I think I can speak here maybe from a bit of a staff perspective and also based on some of the experience with the RDS PDP leadership and to this - the conversation on what hats to wear. I think, again, in that working group, the chair made very clear that there were others in that group representing his company's his organization's perspective. So hardware definitely was not going to do that and as such, I think, hardly ever had to take off his chair's hat.

So again, I think it's very important that, as the Council works on this, that you clearly outline if that is your expectation going forward and provide guidance on that, or whether indeed there is the expectation that hats can be taken off or on. But I think as someone pointed out, it's really challenging because as a chair, you do have a specific role in the group. And it might be seen as an unfair advantage if you're there giving yourself time to air positions instead of facilitating the conversations.

Similarly, I think from a staff perspective, again, the kind of chair or vice-chair setup tends to work pretty well, because as Susan said, I think it's helpful to have a soundboard and have kind of bounce things off. But in that setup, there is a clear chair who ultimately makes a decision and makes the call. But at least from a staff perspective, that's really helpful because at some point, we need someone to say, yes, send this agenda out or yes, this is where we're going next. I think in a co-chair setup, it's always more challenging. Because it's always do you have to wait for everyone to kind of say yes, or have reviewed something. Or you need to have really clear rules in place, especially from a staff perspective to know when you're ready to act, or how you need to make sure that everyone has said yes and not be in a situation where staff takes an action and then someone says, but I didn't agree to this.

So I think that's also something to consider as you put this together, whether you want to be more specific about what kinds of arrangements you would like to see and what the expectations are for chairs. And I think it also helps

indeed if that is available, when a call for volunteers goes out, people that are interested in doing this clearly know what is expected from them and what they may need to give up by taking a chair role versus being a member, or a participant, or an observer, and the effort.

Heather Forrest: Thanks, Marika. So time check. We have five minutes. Tea break is mandatory. So says ICANN, not just me. Paul and then Donna, we'll give you the last word.

Paul McGrady: Thanks. Paul McGrady. I promise to filibuster so Donna only has ten seconds. No. So I hear what Michele is saying about the hat on and off and I respect his opinion. I do think there is some clarity that comes with not having the hat but that's obviously something that we're all going to have to discuss.

The thing that's jumped out at me in this conversation is putting a lot on Council liaisons who are being transformed into cops. And I don't think that was their original purpose. I think originally, there was supposed to be a neutral chair who was the cop and the Council liaison was supposed to be there as cheerleader and reporter backer to the Council. If we're going to have Council liaisons be the cop, we need to really take a look at that role because it's not always possible to make every single call. I'm liaison for a PDP that had, like, eight calls in the week and a half leading up to this because we were cramming to get stuff in before Barcelona. It's not possible to make all those calls.

And so if you're at the top and you're not on your beat, you can't see whether or not people are putting their hats on correctly and taking them off correctly. It's just not (unintelligible). And so if we are going to do that, then we need to redefine that role and figure out how many cops you need per PDP. Thanks.

Heather Forrest: Thanks, Paul. Donna?

Donna Austin: Thanks, Heather. Donna Austin. So I think among the leadership team we've recognized that it's really difficult to work with personalities . We're working with people. The procedures are fine the way they're written but the variable in all of this is the people that we deal with. And if we go back to the earlier conversation about the statement of participation, what's available to us to enforce that and who can enforce that. That's another challenge.

I just want to go back to something. Chuck is our - is the person we hold up as the greatest chair of all time, I suppose, if I could put it that way. But one of the reasons that we're having the discussion around PDP 3.0 is partly the inability to close off the RDS PDP working group. So even with the greatest chair of all time, we still have problems with the PDP. So the Chair is one element of it. Whether it's a Chair and Co-Chair, there's another element. How the liaisons function in all of this is potentially more important in some PDPs than others.

So this is an intractable problem. I think why we got here was because we recognize that the PDPs that were underway were doubling - had reached a point where they were taking twice as long as work PDPs had done in the past. So even with the best people in the world, we still have challenges because we have to deal with the people in the working groups and we have to get past this.

What we're seeing at the moment is people are not willing to move from positions and we've heard there are various reasons for that. People are getting paid by lobbyists to be in certain positions. That's what we've heard. That's what we understand. So that leads to a breakdown of the model if people aren't prepared to move positions. So there's a lot here that we're talking about and we started this conversation 12 months ago. I think we're making progress but we need to understand that there's not one silver bullet with all of this. I don't know what the term is, but it's more than just one solution.

Heather Forrest: Stephanie, it's tea time. Quick.

Stephanie Perrin: Yes. Stephanie Perrin. Another thought other than mediation and all these kinds of things. Because the RDS was a good template to see what didn't work. Part of the problem in the RDS was refusal to accept facts. So independent research, I know I've been howling about we need librarians and archivists here at ICANN, independent research that someone could actually say, I'm sorry, the GDPR exists, it's the law, you can't get it repealed. That might have helped in the RDS because unfortunately, we do get into these your position is not as good as my position, and you can actually separate fact from fiction or position.

So I predict this is going to happen on the current EPDP as well. So it's a hearty perennial. Just a thought.

Heather Forrest: Thanks very much, everyone, for the hearty discussion. So we've only made it through roughly half of the recommendations that are on the table for Wednesday but this was really just an opportunity to talk about possible implementation steps. I was particularly keen to call out the one on the liaison because that's the most timely in terms of Wednesday's rollover of liaisons. If we have more time this week, we can come back to the remaining items.

What I will do is I've made careful note of some fixes in the document. You'll get from me a red line and a final version. So you can anticipate that. Nothing fundamental has changed. It's tidy ups in light of our discussion. The robustness of the discussion this morning tells me we're on exactly the right track. It was super timely to have PDP 3.0, super timely to be having these discussions and there's plenty to talk about when we get to the implementation point. So I'm very hopeful that we have a positive vote on Wednesday and can move forward to that.

With that folks, it's tea break. Please be back in your seats for 10:30 for our discussion with GDD. Thanks. We can stop the recording for now and resume when we come back.

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