

**Transcription ICANN London  
Open and Substantial Strategic Discussion Session Opportunity  
Saturday 21 June**

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(Jonathan): Great. We're good to go with the next session. Now just to set the background here I mean we've had this - we've had a - this so called open and substantial strategic discussion session opportunity to air some of the big issues and try and tease them out.

It happens that the sequence of sessions we've now got is that session which is cut a little short because of how we've run with the prior topics.

We have a lunch break and we have preparation from - for meetings with normally board, GAC, ccNSO and the chief executive and then discussions of motions.

So we've got a decent chunk of time to work with some substantial issues here and if we run it and manage to work it effectively this should be a really nice chunky part of our weekend session to work with.

The question is, what's the content of each and how do we work - how do we navigate through these?

One key frame of reference as far as I'm concerned is making sure we just step out a little bit as what we were hoping to achieve when we pulled together that development session in Buenos Aires and make sure that threads through our work and to the extent that we identified themes of work or improvement that we'd make sure we refer back to those and check how we're doing.

But there's also our preparation for what's appropriate to discuss and with the board and the chief executive in particular and how much of some of these issues we simply want to discuss amongst ourselves and how much we want them to go into those sessions with the board, the chief executive and possibly to the extent it's relevant the GAC of course or ccNSO.

And a couple of other topics that I feel we've got to pick up on and this is - there's I mean, but certainly one of the things there's this issue of participation workload that we started to pick up on as we talked about in the Policy Implementation Working Group.

And as you may or may not know, there is a now established Friday night meeting between the so-called so - SOAC and NSG leadership where GNSO and other SOAC elected leaders managers --whatever you would like to call them -- meet with the senior ICANN staff.

I know there's a couple of - I mean I see we've got (Cristina) and (Keith) I think Michele was here earlier. There's others who participate in that.

So I think one of the themes that came out last night was it was absolutely evident that the concern is that - and I think (Byron) from the

ccNSO described it quite well saying that I think the theme of workload and burnout has been something that's been on our collective agendas for some time.

And he sort of made a metaphor of a sort of - of a swimmer with the waves lapping around here. And recently it feels like the waves are starting to break over our collective or individual heads.

So, you know, although the challenge of workload and - has been an issue for some time.

So I think certainly a couple of the topics that were brought up were not surprisingly things like the stewardship transition accountability, but the feedback from the community present was very much the meta-theme of all of this is actually how on earth to cope with both our day-to-day work which is things like the bread-and-butter policy work of the council on all of these successive overlays and the fact that ICANN as an organization or as a - seems to start up and build up in resources if the volunteer community is not getting noticeably bigger and arguably may be getting noticeably a little smaller. So certainly, that's one key topic.

So I wouldn't mind just setting the scene by just checking back on our Buenos Aires things and then hearing from you what else we need to cover.

We've got some structure to what we might talk with the board about which we can come to after lunch also an indication of whether we should or should not. I mean, given the time we've got half an hour here and normally an hour for lunch. How do people feel about continuing some of these discussions through lunch?

Do we feel we need - are we happy to go and get food, bring it back to the table and continue talking? Yes? Yes? No objection to that? Okay, great.

Well, I think we've got a lot to talk about. The biggest challenge for us is going to be how to structure then get it into reasonable shape that if we - if and when we bring it up with the board or the chief executive or anyone else that we manage that in an effective way.

I'm not going to draw - dwell on these slides for long but I do think it's worth just I asked Marika to pull together what we said we're going to do in Buenos Aires and just make sure that we check these.

Because I think these are relevant in our discussions with other groups within the ICANN community and relevant for us just to benchmark where we're getting too.

And you'll remember we brought this up - I'm pretty sure I brought this up in a similar session at our last meeting. We asked ourselves what was - what does success look like in a year. And we talked about successful working relationship with the GAC, efficiency and effectiveness of the council, attracting new volunteers to the GNSO working groups, board acknowledgment and respect for the role of the GNSO and more substantial discussion on the council mailing lists.

Now in my mind I think I could quickly go through and give us a mark out of ten for each of those. I suspect many of you could. I don't know how common our views would be.

But I personally I feel pretty confident with what we're doing with the GAC at the moment. I feel personally pleased with the way in which we're working as a council at the moment.

I feel we've got - we're almost nowhere in attracting new volunteers. But I mean some - I mean I know that that's not necessarily a well held view or a broadly held view so interesting to hear that.

Board acknowledgment and respect for the GNSO, I think we've made some progress there and others might challenge me on that. But I think we've made some progress.

And I think well some of our interactions have been indicative of that. Maybe that's because I get to be in closer proximity to some board members and get a feeling for what we have achieved there and more substantial discussion on the council mailing list. Well, that's patchy.

So I could probably give us our marks out of ten but let's go through a little more detail which Marika's kindly prepared on these.

As I said I don't want this to dominate the session but I wouldn't mind us checking.

So we're eight months late. We've got another four to go to the end of the year.

The reason for having a successful relationship with the GAC was not only our desire but it's supported by the recommendations of the second ATRT.

We have an active GAC GNSO consolidation group which we approved the charter of in Singapore. We're having regular meetings. Even that, though, has a challenge to get full participation.

And we've got a proposal to go ahead with a GNSO liaison to the GAC as a pilot. And we need - we're going to need the council to support that or not as the case may be. My hope is that you will support it. And we've got to develop the recommendations by LA. So by my measure that's not bad.

Any - I'm quite - I'm conscious of trying to get through this part of the meeting relatively quickly so we can it open up. But I'll also pause for a moment on each of these items to make sure that if anyone would like to say anything or check by all means do so. Brett?

Brett Fausett: Brett Fausett from the Registry Constituency. On this particular side -- and I don't want to get into the meat of the issue right now because I think we're going to get into it later -- on the whole IGO protection issue of their acronyms and things there was the perceived conflict by the board between what the GAC Recommended and what the GNSO had recommended.

So one of the ways I think we could have a more successful relationship is to think in advance about how to reconcile conflicting policy advice.

I mean right now you have the board deciding that they want to do that rather than perhaps having the GNSO and the GAC reconcile that directly. And that I think could be a way of maybe moving forward.

You know, of course, I think that the better way is to recognize that when we speak with one voice and we have a consensus policy recommendation in the domain name space that the GNSO council's opinion prevails there and that the GAC should take a backseat to that.

Gut, you know, that said that's an issue that we're going to have to resolve.

(Jonathan): Thanks Brett. Agendas, (James) wants to speak but just to respond because I'm intimately involved in the work of this group.

I mean that is the express purpose of the work of this group that we don't go down that policy development route.

And we have a structural issue here right that the GAC advice comes in at a point in the process, which comes in too late and in a way that's potentially problematic.

So the ambitious objective of this group is to try and deal with that issue. (James)?

(James): Yes just to echo and perhaps even amplify Brett's comments, Brett's comments that I think that actually falls over from our relationship with the GAC to relationship with the board and the board respect for the GNSO's role and relevance and procedures.

You know, I do believe that when it comes to matters of policy in generic domain names that the GNSO is paramount. I don't understand why this is a controversial issue at all.

So I think that we, you know, if I could maybe put a marker down and come back to that with our relationship for the board I think that that's - this issue has highlighted that.

And I see there's a lot of work going on at the GAC and I can probably be a little more deferential to the folks who are engaged in that work that it is bearing fruit.

But I think that just looking at this one issue and how it has now reached at this last point I would say that we still have a lot of work to do in this area and in our relationship with the board.

(Jonathan): So key question that we have to think about when we touch on that issue is from my mind is how much of that is baggage from the past and would that repeat itself or are we, you know, could the same thing if we manage to succeed here and succeed in the work we're doing to assert ourselves with the board and obtain respect for the way in which we're working, including engaging more effectively with the GAC would we - would that problem repeat itself that's perceived from with all the actual problems with IGO NGO so or would we do it better next time around?

Thomas and then (Alan) or (James) would you like to respond directly?

(James): Yes. I guess the question depends on whether we were wrong six months ago or we're wrong today because we were unanimous in that. So I think we need to figure that question out first.

Whether it's going to repeat itself, you know, I would say yes. You know, I mean, everything seems to be cyclical and I would say it even would expand to other agencies as well.

So what - I mean, could we come back to that when we talk about the board because I think it is something that is critical to our -it's almost an existential question (unintelligible).

(Jonathan): So we're going to have to find a place to deal with this letter from the new gTLD Program Committee the IGO INGO work. And it may not be right here. But it sounds like there's a - that we're going to want to potentially talk about this in our discussion with how we deal with the board, what we talk about with the board.

So let me just give you an opportunity anyway, (Thomas) and I to talk. But I think we need to find a place for this specific topic. It's more than general how it relates here. Go ahead.

(Thomas): Thanks (Jonathan). But I guess with this work going on we can reduce the potential for conflicting GAC advice if the GAC engages early. And if it sort of better absorbs the thinking of the GNSO then maybe we get better insight into how the GAC thinks and that can be better incorporated into the working group's thinking and vice versa.

But I think you won't be able to eliminate the risk of conflicting GAC advice. And I think this activity can't avoid that because that's a bylaw issue.

You know, we have GAC advice being directed at the board and then GNSO recommendations also going to the board for approval. And I

think that, you know, we can try to diminish the potential for issues but it won't go away from a procedural point of view.

(Jonathan): Yes. (James) and then we'll come to you (Alan).

(James): Thank you (Thomas). I think that's an excellent point. And I do a question which is being- coming into this a little late is did this - with this PDP that you were the chair of that was initiated by GAC correct by the board in response to GAC advice? Yes so that's pretty early engagement.

(Jonathan): It's interesting because one of the points on the slide when we communicated the work of this which is of this group with the GAC is that we remind them that they can initiate a PDP.

But the understanding that slide at the moment is that they had never initiated a PDP directly. Maybe they initiated this via advice to the board but they've never specifically initiated or commissioned it. So some of this is about educating the GAC of their potential role. (Alan)'s being patient...

(Thomas): Yes.

((Crosstalk))

(Thomas): If I could respond briefly. We did have GAC interaction and even participation from GAC members at an early stage, even in the predeceasing drafting team.

