

>>STEPHANE van GELDER: Okay, if I can ask everyone to come back to their seats and we will start the meeting again, please. GNSO Councillors and GNSO support staff, please come back to your seats.

Okay. I am trying to restart the meeting but waiting for Jonathan Robinson who is about to give the next update. Thank you.

Good. Okay. So we'll restart the meeting now, and we will move on to Item 5. This is an item that covers the drafting team that the GNSO has set up on community working groups and to explain what the drafting team's doing and the work that they've undertaken.

I'm going to ask Jonathan Robinson, the team leader, to give us an update.

>>JONATHAN ROBINSON: Thanks, Stephane. I will qualify it by saying it is relatively early days in the life of this group. In addition, we have made some progress which is yet to be properly brought together during the course of the last few days. Had some productive informal discussions, and I would very much like to try to thread that into the work of the drafting group, the group that I'm the effective leader and scribe for.

I think it is worth making a couple of remarks about what we are trying to achieve and really, as I see it currently, we're trying to set out and ensure that we at least in the GNSO, if not more broadly, develop a common understanding of the role, function and method of

what people variously refer to as cross-community working groups, community working groups or joint working groups and that these are effective within the ICANN structure and framework. But, really, the key outcome from all of this will be in the future effective chartering and functioning and organization of these groups so that again we work effectively and properly within the existing ICANN structures. So we've got as far as an initial draft of a document within the drafting team. And I believe that members of the GNSO have seen it through the posting of the draft. But there's -- we did -- when we set out on this, recognize it was a busy time in the runup to this meeting and getting people's attention on this while recognizing that it is a very important area is a little challenging right now with the background of the whole new gTLD program and so on.

So what we have managed to do during the course of the last few days -- I should say that -- I should probably just make a comment on the sentiment before going any further. And the sentiment within the GNSO as I understand it and interpret it is very positive towards these kind of groups and the work that they might do. The only -- the primary area of concern or issue to address is, as I said at the outset, making sure they are effectively chartered, effectively utilized and function properly within the existing ICANN structures.

So we also had some very constructive input in terms of a way forward a couple of GNSO meetings back from ICANN staff led by Liz Gasster. And we've subsequently at this meeting discussed our approach with the ccNSO and understand that they are also looking at

this.

And I think one of the immediate challenges is to make sure that we work effectively with others who have an interest in this. And couple of times, the irony has not been lost on members of the drafting team, members of the ccNSO -- sorry, GNSO and others who we've spoken to, that, in effect, we're doing some potentially cross-community work on setting this out which, I guess, is logical.

We also mentioned the work that we're doing in discussion with the board, so they're aware of what we're doing. Primarily, as I say, the work is concentrated within the GNSO. But what I have come to recognize and I think colleagues have as well over the last of the last few days is that there may well be an opportunity to weave in the work of others in this area.

So the next steps really are to continue with our GNSO group work on this but to reach out and synchronize as much as possible with others within the community who may have an interest in a similar outcome to work with staff. And really, I guess, for me, there is a minimum target, and that would be to have a GNSO position agreed to share with the community by the next meeting in Senegal.

My only caution with that is, as has come out in our interaction with other groups is, there is a little bit of a risk of us going too far within the GNSO and finding that we've gone down a path that in some way deviates from other parallel work and, hence, my emphasis in

this update on the need and the importance of working with others in the community.

So I think what I would close with by saying in these remarks is that it would be great to hear from anyone who has an interest in what I described as the effective chartering functioning in use of these groups within the ICANN structure, recognizing existing SOs, ACs and so on and the structures around that.

That's probably enough said. Very open to any comments and discussion now. And I think really I've outlined the next steps in my overview. Thanks, Stephane.

>>STEPHANE van GELDER: Thank you very much for that, Jonathan. I see Avri.

>>AVRI DORIA: Yes, Avri Doria speaking as Avri Doria.

I guess I've been very concerned while following the discussions in the council. I think for a couple reasons. One, I have felt that there is sort of a misunderstanding of what a cross-community working group is. And, of course, that's rather presumptuous of me to say that all of you misunderstand something it and I understand it correctly.

But one of the things within the GNSO and in the reorganization, in essence all groups in terms of their membership, all working groups

in terms of their membership are also cross-community by mandate. So, in other words, there's supposed to be someone from just about every one of the -- every part of the community within ICANN that's relevant to a discussion in a working group.

So then when you get to the chartering, what you're saying is this is what this particular SO or AC would like to see from that group. And, basically, I've always viewed that that group, therefore, basically, takes on sort of a union of the concerns of the multiple organizations that say, "this is what we care about. This is the aspect of the problem that is important to us."

And so for that reason, I find the drive to have a common charter sort of a curtailing of what a cross-community working group can achieve.

The various parts of the community don't really know what they all think about an issue until such time as the working group has happened. A charter, basically, says, we'd like you to look at this issue. We'd like you to look at that issue. Great, look at that issue. Remember, they are not doing policy per se. They are just making recommendations to the community. That's one thing that's concerned me in the discussion.

Another thing that's concerned me in the discussion is the presumption that they can only talk to the bodies that charter them. Again, this is something to sort of gather information, to sort of

bring together the community input on some topic and to make sure that that's understood by one and all. They are again not taking policy. So the fact that they would talk to some other organization, whether it was to the GAC or even to the board about where they stood and what they were up to was -- seemed like something they should be able to do, not that every communication from that needed to be filtered.

The board has said several times that they understand when they get a communication from a cross-community working group that it is just from a cross-community working group and that if it didn't have the GNSO's imprimatur it is not, therefore, GNSO Council permission. If it doesn't have ALAC's imprimatur, it does not have the ALAC's blessing. It is just the cross-community working group.

The third thing that has concerned me, even if you have to go through the chartering organization in order to talk to someone, that they have to be in lock step and that if one of the chartering organizations is not ready to pass it on but another one is, that that is somehow a problem and that, therefore, one chartering organization either through an intention to stop the conversation or just because it takes them longer to do something is somehow thwarting the other organization's ability to communicate something that's important.

So I probably have other concerns and other interests, and this to me is a favorite topic because I think cross-community working groups

are really important to the future of the organization. But those three issues are really sort of the topic ones I've got at this point, that I hope you'll look at while you're sort of coming up with your recommendations.

>>STEPHANE van GELDER: Thank you, Avri. So I have Wolf, Jeff, I will put myself in the queue, Jonathan, Jamie, Ching, Bill. Wolf?

>>WOLF-ULRICH KNOBEN: Thank you, Stephane. I would like a little bit to come to some basics. As Jonathan was pointing out, I think it's not about the question if some kind of (inaudible) which is cross community wise to be organized should be established, it is about just a question how. That means -- so we have got in the council some different experience with that, so we have one with the JIG which seem to be a good one. We had one which is not so good in terms of the processing with the JAS.

So, really, to understand, it is not -- and the community should understand, it is not about that the GNSO is opposing with the question that JAS has had to be established and had to work on this. It is just about how.

And that brings me to that question what Peter raised in the discussion we had with the board about that. From the board perspective, it seems to be just a question. They would like to have solved the problem. Many of them don't care how it is going to be solved, whether it ought to be solved by any kind of group or

different groups or whatever else. They would like to have it resolved and Peter was just asking, okay, I'm looking for one who is going to lead this group and give yourself to that group. So that's easy to say from a board perspective, to say that.

If the board is going this way and asking us this way, then they, from the board perspective, they should take care as well that this kind of work is going to be institutionalized and processed in a proper way, that we could really achieve and come to that point what the board is expecting.

So my consideration in this respect, we should during the work which Jonathan and his group has to do and which is really a challenging task, we should not leave out the board during that discussion and really have a shortcut to the board in between during that discussion. Thank you.

>>STEPHANE van GELDER: Thank you, Wolf. I have Jeff next.