The issue with that was always that GAC members were hesitant to share their views because they didn't want their input to be misperceived as official GAC for their countries or government statements.

So I think with this group this can be worked on, i.e. making the GAC and its members be more outspoken in the process at an earlier stage. So we had that but it was still not really formalized.

But I guess the point and I'm as concerned as you are but I think that initiatives such as this were really helped de facto to minimize the issue.

(Jonathan): Got to (Alan) and then (Klaus).

(Alan): Thank you. I think the position expressed by Brett and (James) is essentially what's gotten us into this position.

It accurately reflects what the bylaws say about the GNSO, but it ignores the other parts of the bylaws that say the board had a more complex position than that, that yes they have an option of accepting or rejecting GNSO recommendations. But they also have to deal with the GAC. And should they choose to not follow formal GAC advice they have to show cause. And the cause can't be just the GNSO said so. It's got to be on the substantive matter.

So this process as I see it is an attempt to recognize that the board's going to be put into awkward situations and minimize the chance when that happens.

Early involvement of the GAC in our processes is part of that. It may solve it. We may still have cases where it is not resolved that way and there are differences and I still ends up being a real issue.

But the whole game is to reduce the number of those two ones so we don't have that situation on a regular basis.

But it's important to remember also the GAC position evolves. The GAC was in a position two years ago when we were in Singapore or somewhere the first time to say board do not release the new gTLD program until you satisfy our list of her scorecard issues.

Most of the issues being debated today work on the scorecard. They only thought of them afterwards.

So it's foolish to believe we're going to address all of the future problems at the PDP level because some of them do not become apparent especially to governments until something really hits the wall and we see - we understand the impact as it affects their lives.

So we're not going to remove them all but we've got to try to reduce them.

I've got (Klaus), Marilyn and Dan and (Alan).

(Klaus): I don't know what it's worth but I would like to very quickly share an experience from last week with you some of the GAC members.

I was in Berlin and very happy to attend the EuroDig meeting. And I was surprised how many representatives from the GAC actually came

to me to talk to me and so surprised that in the end I actually asked some of them why are you talking to me here and not in the ICANN meetings? And exactly that's the point. It's not - we are not in an ICANN meeting.

And I don't know exactly what to make out of this, but maybe we should find ways to engage with the GAC in more informal or more unofficial ways to make that communication flow a little bit easier.

(Jonathan): Just to make for the record we on the back of this work we had a kind of little cocktail party function with the GAC at the last ICANN meeting. It was the first time we had ever done that. And so was some informal engagement over and above this meeting.

And we're doing it again this time. Thanks (David) yes.

So, Marilyn and then...

Marilyn Cade: Thanks. My name is Marilyn Cade. I appreciate being able to follow Klaus's comment because it was going in the same - that same direction.

Many of the governance representatives -- I use that term as opposed to GAC -- many of the government representatives who come to the ICANN meetings do interact in a number of other settings where some of us see them interact with them on a regular basis.

And the one thing I would just say is I think probably the heading on this slide to me actually translates into strengthening and improving the

interactions with the GAC as opposed to successful relationship with the GAC.

Because many of the governments come here about governance issues of ICANN not just about governance of gTLDs but also because they're very concerned about security, stability and resiliency, the ccTLDs, the understanding and participating in how governments fulfill their advisory functions here at ICANN and how ICANN fits into the larger Internet government ecosystem.

So I do think finding lots of opportunities both from your constituency members, not just the - around the gTLD policy but from your constituency members I think can help to strengthen the relationship.

But the other thing that I would just say if you spend a minute with any of the representatives who come here and ask them the number of issues and topics that they're responsible for you generally find a really overburdened team.

And governments are now beginning to find the agreement at home to bring multiple people. So it's no longer one representative for government. And maybe that's the other thing to kind of think about in terms of evolving, understanding how the government see themselves participating in ICANN is how we figure out since no GAC member can speak for the GAC or for another country, how do we figure out times and ways to have information exchange that is not just about gTLD policy, but so that we can begin to build the relationships upon which to take on the tougher topics when it is about gTLD policy?

(Jonathan): So just to be clear that the title of this slide -- and that's a very helpful suggestion, Marilyn -- the type a slide originates with the sort of strategic target from a while ago. But that doesn't mean that it shouldn't or couldn't evolve.

And then what we're touching on is of course this work of the GNSO GAC consultation group that it's becoming evident that that is not the only mechanism by which we can cross community interact. I've got Dan next.

Dan Reeves: Thanks Dan Reeves. You know as I've listened to what (Klaus) said and what Marilyn said it's sort of echoed something I was going to say originally which is that these formal mechanisms can facilitate or it can enable interaction but they truly are process artifacts.

In any organization the way that you build trust and interaction is by building human relationships because that's where you have the real conversations.

And you can find out what people fear what they're confident about, what they're uncertain about, where their personal opinions started in as opposed to the official positions they have to represent. And those are not necessarily the same thing. Sometimes they are sometimes they're not.

But it's the relationships that really matter. And those are practical for many reasons, not only because that's how you trade information and then you float trial balloons, but it's how you build trust.

Because for any organization or distributed group to function it has to be based on the ability to build a predictive middle model what the other group will do. And it's that predictive model that allows you to assess the likelihood that what you will propose will find a happy landing ground.

And so my only plea in some senses yes, the process really matters in how we think about PDPs and about liaisons matters.

What's most important is personal interaction in all kinds of venues. And what (Klaus) said is absolutely right, you have to talk to people every chance you get. And it doesn't matter where they are because that information and interaction is really useful.

And so that's just a plea to bear in mind that as important as this processes it's the interaction that really matters and that we should focus on all the ways that we can encourage that.

(Jonathan): But Avri next?

Avri Doria: Thank you. Avri speaking, making a couple comments as a new member of this GAC GNSO Consultation group.

First, it was actually very interesting because it does not feel like a GNSO activity at all. It reminds me more of the working groups I'm in with government people elsewhere.

And that was actually fairly frightening and uncomfortable at first because, while I'm used to it when I'm at an ITU meeting or a UN-

based meeting all of a sudden to find that happening here made me a little bit nervous.

One of the fears that I've had that I haven't voiced there is this early consultation going to mean that the GAC can therefore send advice to the board earlier? And that - and so how will we deal with that in the process when we're getting, you know, because now they'll know better what's going on, which is a good thing. But that being said that can develop.

Now in terms of the I guess I think I'm going to say something that's slightly disagrees. Otherwise, if I wasn't disagreeing I should just keep my mouth shut because why should everybody repeat the same stuff all the time that the talking to people is what's important. It is.

But when we're dealing something - with something like the GAC were dealing with more of a hive mind type of organization. And that what the people say as individuals is really not at all what the GAC itself says.

And so yes, it's important, you know, having relationships with lots of these people in lots of places.

But when you see them operating within their own environment they are different. And so just basically bringing up that caution that sort of says just because you can have a drink with them and have a lovely conversation at EuroDig does not mean that you gotten anywhere with them as the GAC.

(Jonathan): And you want to respond directly to that (unintelligible).

((Crosstalk))

Man: Yes.

(Jonathan): ...next.

Man: I understand what you're saying Avri. That's certainly true when people are working in a group to represent official positions.

But it's absolutely true that if you have a trust relationship people can often be honest enough to say that I understand what you're saying. Here's what my government's going to do.

And it may or may not be what they think as individuals but they could be candid with you about what their constraints are.

And I've had many of those conversations where you go to a meeting I knew exactly what was going to happen. It wasn't what the individuals might've preferred but they were constrained by the political position they're in.

And so all I was really trying to say is understanding the wiggle room that each of us has some because of constraints from governments, some because of our constituencies helps you understand and it's part of the horse trading used -- may be another bad metaphor in Americanism -- but it's the way that you build those relationships and understand when you can give favors and trade favors and achieve outcomes.

And yes there are some formal constraints but it really is instructive to be able to predict what will happen.

(Jonathan): Thanks Dan. (David)?

(David): Yes I mean every of course right but the, you know, when people when are acting in their in the GAC as a structure and the people acting within their sort of official capacity within the GAC it's not the same way as talking to those individuals.

But of course there are lots of very valuable things you can get from talking to people as individuals from understanding the GAC structure more, from understanding how you can - what are effective ways to try to change GAC sequence and so on.

One of the things that we've sort of found in the working group is that there are actual real, although we've discussed there are actual real barriers to sort of usefully building relationships with the GAC.

Among them the GNSO and the GAC members are among the BCS at ICANN. We have the GAC and the GNSO both have a lot of time commitments and mutually, you know, usually in such a way that we're mutually constrained from going to each other's sessions and also have very little idea of how the other one operates.

We - and which makes it more difficult to even know what - who to talk to.

But hopefully one of the things that we'll be getting out of this is actually just providing ways in which, as a member of the GAC or the

GNSO who wants to reach out to the other side we can tell you who to talk to which is in many ways very often not that all apparent.

I was not even aware before we - this working group there were sort of GAC topic leads and so on in the system where they would be able to help you work out who to talk to and things like that so hopefully at least that way it's not - it's both structural and yes we - personal relations have helped but there are actually structural problems to building those.

Hopefully we are trying to build in some mechanisms to overcome some of those sort of structural issues that prevent us working collaboratively not just as organizations but also building the relationships that will help us work around the constraints of this organization.

So we're aware of the issues and I think we're moving forward.

(Jonathan): Thanks (David). I think I have (Charles) next.

(Charles): Just very quickly I think the key to remain a successful relationship and the first step is to stop talking about us and them.

I think we have to find the overlapping issues and start working on that.

(Jonathan): Okay perhaps that's enough on this topic. We're coming up to 1:00. I wouldn't mind whipping through the slides. I just wonder how we deal with it? I mean actually that tees up some really interesting discussion in and around this relationship with the GAC and maybe these others will do.

I suspect - can I get a feel would you like to grab some lunch now and then carry on with this and we talk through these slides? It seems to be quite useful to as a check of where we're at.

Okay, let's pause here, grab some food, come back to the table. But I really would appreciate, you know, I don't want to break up the meeting. It's very useful to get this kind of feedback and have the discussion. That's exactly the purpose of this discussion. And hopefully it lays the ground very well for our subsequent meetings with board and CEO and others that we have and of course the GAC.

So let's take a break, grab some food, come back to the table and continue the discussion.

((Crosstalk))

Man: So I just had a huge breakfast. I'm not eligible for this much anyway. Not that I wouldn't (unintelligible).

((Crosstalk))

(Jonathan): Hi everyone. I know we just - we're enjoying some lunch and a little bit of a breakout. And just to let you know I think we'll call things back to order in a minute or two and start the discussion again.

((Crosstalk))

(Jonathan): Okay everyone if I could ask you to come back to the table and be prepared to continue with our discussion and so just a call to please rejoin the discussion and get - pick up where we left off.

Okay so could we start - could we restart the recording then on this session? We good to go? Thank you.

So this is sort of the part two of our open and substantial strategic discussion. We were - we've been working through the key themes that we picked up, the five or so themes that we picked up from Buenos Aires and then there will be some other items to add to this.

So this is really there's a set of slides here that we're talking through. We talked through the work with the desire to improve our effectiveness of working with the Government Advisory Committee and we now move on to - and these bullet points have been put into - are indicative of our improved performance decisions or outcomes that we've made.

So I guess they're really thrown up to say, you know, we worked through a thorny issue and came to a result close outcome on spec 13.

We then put into the meeting a Strategy Working Group, the Multi-Stakeholder Innovations panel, these are some examples.

I guess I'll throw it out to people have we - I mean have we demonstrated to ourselves satisfactory or are we on course to demonstrate that we improved the way in which we work from a sort of efficiency effectiveness throughput? (James)?

(James): So at risk of sounding like someone who has just got nothing positive to say I will say that I give us pretty high marks in this area.

I think that the examples you've listed as well as just some other - just the way that this work this group works together I think is the, you know, I don't have a lot of experience to be set on. But it certainly seems like it's a collegial and productive group that recognizes that some issues need to be expedited and find ways to, you know, lay the interests and do that in a way that's both transparent but also with an eye on the clock.

So, you know, I think we've done pretty well in this area.

(Jonathan): Thanks. When you said you were at risk of say nothing positive I thought you were going to say nothing positive about this...

(James): No I have to break character once in a while so...

(Jonathan): Any other comments or input on this? I mean I really I like that you said that (James) and I feel encouraged by the way we work.

And one of the things I want to do is have us - which will lead into our next session I'd like to say a small amount -- not a lot -- but a small amount to the board about some of these achievements and make sure because I think we're all in danger of and there are serious issues whether we're all over the place.

But we often get in danger of focusing on the problems or the challenges or the issues and not highlighting the successes.

And so I don't want to evangelize things unnecessarily because I do think sometimes we need to do that right. Brett?

Brett Fausett: I'm Brett Fausett from the Registry Contingency.

I - maybe it's focusing more on the third bullet point of your slide deck here (Jonathan). I do agree with (James) that I think the council works very well together.

And I'm sort of newly returned to the council but my perception is that the PDP processes are taking a very long time -- perhaps longer than they should.

And two it seems to me that if we were going to focus on things to do here it would be ways to expedite the policy development process and then maybe get to consensus and tractable issues a little bit quicker than they seem to be taking.

(Jonathan): So yes John you go ahead here.

John Berard: So this is John Berard from the Business Constituency. I share Brett's point of view but I feel the responsibility to guard against it.

The notion of speeding things up for the purpose of pace I believe as I said earlier this morning undercuts the commitments and the value of the multi-stakeholder consensus driven bottom-up decision-making process.

We talked about this in Singapore. It is what slow, messy and I forget what the third word was. There is an aspect of that yes loud, yes, slow, messy and loud.

There is an aspect of that that we must continue to encourage in order to ensure that decision-making doesn't become top down especially at a time as we also have talked about this morning where there is greater energy and a more significant center of gravity at the top in terms of the size and resources that are available to lead the organization as opposed to cultivate the community.

(Jonathan): Thanks John. Marika?

Marika Konings: Yes this is Marika. So I think agreeing with John that I think in these efforts speed should be the only focus.

And there is a lot of flexibility in the PDP itself to, you know, go faster or slower and as is needed.

And we'll be talking a little bit more this afternoon as well on the PDP improvements where we identified a number of areas where we may be able to, you know, do things in a faster way by, you know, for example having additional meetings, spending more time face to face.

And we spoke about, you know, for example having the adoption of the charter at the same time as initiation of PDP.

And several of these things we're actually experimenting and trying to assess and if it doesn't work or are we, you know, harming the careful

balance that we have found between, you know, the different interests and checks and balances that are there?

Again I think it's as well, you know, if there are any other ideas or suggestions on what we should be looking at. And I think part of the discussion on the Policy Implementation Working Group will also hopefully result in additional mechanisms by which the council can provide policy advice but not - that does not link to consensus policy.

Because now, you know, the only formal mechanism that we have is a PDP and in principle. And you don't really want to go down that path if you know the - that the outcome is intended to be a consensus policy.

For all the issues you may want to have more lightweight processes in place. So hopefully that will be something that will be more work will be done on.

But again if there are any further ideas on what we should be looking at and I think we're really trying as well to look at data and information on how to, you know, take decisions based on the information we have on how long different stages take.

And I think part of the conversation we had earlier as well on the volunteer participation, you know, we see working groups going back from weekly meeting to every two weeks.

You know, obviously that slows down the process quite extensively so I think there's different aspects that we be looking at and working on. And it's a key stat but at the same time respecting the integrity of the PDP as such.

(Jonathan): Thanks. (Berry)?

(Berry): Thank you (Jonathan). This is (Berry). And, you know, I think I put this out in the council list a while back when this was being discussed. And I wish I had a PhD in mathematics to evolve this.

But, you know, a duration of a PDP is always focused around five elements and it's always the complexity of the issue that's being discussed.

And as Marika just mentioned certainly the participation rate of the community involved in that as well as the frequency in which the group meets as well as any expertise that's needed to address that issue.

And then I just found another component to the formula is and of course the diversity of the positions across the stakeholders.

You know, if everybody agrees upfront then we can sail right through but often there are very diverse positions about it.

And I think, you know, the IGO NGO working group was a very good example of that. It was set up to be expedited but it was still 13 months and we met weekly for two hours every week.

We had strong participation and it still took us that long to get to it so just something to keep in mind.

(Jonathan): I suppose thinking about where we might go with this I mean what we've got here is if you like a strategic theme that came out of Buenos Aires meetings.

We've got some examples of progress that can be argued to be kind of successes against that theme. And the question is really whether there's A testing whether we're right in that those are and B whether this remains a theme going forward.

So I expect that we've got these five strategic themes if you like that we'll have to level set against and - but when we come down to the same meeting in LA a year later check how we've achieved against them and see whether they're on the - on our collective agenda for a period going forward.

But it is - it's useful to dig into a few of them and see whether we believe there generally are achievements in demonstrating what we wanted to.

Any other comments or questions or thoughts on this? Right so let's move on to the next slide then.

Attracting new volunteers, I could read (Maria)'s body - Marika's body language when I said that I thought that we hadn't been particularly successful. I think she disagrees with me slightly on that that we, you know, because we have - I can see the slides show that, you know, we've got some tremendously high levels of sign-up.

I suppose so maybe we have managed to attract volunteers and participation but this kind of probably will tie into the theme of overload or - and/or, you know, multiple parallel activities.

Thoughts on whether we've been successful or not in this area and, you know, what else we might could or should be doing. (Klaus)?

(Klaus): First of all I would congratulate Marika for everything she tried to do. But as Marika knows I have a fundamental problem with the outreach and the approach of attracting new volunteers.

Because there seems to be endemic problem throughout ICANN on all levels that we are trying to outreach in the way that we are opening the door and wait for people to come in instead of going outside and making it clear why it's worthwhile and really outreaching and not just opening the door.

There is a huge, huge problem I think in everything. And that is reflected in the working groups.

In the working groups who come to a specific to that point is I think there needs to be relevance to the participants in the working group to participate and to get in there.

And we are not - and I think often the relevance for people in participating in the working group just doesn't exist.

One of that funny ideas I come up with sometimes is why don't we in the charter of the working group also have a section on relevance and

explain why is it relevant for the for people to get engaged and who should get engaged?

Because and for the leaders of working groups they should really check every so often is the relevance of what the working group does is still there for these participants.

But to come back to my beginning the problem, the basic problem is that we are doing wonderful materials, we're explaining why it's important, how to do it and things like that but we are not making it relevant.

(Jonathan): It's an interesting point you make (Klaus). I'm just going to come onto that for one moment because in a way it leads to this work with the GAC GNSO work on early engagement.

Because for the GAC what determines relevance it doesn't have public policy implications. So they have been saying we get all this stuff from you. I mean there are issues on the on the GAC side.

It's not all about what the GNSO needs to do. But the key question for them on relevance is, "Are they public policy implications?"

So maybe you're right, maybe there's mechanisms by which we can try and - try other ways of indicating relevance to other groupings.

(Klaus): I think we have to change our attitude to the whole thing. We shouldn't sit there and say come to Jesus. We're - that's one kind of being a visionary. The other kind of a visionary is going out and preach. I think we should go out and do a little bit of preaching.

(Jonathan): Yes I think it's - (James) next oh, yes.

(James): Sorry I was holding my tongue the last time we were going through this just because I thought we had a placeholder here.

You know, this is a problem, this has been a problem and it seems to come up and it seems to flare up I would say at least once a year since I don't know, I've only been doing this for seven years.

But it seems like since I've been doing this volunteer exhaustion there's just not enough people. Those that are engaged are spread too thin.

And as we've seen with some folks when they depart, you know, they leave a fairly big hole in a lot of different areas.

And I think that we can take I think an incremental look at the problem and say well, you know, what can we do to support these folks better, what can we do to engage in outreach? What can we do to lower the barriers?

I think there's something else that we need to look at which is does the working group model still work? And is that still the mechanism that needs to carry this group, this organization?