>>JEFF NEUMAN: Yeah, thank you. I just want to address a couple things that Avri had said and just also emphasize what Wolf said, is that we're in the talking about whether cross-community working groups have value or whether to set them up but more how to do that and how -- within our very unique structure. This goes back to something I have said for many months now which is true almost for any working group, not just community working groups, it is that for some of us, when we participate in a working group, we're

participating as an individual.

We may or may not be developing our company or organization. We may or may not be developing the stakeholder group or constituency and we may or may not be representing the larger supporting organization, right?

So all of those things -- because we all can't serve on every committee, right? None of us can. So we rely on a couple delegates or other people to serve on those tasks, those working groups -- call it community working groups now, to come back, let us know what's going on, fill us in so that we can get proper support from our -- from all of those different steps from our company, from our entity, from our constituency or stakeholder group, from our organization.

And that does take time. And unfortunately that gets interpreted in so many different ways from those outside the process to understand and oftentimes we get criticized for intentionally trying to delay.

But the point of that whole thing was that, Avri, you said the working groups are producing recommendations from the community. I would change that a little bit. It is actually recommendations from individuals within the community, which I think is an important distinction especially from some of us here that are parts of organizations or parts of stakeholder groups or constituencies.

So there's plenty of times when I serve on a working group and my company may or may not agree but there is a lot of times when the stakeholder group completely disagrees. Look at, I served on the IRT and I can tell you right now that my stakeholder group was not too thrilled with everything I did on that, right?

But the problem is that when we reports are presented -- and, yes, I know we are referring to a Saturday session or Sunday session we had with the board when someone on the council asked directly to Peter, said, "Peter, do you understand when you get these things that they're not coming from -- that they're just coming from the working group and they're not coming from the organization, the supporting organization?" What is he going to say to that, "No, I don't understand"?

The problem I brought up is there were a bunch of resolutions that were passed by the board and appeared to be as if they didn't understand. And I think they did a great job at the last meeting that they had on Monday where they approved a resolution on the future work of the JAS working group which, by the way, we all support. So I think they worded that resolution exactly right. And I look forward to continuing on that work and continuing with community working groups and I think an example of a great community working group that we set up right was -- or is the DSSA working group which I think we are going to get an update on later.

>>STEPHANE van GELDER: Thanks, Jeff. I have got a long queue so

in the interest of neutrality, I will surrender my spot and turn to Jonathan.

>>JONATHAN ROBINSON: Thanks, Stephane. I hope it doesn't imply that I'm not neutral in some senses myself. But I think just thinking about a couple of the months that Avri made, the first one was about a drive to a common charter. I mean, this is one of the issues that our drafting groups have got to grapple with. I have been reluctant to go into specific exams. But certainly there has been -- one of the potential concerns has been warrant these community working groups can operate with more than one charter or if, indeed, as an alternative there should be a single chartering organization most appropriate to the work being done in that group. So that's -- rather than that being a presumed outcome, it certainly is something which I think we need to discuss and examine and come up with a view on.

I certainly don't think there is a presumption that having done that, that there is only then a discussion even at that stage with the chartering organization. I think by definition, they should be fair and open to input and discussion on an ongoing basis.

I guess the third point if I understood it correctly was, if, indeed, there is a chartering organization, then ultimately the working group does need to report back to that chartering organization as it's closing point. And then, finally, as to your point on how important these are, I mean, the fact that it's

gathering this much attention is almost -- is underlining that. I don't think -- I haven't heard anyone suggest to the contrary that these aren't very important and highly valuable in sort of future development of policy and/or advice within the ICANN structures. Thanks very much.

>>STEPHANE van GELDER: Thanks. Next I have Jamie, then Ching, Bill. John, were you -- have you removed yourself? So John, Kristina and then Wendy.

So Jamie next, please.

>>JAIME WAGNER: Thanks, Stephane. I would also like to build upon what Avri said and Jonathan just said. I think there is rough consensus that individuals -- that these groups have the individual participation. There is no -- not yet any consensus if there is a charter, one charter alone, or if it will be allowed. This is something that's in discussion.