Because if we're going to see that we go in working groups -- and I know the folks down at the end of the table -- and I remember when they used to be just one or two, you know, when we going into working groups calls and they outnumber the volunteer participants then I think

that we need to say well is this really more of a staff sort of organization and we're just kind of advising them?

And maybe if that's the way we want to go then let's have staff put together an issue report, have them do the research, have them cook up some recommendations and then have the community decide whether live with it or not.

I mean that's pretty radical idea right because it's basically turning the whole keys over to the people who get a paycheck from ICANN as opposed to the people who do this for volunteer.

But I'm just throwing this out here as this is the end game on the course that we're on if we don't find a way around this problem that it just seems to be, you know, endemic or, you know, in every facet of the community.

But that, you know, put it on the table.

(Jonathan): You know, certainly just to make sure - that you've got Brett and Marika as well. Certainly to make sure, you know, early on if I wasn't clear enough about this earlier on this seemed to come up in no small way. If anything that was probably the theme of the dinner discussion last night between the so-called SO, AC and SG leadership and senior staff. It came very much out.

And what was interesting is it teased out a secondary issue. Because assuming you went down that more radical route I mean clearly one option is then to provide more and more staff. And there's a whole issue around how we - but it does seem to A challenge the way in

which we work fundamentally and B if the solution, if the solution was to add more staff there's a trust issue there as well. Because that's one of the issues it seems to have held back community in the past. Well we don't trust staff to do this.

But we - and so that's - but let me stop there and make sure we return to the queue. I think you've got Volker yourself in there (Thomas), Brett and....

Man: Marika.

(Jonathan): ...and Marika.

Volker Griemann: Yes. Volker Griemann speaking. I think what we see here is just especially with the Privacy Proxy Working Group is that if a topic is raised or framed in a way that is contentious or might be contentious then the community will be very effective in correlating or raising up their members to participate in the working group.

I mean with the privacy proxy every group that has a stake in this issue is out in force. Some law firms out there with four people, registrars have some - more than one person from time to time on the working group and the private issue, the private interests are there as well.

So it might be a way of framing the issue. But it also shows that the volunteer recruitment has to happen not in - on the council level. That's really our job.

I might be disagreeing with (Jonathan) there. It's really the job of the constituencies to go out and make the topics interesting to their members so they can get their members to participate.

I think that's the key that the stakeholders themselves see the topics important and get their members out to participate not from us as a council. We just frame the discussion in a way.

(Jonathan): Volker, got (Thomas) next.

(Thomas): Thanks. Back to (Klaus)' point I guess the difficulty -- and we are revolving around this topic for years now -- is how to attract people that are outside of this inner circle if you wish.

You know, I think the privacy proxy subject has been attracted by those that have been interested in or that have been working in this space anyway. But how do we get outside that? And I think that the council is not the right place to do that and to that extent I echo what Volker has suggested. So I think that's going to be difficult.

I think maybe one or two ideas how we can improve things at least slightly is that we might wish to add to the cause of volunteers a description or a speck of what's skills are required so people are left to what's interesting for them for them and what not.

You know, so this is a technical subject that skills can be required here. And that's I think also what (Berry) mentioned if we have the different factors that are decisive for the success of a PDP and its speed I think we need the right mix of people with the required skills in there.

With respect to Brett and (James) comments on the PDP I sympathize with the idea of accelerating the process. But I'm afraid that by doing so the only chance where we could really buy time is by taking out the bottom from the bottom up.

So if you look at the PDP workflow there are a couple of instances where you have 21 plus 21 days public comment and reply periods.

So that's where you could easily make time. I'm not sure whether that's something that we can afford to do or what we want to do.

I think I'm in favor of having more condensed work on drafting papers. I think it's difficult to have contacts - matters being worked on as a group exercise. Whether that necessarily has to be done by the staff I'm not sure. I think it can also be community volunteers preparing something.

But I think that we could get some - gain some time by having people prepare more in subgroups or, you know, outside the regular working group cause to prepare papers and then only present the results to the group as well as to the outside community.

(Jonathan): Thanks (Klaus). We've got Brett, Marika, (David) and then yourself.

Brett Fausett: That's a nice segue. I was going to come back to the point I made in the last section of about the length of time it's taking. Because I think that, you know, the example (Berry) gave of the IGO Working Group taking 13 months I started off on that working group when it was going to be about a 60 day process and had to turn it over to other people in the registry constituency when it became a 13 month process.

It's very difficult to get someone to commit upfront to a year-long process. And I think we're going to have better uptake of getting new volunteers if we can tell them it's going to be for a discrete time.

And if we can't commit to a discrete time then we need to figure out a way to get people involved in segments of the work so that you can do 60 or 90 days and pass the torch to somebody else. Because I - it's - it - very few people can commit two hours a week for 13 months to anything.

(Jonathan): So we've got a queue that follows and there's a lot of - and it's interesting I wasn't necessarily expecting there be such substantial discussion. It was more sort of benchmarking where we were going. But it is very useful and interesting to have this.

And I'm slightly worried about what we do with the input. We'll have to try and capture it for the transcript because people are putting some good suggestions in here. And I'm also mindful that we need to do our prep work for the board.

So we've got Marika, (David), (Klaus) and Avri in line. Marika?

Marika Konings: This is Marika. I mean I'm taking some notes as well in relation to the PDP improvements work we're doing.

And we're talking this afternoon as well about some of the ideas or suggestions we have on, you know, making, doing some level pilots on some of these items.

And actually to come back to (James)'s comment on the PDP (unintelligible) is actually one of the specific proposals that is included in the PDP improvements part.

And, you know, I think we meet there in the middle whether that will be a staff role or whether that will be a community that's appointed as a (repertoire) and I think always envisioned as a kind of someone that goes around and talks to everyone and they on that basis distills what may be the common view and then goes back to that group to confirm am I going in the right direction?

I just want to not on that regard, you know, we did propose to do that for the data metrics and policymaking work as we saw that that was one of the items where probably a lot of the (unintelligible) would anyway have to be done by staff and, you know, data gathering, information gathering. And there doesn't seem to be a lot of interest from the community at this stage.

At that point the council actually decided they did want a working group, they did prefer to go down that path. And we actually see now in reality that indeed it's staff doing all the heavy lifting on that.

You know, we do have a lot of people that signed up for it but not necessarily showing up or doing a lot of the work.

And now it may take indeed two years for that effort to complete while if there maybe there would have been some confidence or at least a chance given to staff to provide a first draft maybe we could have already been here discussing an initial report.

And again I think, you know, on the trust issue I think, you know, if we would've explored that option and maybe do a pilot in one of the efforts where, you know, maybe initiating or working on at the moment I think we would clearly build in as well the kind of regular reporting or updates or even a council liaison that would be engaging with staff on the work.

And of course there's always at the end of the day when staff comes back with a proposed report, you know, the working group or the council would say this is rubbish. You know, what have you been doing or thinking? This is not acceptable, we'll start again.

I think we need to make sure if, you know, by for example exploring such an option that checks and balances are in place.

But I think in certain areas of topics I think it definitely would be worth exploring that option indeed in the sense of, you know, being able to make time.

And especially those topics where people don't feel that they need to be involved every step of the way and there are certain things that staff can, you know, gather from conversations or input received.

So we're touching very as you've indicated a couple of times Marika, very much on the area of the PDP improvements.

So let's keep - let's give the queue an opportunity to talk. That's (David), (Klaus), Avri and (Peter). And then we'll move on from this topic and try and clear the slide deck. David?

(David): And sort of the almost two problems here one is that yes our and within our existing constituencies and also with the groups that we've drawn to working groups we are finding that we are increasingly overloaded and then, you know, and experiencing some burnout. There's a lot of work to do here. And that's certainly an issue.

And the outreach elements, you know, all the outreach efforts that we've been looking at we need to keep looking at.

But I also find that there's a problem here in that the existing systems for working groups is very good at finding people from within a small community of people who are experts on the domain name system, the DNS industry, Internet governance and similar related things which is, you know, essentially while those communities aren't exactly the same as the ICANN community there's a fair degree of - enormous degree of overlap.

But when it comes to other issues that may come up we are kind of struggling to recruit many sort of experts out from outside the system that we really need.

I think this comes up in a lot of issues. We got a lot of the - it's clear a lot of the IDN stuff discussed this morning would really benefit from sort of people with external linguistic expertise becoming involved in that what would, you know, some serious linguistic expertise become involved.

I know, you know, (Stephanie Paring) dealing with privacy issues has sort of expressed her frustration a few times that there is in fact an enormous community of privacy expertise that is by and large not well

connected to ICANN and largely sort of, not contacted in the right way of trying to recruit people to privacy related efforts within ICANN.

And so on we can go through a whole number of issues where experts from communities external to the ICANN, you know, the Internet governance and sort of DNS industry communities are not - and other - and all and trademark law and all of the other constituencies and stakeholders that are sort of formally represented within the GNSO are not drawn in well.

And I think that is, you know, a real issue that we are not able to draw them in well because we don't have a good reason to keep in regular contact with them if we only - if there's only a few issues. They'll never be core members of our constituencies.

We need to broaden them talk about the working group process how to deal - how to better draw in people from external communities with a significant expertise in a lot of issues we deal with.

I don't have a good answer to it but it's becoming increasingly clear to me that that is one of the bits where we really fail in recruiting from working groups is external, people with significant external expertise specific to that working group are often people that we really struggle to recruit for a bunch of reasons because we don't - our existing processes don't give us a reason to sort of keep in regular contact with them.

And that I think that does slow down our PDP processes because we often spend a lot of time locating and finding that external expertise and translating it into our sort of community turns when there are

people who, you know, I mean for example privacy there are an enormous number of people who, you know, it's a large global community of people who do nothing but and incredible experts into it who are not always good at recruiting to our process.

(Jonathan): Thanks (David), interesting points there. You know, I'm going to insert an online comment into the queue and then we'll (off that) online we'll go to (Klaus), Avri and (Peter).

(Klaus): Okay I'll read it to the record. And any link what you're actually looking for volunteering someone mentioned there is a wonderful - there is wonderful material out there yet I don't know what material is meant. And I think that's maybe a question directed at the ICANN Web site.

But in my view as well needs to do a better job at showing the outside world what ICANN is doing and how to participate in any specific upcoming working group.

(Jonathan): Yes. So I've got an additional (unintelligible) to the queue and Avri will close on this one. So (Klaus) next, (Klaus) Avri, (Peter), Gabriella and then (Klaus).

(Klaus): We have two strings of discussion here. For example how do we get expert and on the other do we want to use paid staff or volunteer?

I think in order to get outside expertise and you basically have to pay for it.

And maybe we should meet we need to look at a model where we actually appoint community members to do the task and that they get,

you know, certain way remunerated that needs to be money or whatever but we can be creative on that.

But I think there should be maybe it would help working groups to have a core group which basically support it more than a pat on the back.

And this way you also get - have a chance to get people who are normally not connected to these topics in. For example the security circles these guys normally are well-paid consultants. And they basically raise their salary when they join up to our working groups.

(Jonathan): Thanks (Klaus). I've got Avri.

Avri Doria: Thank you Avri speaking. When we were doing the last PDP review one of the things we had was looked at models of working groups from various things.

And we basically took two. We took the ITS model, the one I grew up with. And that is a volunteer intensive. And we also looked at the W3C which was staff intensive.

Now we tended at that time -- it was a very small staff or relatively smaller staff than it was now -- to go to the IETF volunteer participants' intensive model.

Now as time has gone on basically the staff has grown, its confidence has grown and dare I say even its trust has grown.

So we may actually be at a point when we look at our model -- and there's really no rules the need to be changed in this I don't think -- that

we can actually accept sort of an experiment with a hybrid model that sort of says you can tell from the beginning of a PDP how much response there is to the issue report, how many of the stakeholder groups and constituencies bother to get constituency statement in with the, you know, the initial period.

And so the working group itself can at that point determine listen this is one where we would do better to let it be more staff intensive. And of course staff has to determine if they've got the bandwidth at that point in time to do it.

The other criteria that the working group itself could take into account is to what degree is this a longer term policy that isn't driving immediate business case versus this is one where there's, you know, people hungry for money that are waiting for a decision quickly and therefore we better take the shorter route?

So there are things that could be considered by a working group when it is first initiating its work when it is first saying yes we've got a charter now, we've got that but how do we do our work and basically look at these particular models and see from the menu of options this is the way we'll go always understanding that the trade-off you get is efficiency always means less bottom-up.

And those two are a trade-off but that's okay making trade-offs is what the whole PDP and working group process is about. So that it's one of those trade-offs that the group itself can decide on at the beginning.  
Thanks.

(Jonathan): Thank you Marika. (Peter)?

(Peter): All right I'm sitting here listening and I'm trying to make a summary of what I heard and make some quick proposals.

Initially I agree with what (Klaus) said. We have to make a - make some presentation in, you know, kind of appetizing way on the topics why it's important without making a few technical or to - relative to some specific expert groups but making it possible for everyone to read and understand why is this important and what would happen if I do not participate in this topic.

The other thing is that we also need clear and specified topics. So as I've heard it from some of the working groups that they have been some rather time-consuming because the groups initially have to understand what are the things, what are the goals for the group to work on.

And that's just a quick idea that maybe in some of the more difficult topics it might be better to split up the topic in certain timelines.

You can have the same working group but meet with one specific issue that will be solved and it takes step two step three in some cases.

And also try to avoid to have separate working groups on more or less the same topic as we will hear about more this afternoon.

We have the Translation and Transliteration Working Group that we're doing our work but also waiting for the results from other working groups. And it's not the best efficient way to work.

And then also maybe to get more people to be involved in the next step just to say to make a summary, the initial summary maybe as the first step to have something to be sent out and make sure. Sometimes it's more easy for people than going into all the details to actually read something that you can comment on.

And I mean we have one or two steps of that today. Maybe we could still save time but have - split it up in three steps with not too sure but not too long a reply period.

But in order to get outside comments from those that are may not realize from the initial view that this was an interesting issue. Thanks.

(Jonathan): Thanks (Peter). I'm really keen to try and move us on but I've got a queue of four people that's built up now which is Gabriella, (Tony), I'm not sure your name but you can introduce yourself as a speaker at the time and then Edmon.

Gabriella Szlak: So it's me? Okay thank you. This is Gabriella from the business constituency. I was trying to organize my thoughts while you were talking.

And one of the things that I - again I'm talking about language and sorry to be insistent on this. But I would like to have some staff support in having materials in all languages to bring more people in even if the people that have to be in the working group have to know English to be able to participate.

Then these people before that they need to first understand what ICANN is. That might be work that we can do together how to identify experts together and find them.

Then afterwards these experts need to convince organizations to help them participate or to pay for the participation or to at least let them use the time of the work that they do to be in these working groups.

And so to advocate in to their bosses or to their organizations they need to have materials easy to digest and in their own language. Because their bosses might not know English and it will be harder for them if they don't find materials that are official in the language that they understand.

So if you want more participants okay I for instance if they tell me bring some experts on the national level of Argentina to help on something I can identify those experts okay.

But then I have to explain them from the beginning what is ICANN? Okay I can do it - do this myself. Maybe I can have some materials. We have that okay. But then they have to explain to their bosses why this particular working group would be relevant to their organization and all of that should be easier for them to do while they are still understanding why themselves have to participate.

So that's why I think it's not a waste of time to do this because afterwards the people need to know English to participate. It's not a waste of time. We need materials in our languages to bring more people in. Thank you.

(Jonathan): Thanks Gabriella. We've got (Tony) next.

(Tony): Okay thanks (Jonathan). You referred a couple of times (Jonathan) to the discussions yesterday evening. And I think one element of that that hasn't been brought up at all is there was some discussion about having a little bit more control over the throttle as well, how much staff is thrown out there. And that really does impact on this.

And a lot of our discussion here it's been on the front end of the process. It's been about getting involved in working groups.

But if we go to change that so that maybe the staff to engage more than they have done one of the things we should think about is maybe looking at the back end of the process the public comment period. Because I think that would need to be adjusted to take account of any changes at the front end as well.

And I know that there are some groups who've actually had problems keeping up with the current ability to respond on the public comment periods even to the stage where they don't engage until it's almost comments on comments.

So if you're going to do anything upfront then let's not forget we need to make some changes to facilitate that at the rear as well.

(Crista Helisford): Yes hello. My name is (Crista Helisford). And I do a little bit like NGO, a bit like business and a bit like academies. I'm a kind of outsider here but I would like to say something about this volunteering staff you're talking about.

So I don't know if it's a bit uninformed to remind you that there is this At-Large meeting going on in the (unintelligible) or a lot of people willing to contribute and join. Maybe you know about that.

But also about this model of working groups, you know, so you might also consider that it is a little bit old-fashioned to think about top down modeling of working groups.

So instead you might want to not - you should remember that people are actually eager and they are willing to contribute and they are working at the moment or at least at this hour but they're not just doing it in the form you would expect them to do that.

So in order to increase the inclusion you should not try to introduce working groups but instead try to understand what is happening on the root level to find out the - about the - (unintelligible) increase the inclusion. Thank you.

(Jonathan): Thank you very much (Chris). Edmon?

Edmon Chung: Thank you, Edmon Chung here. So I wanted to bring up two kind of thoughts that came to mind, one on following-up on what (James) and Avri was mentioning and another on what (Tony) mentioned just now.

The idea of having I guess staff team have us I guess bigger role even hold the pen to some of the documents so I think there is some experience in ccNSO already. I think some of the things that they do, some reports that they come out is actually staff holds the pad and help.

And on that we should certainly explore that and then perhaps ask the experience from the ccNSO as well. But it is very important to think about, you know, when that happens what kind of role the community factors play and I'm thinking, you know, as we go down that path.

The other part I think (Tony) brought up a pretty good thing about the public comment process, the public comment process probably needs some thinking about as well.

And it brings me to thinking about the I don't know how many people participate in the net (Mendial) process. The way that the comments were put in like paragraph by paragraph I think that's pretty cool.

And that, you know, that helps kind of get more people to be willing to put in comments as well because right now it's much more daunting.

You pretty much put in a comment for the entire document and, you know, and you're not sure whether people would get which part you're, you know, talking to. And the comments become very long as you quote back what's in the document.

So technology like there or presentations that we might actually help the kinds of outreach and engaging people in the public comment process throughout so...

(Jonathan): Good point. I mean some of our methods and mechanics have stayed the same for a long time. And I've got (Alan) and then I'm going to wrap this item up at that point.

(Alan): Thank you. I just wanted to support and echo (Gabby)'s comments.

The issue of documents and briefings in national languages is a significant focus of At-Large because although the people who may attend our meetings speak English those that they have to communicate with at home don't.

And I think an increased focus on that overall issue within the GNSO is going to help both of us because right now we're sort of on our own. And whatever we can drag out of policy staff and it's really difficult when there isn't anyone else asking for the same stuff.

So I think it's really key to getting involvement that we are finding it hard to attract right now. Thank you.

(Jonathan): Okay so I'm just going to set where we are. That's spawned an amazing discussion. I'm - I really wasn't expecting that we were going into that much detail.

But we obviously all feel very passionately about this and it touches on I'll say a pretty big theme that I think has going to come up throughout this ICANN 50 which is our ability to absorb the work and manage all of the work we have to do.

And I suppose the one thing I wouldn't remind reminding myself and you of as a final point here is that in many ways a lot of the work we do is our bread-and-butter work. And one of the things that's interfering with our ability to do our bread and butter work are these big picture overlays that of other topics that have come up within strategy panels, IANA, accountability, important and significant as they might be, that's

partly what's caused a distraction away from what our bread-and-butter basic work might be.

Let's move through these because we've got an hour and a half till around 4 o'clock. We can run into our coffee break 4:15 to try and deal with a decent preparation for our next - for the series of fairly substantial meetings we've got to have with the board and the GAC and to some extent the ccNSO and with Fadi.

So I think it's worthwhile just clicking through these slides. Let's get on to the next one and make sure we've covered off this and then I can get into that.