And myself, I have the opinion that one way a cross-community working group can be created is for one chartering organization to invite other -- the participation of others. So it would be one charter.

And I wonder if the participation of others of the other organizations allow these new -- would require new chartering. I don't have a definite answer to that.

But if there are different charters, I think the different timing of the chartering organizations is not a problem like Avri pointed. I think this is no problem.

But something that was not raised by Avri or Jonathan, and I think we should tackle, is that if there are scope limitations for these cross-community working groups. And I would advance one thinking that consensus policy is out of scope. So those are the issues that I think this group should deal with, and I think also that we should invite other organizations to open discussion before we come up with a definite set of consensus in GNSO.

>>STEPHANE van GELDER: Thank you, Jamie. Ching, please.

>>CHING CHIAO: Thank you, Stephane. I think most of my points are covered by my colleague so I have one point I would like to raise from a different angle of what we are dealing with, which is we are actually facing a lot of moving parts. To be specific, we are having this drafting team while we still have multiple working groups, CWGs, ongoing. And we are creating new CWGs.

So I think it is good for the council to offer at least a word of comfort. We are not slowing those working groups down. But while we sort of issue -- sort of to pitch or draw a sort of timeline for the community is how this drafting team will deliver sort of a report or a final report that those community working groups can look upon and

later to just adopt those rules. Thank you.

>>STEPHANE van GELDER: Bill?

>>WILLIAM DRAKE: Excuse me. I'm happy to see the evolution we've had in council discussions of this topic. There was an extended period during which, in part, because the general matter of cross-community working groups is being kind of conflated with the particulars of the JAS experience. The discussions were often less positive in tone, and one often came away from these feeling like that maybe people really viewed this as more of a threat somehow than a useful addition to the tool box when, of course, it is not PDP. It is simply getting some ideas out there that are useful.

So my view is that on that we should be overly restrictive about this. I mean, we clearly want clear rules, but do the rules have to greatly constrain participants from different chartering organizations and the dialogue that happens in the community around issues. I wonder about that. I mean, Avri raised the point about a harmonized charter, for example.

And I know that there is a desire amongst some people to make sure that, indeed, there is complete harmonization across chartering organizations. But if you look at the recent experience, I guess maybe -- I look at the recent experience differently. I look at what happened with the JAS and think, you know, if we hadn't had different approaches being followed, the JAS process would have been much

slower. We would not have had much of anything by now which would have made the international politics of the new gTLD launch more complicated with the GAC and would have changed a lot of optics, et cetera.

So to me, while it was perhaps not the way some people would like things to work -- and I can understand that, nevertheless, I think there was -- the fact that we had a lit bit of institutional diversity -- and I wouldn't say institutional competition -- but different sources of energy that are optimized to the interests and perspectives of different groupings within the larger community serving to push this forward, to me, I thought that was useful.

And so when we think about the future, the question is does -- do we have to have complete harmonization against chartering groups, or is it possible to have sort of areas where there is complete shared harmonization but, yet, there are some areas outside that circle which are going to be taken up in different ways by different parties within a framework that is more or less understood and agreed.

It would seem to me it was not necessarily the case that this become a major source of tension as long as there is proper communication and so on. So I'm open minded on the question of exactly how we do that aspect.

I also worry -- the point that Avri made about the communications stuff. Jeff didn't like it when I asked the board whether they were

confused. Nevertheless, you know, I have been unable to detect the signs of confusion that have been referred to repeatedly, and I don't really know, given the nature of these groups and their reasonable -- you know, reasonably informal kind of character, it doesn't seem to me entirely appropriate that we should be trying to restrict the ability of anybody in a group to communicate directly with a board member, answer a question, things like that, require that everything go back through the chartering organizations.

I mean, again, if we start to get into rigorously bureaucratizing this, and making sure that all channels of communication flow through this very kite structure, when the nature of what being done to me doesn't really merit that, I think we could be constraining this and reducing the benefit of having this kind of institutional diversity.