I think we can cover this in our discussion with the board. This is - I mean it's whether or not this is an item. I mean and we certainly have to cover the recent NGPC letter.

I'm wondering when we deal with that? Maybe that's something - I mean maybe that's something we can pick up on now? I mean we might as well. We've got to deal with it at some point. NGPC has written to us.

And is there support to deal with that now? I mean it seems like at some point we have to just - I mean we've had a letter written to us.

And from memory I need reminding. I'm pretty sure our formal response is covered in our - on our Wednesday meeting agenda. Can someone remind me if it's on there? I'm pretty sure it is on there as an item. But we really need to do some preparatory discussion and set the scene as to where this stands.

And I know there's been some concerns about, you know, whether this is fully respectful and appreciative of the role and functioning. So maybe this is a time to pick this up now and try and nail this one.

I'm looking at you (Thomas) whether you'd be prepared to introduce the topic. Because one of the things is, A, how we respond to the NGPC letter and is this a topic that we actually want to discuss with our session with the board?

My feeling is the most important thing is how do we respond to NGPC and how do we feel about that?

I think if we find ourselves at an impasse or find that in some way problematic with respect to the board then we can talk about whether we bring it out in our meeting with the board.

But let's look at how we got there, how we propose to respond and if we're not satisfied and believe it's a way to do that.

So I think (Thomas) if you could lead us in, set the scene a little bit and then let's discuss that. I'm slightly worried that not - the limited number of participants here. But hopefully everyone wants to be here is here and so let's hear from you (Thomas).

(Thomas): Thanks (Jonathan). I maybe those that are in the room at the moment wanted to avoid this very topic and which has keeping us busy for so many months now.

Now to recap a little bit you will remember that we had the IGO, NGO PDP Working Group that worked on policy recommendations for the protection of designations of IGOs and INGOs.

The GNSO Policy Recommendations were unanimously adopted by the GNSO council and then forwarded to the ICANN Board of Directors. And in parallel the GAC had issued GAC advice with respect to these designations.

There's an awful lot of correspondence surrounding the names and acronyms of specific organizations such as the IOC and the Red Cross Red Crescent movement as well as the IGOs.

And they ICANN board was now confronted with a situation where it had conflicting, partially conflicting I should say GNSO policy recommendations and GAC advice.

And what the board did was they adopted those GNSO recommendations that were uncontentious. And they still did not further process policy recommendations that were in conflict with GAC advice.

Since we have been approached by the NGPC with a letter that I'm going to elaborate on a little bit for the moment and they also have communicated with the board and the - sorry with the GAC as well as the IGOs.

And it appears like the board on the NGPC has been able to identify a potential way forward how the friction between the conflicting advice and recommendations can be mitigated or even resolved.

Now you remember that in our meeting in Singapore the idea of the GNSO revisiting the unanimously adopted recommendations was brought forward and caused some of, let's put it mildly objection or reservations from councils.

Because it sounded like the ICANN board wanted us to change policy recommendations that had been adopted by way of negotiation which as some of the counselors pointed out is not possible according to the statutes or the principles that we're working under.

Now since this seems to have changed. So the NGPC approached us with a letter saying that they want to consult with us and offer us the opportunity to revisit the policy recommendations according to our operating principles.

And they even quoted those operating principles that offer the opportunity of for example reconvening the Working Group to then look at changes or potential modifications to GNSO policy recommendations and then take them back.

So there is the first thing that I wanted to highlight there is a formal way of dealing with the amendments to existing policy recommendations. And at the same time they've indicated that if we did so that the IGOs and the GAC would sort of agree to this concept and that no further changes would be required.

Also they've said that they would be willing to wait for the GNSO to conduct its respective work. They were basically looking at three areas that are concern one of which is the idea of the IGO acronyms.

And you will remember that we had a quite heated and high handed discussion about blocking and reserving IGO acronyms.

This seems to be off the table so we're not talking about reservation or blocking but the NGPC is suggesting that the policy recommendation dealing with IGO acronyms is modified in a way that we move from a 90 days trademark claims period which we've unanimously adopted to granting access to the claims service permanent while the term permanently must be seen as for the lifetime of the TNCH.

So should the TNCH cease operation sometime in the future then this request would no longer exist. So that's one thing.

We're asked to reconvene, basically we're recommended to reconvene the working group to look at the possibility to extend the claim service for IGO acronyms from 90 days to a permanent service.

The second area is the additional - the protection for Red Cross Red Crescent country claims. This has been discussed briefly by the Working Group that would require further work.

But it's my understanding from the Working Group's deliberations that the Red Cross Red Crescent designations discussion is potentially less contentious than the IGO acronyms discussion.

And the third area would be opening up curative rights and the URS has mentioned explicitly to allow for the IGOs that get the claim service to utilize a process where they can have domain names that are

registered that are acronyms that are registered, have been taken down in the URS or URS type curative mechanism.

And for that actually no action needs to be taken because the GNSO council as you will remember has recently in its last telephone conference initiated the PDP exactly to look at that.

So that's been on the package of recommendations that we adopted way back when.

So I guess the question that's put in front of this work is whether the council is willing to reconvene the Working Group to look at the extension of the claims service for IGO acronyms as well as for designation of the Red Cross Red Crescent movement.

That's what we need to do. So I think that's one complex of questions that we need to ask. So do we want to reconvene the Working Group? Do we want to task the working group to look at those potential modifications?

And the second point is and I guess that's the most fundamental discussion which I also mention in my memo to the list is whether the council or the wider GNSO has any observations or need for discussion with the board to the general approach how to deal with conflicting GAC advice and GNSO policy recommendations.

So I think we now have a potential path that would help us to sort this out. But I think that everybody is quite passionate about that type of scenario. So we might automatically the need to discuss this with the board as a general topic.

(Jonathan): Yes (unintelligible) Avri. Can I suggest maybe then that we confine our - we separate those two questions out?

(Thomas): Yes.

(Jonathan): I'd really like - I think it would be very, very helpful if we first of all say do we accept and or how do we feel about the - this premise of in some way of reconvening the group to determine whether or not we are prepared to modify the recommendation from 90 days permanent which is really the simple question that's being asked?

And then the second is, "Is this an issue we want to take up with the board?"

So can we confine ourselves to the first question in the queue then which is (Alan), Volker, (James), John, Avri?

(Alan)?

(Alan): Thank you. I'm not sure I'll confine myself but I'm going to be not - I'm not going to be very long.

I personally find this letter and thing not disturbing at all but very encouraging. They didn't make a decision to change what we're doing or to reject our advice. They came to us first. That's maybe the first time it's happened in quite this form.

Number two, in terms of questions they could have asked us looking at the substance these are some easy ones.

The one in protections we're already working on the - okay. The one on the extending the trademark clearinghouse from 90 days to infinity to be honest who cares? It's not a real substantive issue.

Assuming the registrars can handle infinity which is a different question altogether and there's been some claim that it may be problematic it's not really a substantive issue, it's not giving them the protections, the blocking they wanted and it doesn't really change things very much.

And in terms of the Red Cross ones if I remember the discussion if the Red Cross had not added that at the very last moment, if they had mentioned it much earlier and had that list it probably would've been what we granted them to begin with.

The real substantive issue on that one was when it came in at the very last moment.

So they've given us some real easy balls to answer. We have a process as (Thomas) says that we can reopen. And I would suggest that we don't reopen it as a PDP but we go to - we - take reopen the PDP group as a consultant group to advise the IGO.

They've given us easy questions. They follow in process that we've been begging them to follow in the past. I think this is all good news.

(Jonathan): Two quick remarks to really one just if you'll indulge me that's kind of interesting that this comes up under the title of respect for the role of the GNSO and it's interesting that you take it as such which for me is encouraging.

But the other is a point of fact and I think it's critical that we make sure we understand as I hope that everyone does but just to make crystal clear. The trademark clearinghouse offers two types of notification service.

The first is preemptive, a preregistration notification that takes place and makes sure that an end-user is aware that they may infringe on the rights of another by registering a domain name.

The second is post registration notification that isn't performed by the trademark clearinghouse per se. It's performed by the trademark notification service and doesn't to my - the best of my knowledge touch the registrars. That is what's being proposed here.

It's the post registration notification service to alert the IGO INGO Red Cross that there may be an issue that they wanted to look at here.

So it's real important, you know, the two services we're not talking about the former which is one which significantly inserts itself into the registrars' activity we're talking about the latter which and (James) you may say it still impacts on registrar business.

I don't want to presume that but just to make sure we're all clear that these are the two different types of notification notices and we're talking about the latter. Thanks (James). You're next in the queue.

(James): I'm sorry I thought Volker was ahead of me.

Volker Griemann: Yes but I wanted to go to a different topic so I put myself to the end.

(James): Okay thanks. I will try to confine myself to the question. And I want to be very clear at the outset. The material - the substance of this issue is really starting to become immaterial to me.

I think my concerns are almost strictly procedural. It could be - it really could be an issue at this point. So the discussion of, you know, how impactful this change is, you know, the TMCH and everything is really probably not much.

Where I am concerned however is this idea that we are being asked to reconvene a PDP Working Group to revisit recommendations that this group, this council six months ago a little more voted unanimously to access.

And the question to the NGPC and to the GAC is did we get those wrong? Were we wrong then? Did the PDP miss something? Was there some data missing or do they just not like the outcome?

Did they think the outcomes fell short of what their expectations were coming out of the PDP? Because I think that it's starting to feel as though the answer is that they were expecting something a little more than what they got from our process.

So, you know, I feel this is very concerning. I feel like if we were to do this, if we were to go back to the working group and say we need you to go back and take another look at these recommendations because they're not satisfactory to other areas of the community then I think that that does exactly the opposite of what (Alan) is saying. It erodes our position as the management body of the GNSO policy development.

And it sends a very strong message to the constituents that sent us to this council and met work and met and worked on these recommendations.

We were just talking a moment ago about volunteers needing to see benefits and tangible results coming from their work. If they can be set aside, you know, by another group, by an outside structure then I think that sends a very powerful message the next time we put out a call for volunteers, you know, what could happen to your workgroup?

And then the question is do other SOs and ACs also have this right? Can they come in and ask for GNSO recommendations to be vacated or revisited?

I think there's a host of issues at play here. I think that personally I'd like to understand exactly why we're being asked to revisit these recommendations?

Is it to make the board's life a little easier? Is it to help someone else, somewhere else save face? I think the answer is, you know, I believe that we should not reconvene this group and we should say give these recommendations that we accepted unanimously an up or down vote.

And I would be happy to write a motion to that effect for our meeting on Wednesday.

(Jonathan): (James) I think it's really important that we pick up and respond to this. Because I mean it's clearly two issues right? It's what - do we - how do we respond to the request and what's your concern?

Because I think we should respond to the point (James) is making. And I think we need some response rather than just working mechanically through the queue. So I would certainly would like (Thomas) to have the opportunity to potentially respond to that and but does anyone else want to respond?

Okay. So if you want to be strongly against it let's hear it and let's hear some responses to (James)'s point specifically. So we've got Avri, (Alan)...

Man: Chuck.

(Jonathan): ...Chuck.

Man: (Unintelligible)?

(Jonathan): Yes I think so because we've up something quite significant here and it's slightly different. I mean (James) is making really a - really a point as I understand it this is the procedural substance in and around procedure and our interrelationship with the board.

So I want to get that in queue. Can I please - and John. So I've got Avri, (Alan), Chuck, (Thomas), John.

Man: And I - Mr. (unintelligible) was ahead of John I think.

(Jonathan): So Avri?

Avri Doria: Okay thank you. Yes I raise my hand - I raise my hand to strongly speak against this. And the reason - and rarely do I say that before I say something is that the board I think is trying to do the right thing.

Now we have to remember that most of us when we've dealt with the board and we've had reconsideration requests we've been very upset at them for not being willing to do a material reconsideration that takes other facts and other opinions into effect and to just say no procedurally there was nothing wrong with it so go on your merry way, don't bother us.

So many of us have made protests against the board for its way of not doing a proper reconsideration.

Here they are coming back to us and they are basically saying use of your procedures allows us to ask you to please do a material reconsideration.

They haven't done what they could do. Remember they could turn down any recommendation. They can go on their merry way. They do everything by unanimity. So the fact that we've got a supermajority requirement is relatively insignificant.

It's they could have decided to go otherwise. Instead I believe they're trying to do the right thing and sort of if they are faced with recommendations and of course against recommendations come back, go back down to the bottom, go back down to the working group level and reconsider given the new evidence.

And so that's basically what I wanted to say except that I totally also disagree with Alan. I think there are material - I do care about substance of these. And I don't want the changes to happen but I do want us to talk about it.

(Jonathan): Thanks Avri. That's good. Thank you very much. You've got (Alan) next and then Chuck.

(Alan): The exception of her last statement I agree with everything Avri said. I don't think this is a thin edge of the sword that if they do this for the GAC who else would they do it for.

The ATRT2 managed by the skin of his teeth to put a recommendation that in the future the board has to respond to advice from anyone else, not listen to it, just acknowledge that they're not in explaining why they're not.

The bylaws are very specific on the GAC and the process is very different. So this is a one up with the GAC. It's not every AC. And I don't think we need to know about that. I don't think we need to worry about that at this stage anyway.

The PDP workgroup when it made its recommendations new it was doing it against GAC advice. And I don't think anyone on that group thought that this wouldn't have repercussions because the board is still obliged to address the GAC advice. That didn't go away just because there was a PDP.

So it was known at the time that there may well be follow-on reactions that the board might reject the recommendation of the GNSO because

of it. And I think how they're handling it is much more mature and with more finesse than we thought they were going to. So I don't think categorizing it as something we just need to put our foot down and make sure it doesn't happen is the way to go at all.

(Jonathan): Thanks Alan. Chuck?

Chuck Gomes: Thanks. Chuck Gomes. And I was on that working group meeting every week for two hours and a few phone calls and lots of email in-between.

Let me respond first of all to (James) because I reacted I think pretty much the same way you did - it appears you did when I first saw that letter.

I've moderated my position since then and think that the right thing to do here is to send it back to the Working Group.

I don't think with the issues that are on the table that it will be offensive to the Working Group. One of them in particular with regard to the Red Cross additional ask it actually came up in the working group but it came up late.

And so I think in an effort to try and move things along and not get slowed down any more than we already were we decided not to address that.

So I think it's good that the working group will address that a little more thoroughly with regard to the Red Cross ask.

With regard to the notifying the IGOs when they're - when two of their names are - there's a registration for them the key thing there is in my recollection of the working group is that they're not asking us to block them.

The working group really was opposed to blocking the names because it was our feeling that the - that there are corporations and there are nonprofit organizations, et cetera that had the same acronyms as some of the IGOs that want the protection.

And in our opinion they're probably more well known to the public than the - some of the IGOs.

So it didn't make sense for us to protect the IGOs acronyms at the loss of the other organizations that are not IGOs.

So the main reason for going back to the Working Group is really it's our built-in mechanism to get the input to examine the issues, to see the pros and cons. What are the negatives of a - of extending indefinitely the idea of this notification process that registries and registrars will have to do?

We need to examine that process as registries and registrars in particular to see is there a cost impact there? The working group is the way that we do that. It gets - it gives everybody the opportunity to feed in.

So I think that's the right way to go and strongly encourage that particular approach. And I'll just leave it at that.

(Jonathan): Thanks Chuck. Just to - on this theme then we've got (Oswaldo), John, (David) and then we're going to come back to (James) for...

(James): (Unintelligible).

(Jonathan): Okay. Respond to Chuck...

((Crosstalk))

(James): Just very quickly and I think others who are recommending that we send this back to the Working Group what are we - what are our instructions? What are we asking the Working Group to revisit?

Do we want them to say or I mean are we going to flat-out ask them please reconcile your recommendations with the requests now that are included in this letter? And what if they say no? What is the result of that effort is also falls short.

But I'm just putting these out here to who we - what are our instructions?

Man: I want to clarify it's just one request that would go back. it's a single request is it not to extend from 90 to permanent.

Man: There's two.

Man: Two I'm sorry.

(Thomas): Plus the Red Cross designations.

(James): But there's - I couldn't hear you (Thomas).

(Thomas): I just asked whether I was on the list.

(James): Oh okay. So it's Red Cross, the additional local original Red Cross names and then the acronym issue right extending notification indefinitely. Is that the two issues is that right?

Okay.

(Jonathan): Thanks for clarifying that (Thomas). You are next as it happens and then (Oswaldo), John, (David).

(Thomas): (James) in response to your intervention earlier is there the danger that the GNSO council or the GNSO be confronted with requests from others or where can that be happen in future, yes? It certainly can and I think it will.

But it's up for the council to decide whether we're reconvening the Working Group or not. So it's our decision whether we are immune to those requests or whether we honor those requests.

And I think in this particular instance I would very much favor the option of the council allowing for the workgroup to reconvene and look at those two questions.

Certainly I can't predict the outcome of further deliberations of the Working Group but what I can say in response to your question whether we did everything wrong six months back I think we haven't.

I think that the recommendations that we came up with were crafted with the diligence required. And I think that they reflect adequately the views of the working group participants at the time.

I think it's still worthwhile reconsidering or looking at the questions again because in this half year we've learned quite a bit of about how the PMCH is operating, how difficult it is to implement the game service. So I think that's something worthwhile looking at.

Although again it may well be that the Working Group gets back to the council and suggesting that no modifications to the recommendations are being made.

And then so certainly the board has to deal with that according to the procedures. And that might be turning down GNSO recommendations or turning down GAC advice.

But we're close with a remark on the overall phase that we're in. With the IANA transition I think it's, you know, reconvening the Working Group for this topic is wise to do to avoid open clash with the board, the GNSO, and the GAC at this point in time.

I think it's not worthwhile to fight because we really have something to discuss in the working group if we wanted to.

So I think it's reasonable for the board to ask us to follow the process that is in existence.

(Oswaldo): Sorry. I (think) I share (Alan)'s opinion with that in the (unintelligible) of the (unintelligible). I think that what we have to discuss is the procedure.

I don't know if the committee asked the GAC to revise the recommendation also like they did with us. I don't know if the (unintelligible) allows it or not.

But I think in generally an SO or AC has objections to the decision of another SO or AC they - there should be some way to get a compromise between them.

I don't know because if we convene the Working Group and we reach the same decision what we do (unintelligible)?

Or if we reach a decision that's not exactly what the GACs want perhaps we should ask the GAC for a meeting, that adjoining meeting to discuss and see if there is a compromise available.

Perhaps instead of indefinitely it can be for a year, two years or some period during which we could study if there is any reason to maintain it or not. Thank you.

(Jonathan): Thanks (Oswaldo). John?

John Berard: Thanks (Jonathan). This is John Berard of the Business Constituency. I again playing off (James) I had the same reaction that he did thinking with my reptilian mind, you know, how dare they do this?

But there is so much of politics in the policy of ICANN these days that it struck me that the board was doing what it could within the construction of the way we are designed to work to ask for our help in sorting this out.

And so I do believe that the letter is a positive aspect to the working relationship between the board and the GNSO council.

As a rule I would say that re-engaging any Working Group should only happen if there are material changes since that Working Group's decisions were first made or that consultation was held.

And I'm really not sure that there have been any substantive changes, material changes since that working group was engaged.

But as Chuck has said, the Red Cross Red Crescent question came up late in the deliberations. There is as I say a lot of politics and policy.

And so I guess my view is that I would agree to reengage the Working Group on these two issues so as to continue to foster that better working relationship that I think I see emerging with the board and that I hope I see emerging with the GAC on the basis of the consultation.

So I am trying to educate myself against my instinct.

((Crosstalk))

Thanks John, eloquent as ever. And (David)?

(David): Essentially I think I mean I agree with Avri's position. We have the procedural way forward that is within our rules. The board has the NGPC are trying to find a way that respects our bylaws and process. And within the interests of general harmony we should probably take it.

On the specific issues I realize that I mean I think John is right to be skeptical about whether or not anything material has changed that should indicate a change and that we should reopen the policy process.

But in general we - I think we should be more willing to open - reopen the policy processes than we are. We have a tendency to sort of say this is dumb, seal it off, throw it over the wall and get it done.

I think we should be willing to look at that a bit more often. We certainly should be willing to sort of when people come back and go we - you know, during implementation something went a bit wrong. We want to change it a bit.

My - in the discussions a couple few times in the policy and implementation sort of discussions about what effectively we often do with policies what the process and software engineering we would call the waterfall method you may could be expected. You throw it over and then - and which some people which is considered very bad practice in that world.

And we often sort of skeptically refer to as, you know, everyone involved has promised not to (burn) anything during implementation that would require them to change the - so I think we should in general be willing to - and even if anything material I think it's positive to

assume that maybe there is and carry-on on that basis and reopen their policy.

The only thing is we have to be very clear that if we're going to do this there's absolutely no presumption at all that we will necessarily come to a different decision.

We may reopen it, look at it and go yes we were right the first time. And nothing substantial has changed and we're going to do that. As long as everyone understands that that is a - and the GAC understands that that is an outcome then let's proceed to do that to re-examine the issues with an open mind and see if there's anything that we can change.

And I think that the issue with a, you know, yes it seems like the - it could have been better handled in terms of timing and so on and but if there are information that the - about the Red Cross Red Crescent name that is not included it should be there well we should be willing to reopen it, re-examine it and see if there is stuff that should be there.

(Jonathan): That's fine. Great, thanks David. I just wanted to make sure I'm mostly this is not about right or wrong right? This is in my sense this isn't about saying undo what you did. This is adjust.

And so I do think there's quite a bit of for me there's is a material difference between modified versus reverse. They're not you may differ but that's just - that's my thought on that.

There is a queue here and Brett has just been added to it. We've got Volker, (Alan) and (James), (Mary) and Brett.

Volker Griemann: Yes Volker Grumman speaking. I think we have very valuable discussion on how to go about when we are asked to revisit a previous policy decision or a policy recommendation that this council has agreed on.

I wish we had this discussion a month ago when we were also looking at revisiting or examining at least a group of registry applicants from a very substantial policy recommendation that was originally envisioned in the new gTLD program.

I fail to see how these two issues are so dissimilar that one decision was made with the barest majority to exempt someone from a very general policy recommendation. And in this case we are having a very substantial discussion about process for some minor adjustments to recommendation. That strikes me as weird to say the least.

(Jonathan): Right. We have (Alan) next.

(Alan): Thank you. I appreciate the opportunity to talk again just before I have to leave again to another meeting.

Two quick points, in terms of the difference between this and the Specification 13 one the concept of reconvening the new gTLD task force at this point was far more daunting than reconvening (unintelligible) Working Group.

However I think one thing we need to check before Wednesday before we take formal action is I and I think Avri read the wording in the letter on trademark clearinghouse notification as shorthand for the full

trademark clearinghouse process which includes the claims notice plus the notification.

I'm happy to be wrong. It makes our job a lot simpler. It's simply saying the new gTLD committee is considering giving for free what these IGOs could buy on the open market.

There's plenty of notification services around who will sell them that service. So it makes the job a lot easier if indeed they wrote exactly what they meant as opposed to a summary which we're reading the wrong way.

So I think we really need to verify with them that other than that...

(Jonathan): A couple of quick points you're absolutely right because that's material that's quite different those two considerations.

Second we had - we're running against the clock in terms of - well our overall afternoon but also the length in which this session has been running.

So I think we can probably satisfactorily close this discussion as an effective discussion when once we've heard from Dan, (James), (Mary), and Brett. So let's try and do that and then close it for the purposes of preparations we need to do.

Dan sorry.

Dan Reeves: So let me go back and connect this to the discussion we were having just before lunch and echo something that (Klaus) said again.

I think whenever and the way I read this letter was we were approached by in the spirit of come let's reason together we have conflicting objectives here let's find a thoughtful way forward.

And if we want to get out of an adversarial relationship we have to find ways to work together more effectively whenever these issues come up.

And it's not about a diminutive of power or authority. It's about recognizing that there are opportunities to work together and resolve issues. And I really think we should view it in those context and not an issue of okay we had a process we've reached an outcome. We're being asked to revisit. That's inappropriate.

I mean this is real politics. These are the way issues get resolved is you sit down, you keep talking and you see if you can find some common ground.

And it's only at the very end that it's absolutely clear that you have different perspectives that you respectfully disagree? But you can't start there.

(Jonathan): Thanks Dan. Got (James), (Mary), and Brett.

(James): So speaking as a lizard brain or a possessor of a lizard brain, yes Amygdala, I think is what you are - where's Amr? Where's the doctor? (Unintelligible).

But I just felt these are good conversations but I still am I think, you know, fairly convinced that this request is really not part of an adversarial relationship Dan but more of a recognition that the GNSO is but a speed bump in-between the GAC and board relationship.

And that, you know, we are just kind of box that needs to be checked once in a while in order for those two groups to align with those two structures.

And I'm not talking about the people on these groups. I'm saying that those structures to get their work done.

And I'm saying that, you know, we've had this discussion about volunteerism, we've had this discussion about GNSO relevance.

This is one of those moments, you know, where we say yes I understand we don't want to be adversarial, we don't want to create conflict, we don't want to poke the bear and stir the pot but, you know, we also want to be heard.

And I think our community, our constituents were very, very clear on this point. So I want to put this out here as someone who believes very strongly that we should not reconvene the Working Group at the request of an outside group unless they have very clear material say something that we've missed, something that we, you know, the same threshold that will be applied if you asked the board to reconsider one of its decisions.

Where did we go wrong? What data were we missing? What voices or stakeholders were not heard?

And perhaps even -- no offense to (Thomas) -- but perhaps even ask that all previous members of the prior working group be discouraged from participating.

If we do want a clean, and unbiased revisiting of this work then perhaps that second review process should be independent from the first. And that's another consideration that we put.

So if we're going to go down this path very clear instructions to the working group on what we're asking them to add to their recommendations because they all seem to be additive at this point.

And also specifically asking the requester whether it's the GAC or NGPC or one through the other what - where we failed where we dropped the ball, where we didn't measure up and is it solely a case of they did not like the outcome that we arrived at? Thanks.

(Jonathan): Thanks (James). We've got - well we had (Mary) and Brett. We know have Avri and then we really draw a line under it.

(Mary): Oh my God I've been dropped for not being reptilian enough. I just wanted to actually remind everyone in the room of the specific provision that we're being asked to invoke here.

It's familiar to many people but maybe not to everyone. And given that the discussion is going into specifics about how and what the Working Group should be reconvene to do and with a note also that this provision originated with the recent new PDP manual so this was a probably constructive discussion going forward beyond this issue

anyway because this would be the first time I believe that the council is invoking this new provision.

And the pertinent point I wanted to make now is that the - in terms of amending or modifying a GNSO approved policy under this provision the modification or amendment actually originates with the GNSO council which then consults the Working Group that is to be reconvene our reformed as the case may be.

So to that extent the - discussing the substance among the council today and on a Wednesday and whenever and however long it takes would probably be a very good thing to do.

It's something you're already doing and so that when you do or if and when you do reconvene the Working Group then that very specific instructions/directions/scope that I heard someone speak of earlier would be very, very helpful. And I can send the wording around again if necessary.

(Jonathan): Thanks (Mary). I think that would be helpful. Brett and then Avri and then we're done on this topic.

Brett Fausett: I appreciate the real politic nature of this. But I do think it's important to protect ourselves in the process point.

I think some of us in the room believe that GNSO council having spoken with one voice with unanimous resolution that that was to carry the day.

Now my sense of the room from our conversation here is that there's not support for making this a constitutional moment and picking a fight with the board.

And if we're not going to do that let's at least preserve the point. And, you know, lawyers are very good at this. You know, the first paragraph of our letter back to the board says we believe you should have done this notwithstanding the foregoing. And without waiving our rights to, you know, address this in the future we are going to send this back to the Working Group and listen to this.

But I don't want to have whatever we do here thrown back in our face later for something where we may want to pick this fight. So let's preserve the process point whatever we do.

(Jonathan): Thanks, very constructive suggestion. Avri?

Avri Doria: Yes. Thank you, Avri speaking. And I think I'm agreeing with that. And basically what I'm saying is we don't send in indignant letter back saying how dare you. We follow our process.

If our process says we consider as a council whether to reconsider we then have an adequate vote on that than either go ahead or inform them that we didn't is a fine process.

But basically my strong response was against an indignant letter. If the council considers this, says there's is nothing material, et cetera, et cetera we stand by it and we have a council decision to not take it further that's a different issue.

It's not that we must open it because they asked us to open it. We must consider through our procedures whether to open it.

(Jonathan): I feel like we've got a pretty good direction. I'm not going to add my comments to the direction or not. But I would say my sense of this is this is - this letter was written in good faith. That's all I'll say.

I don't perceive this to be - I think we've got some messiness in the model. I think we're trying to fix elements of it. And it doesn't all stack up that neatly and it does cause all of us sleepless nights in different ways.

But I don't think there's anything disingenuous intended here. So that's my 2 cents worth and I think it's been a very productive discussion. I think everyone's got to make some - both have their view heard and make some productive suggestions as to how we navigate through it.

(James) is the one who...

(James): Just to be very clear nothing in my previous comments or interventions implied that this letter was written in bad faith.

(Jonathan): Thanks. I appreciate your clarifying it and I wasn't responding to your comments. I just felt that, you know, one of the key things if you look at where this has come up in its respect for the role of the GNSO. It just happens that this is a sub point here.

We've all done the hard yard in relationships with the board, in relationships with the GAC in some of our quieter moments with those

to really rebuild what was a fractured relationship on many different levels.

And I think that that's what I was trying to emphasize, not in direct response to your point so hopefully we've had a really productive conversation.

Now let's draw a line under this strategic session and we're now going to go into what the hell are we going to talk with the board about?

I think we've got some pretty good ideas but let's stop the recording here finish that session and I think we're in reasonably good shape for further discussion on this in the council meeting on Wednesday.

Thanks.

END