So I'd just encourage that we not lock in too quickly on a very tightly formalized approach on this, and some of the draft text that we've got so far in the group that Jonathan's leading to me tends a little bit in that direction, but we'll continue to pursue that within the group. Thanks.

>>STÉPHANE VAN GELDER: Thank you, Bill. I have John next.

>>JAIME WAGNER: I would like to say something about what Bill has just said. Is that -- the communication through the chartering organizations and something that Jeff also said.

Every community is a community of individuals, but to be formally taken as a position of a part of the community, the communication -- the opinion should pass through a formal voting body. That's my feeling. That we shouldn't alienate the formal voting bodies. And then if an opinion is taken as an opinion of the community, when it is of individuals that represent -- or that are representative but don't formally represent -- that don't have the voting behind them to represent. So that's a problem to me, and I think the communication problem is something that should pass through the formal bodies, the chartering organizations.

>>STÉPHANE VAN GELDER: Kristina.

>>KRISTINA ROSETTE: I have to questions that I really still am struggling with the threshold issue here. Namely, you know, do we really need to create new processes for these.

Not so much from a, you know, "We are the GNSO, we do policy, only we do policy," et cetera, et cetera, but it just seems as if, you know, we have enough processes and things on our plate right now that perhaps there's a way to adapt what we currently have.

So I am still struggling with this.

With regard to some of the points that Avri raises, I certainly think it is potentially easier if the participating organizations have a harmonized charter, but I can certainly understand where there

might be various aspects that that wouldn't necessarily make sense.

I do think that in terms of communicating upwards the outcome or reports resulting from the CWGs, I do believe that if they are working from the same charter, that the reporting should be deferred, pending the ability of the relevant organizations to actually go through their formal processes.

Not so much because the people who are receiving the report at the time are confused, but we get a lot of documents in this environment and I think that distinction has the potential to be overlooked.

I do also think that to the extent, for example, you do have a CWG where you have different charters, or at least a charter that is partially harmonized, that it would be perfectly appropriate for one organization to report up on the part -- its unique part of the charter, but defer pending -- defer reporting on the part of the charter that they have in common with the other organization, simply for purposes of uniformity and -- well, not so much for uniformity but just for ease of reference and ease of use by the community.

And finally, in terms of the idea of individual participation, I really -- I guess it just comes back to I'm still really struggling with how are these different than, for example, our regular working group structure where anybody who wants to can join? I mean, I think the GAC has made very clear that they're not going to be participating in these, so you're really talking about, you know,

either CWGs that are either between the two SOs and if you're talking about policy recommendations, then you are going to have to have different processes or you're talking about, you know, the ccNSO and the ALAC and -- or the GNSO and the ALAC, and I just am very concerned that trying to come up with a one-size-fits-all model for each variant of that is going to be extraordinarily difficult to do, and that perhaps what we maybe need to do is look at it from that compositional perspective, simply to make it frankly just more user-friendly as the model goes forward.

>>STÉPHANE VAN GELDER: I have Alan next, then Wendy and Zahid.

>>ALAN GREENBERG: A couple of things. We sort of have morphed when we're using some words to drift into others, and in regard to who you can communicate with or I think Avri even used the word who you can "talk" with, we have a long-standing process or -- I'm not sure the word is "process." We have a long-standing practice that working groups can communicate with who they need to communicate with in order to get their work done.

And we've never restricted a working group from who it talks to in its deliberations. Working groups issue reports for public comment without going back to the chartering organizations. You know, that's the way they work, and that's about as public as one can get.

So it may well be important that we stipulate that the charter -- the organization -- the working group cannot report its final results

without going through its chartering organization, but I would hate to see any restriction on who it could talk to and that could include board or GAC people or whatever, if that's what it needs to do its work.

So I think we need to be very careful on our wording on these kind of things.

In terms of harmonized charters, I think it's crucial that the charters be harmonized in terms of the process of how the -- of what the group will do, and in the case of JAS, the terms in the charter that relate to what it could do and how it does it were verbatim identical. The list of items that it was looking at were different, and I don't think that causes any problem as long as the work group itself feels that that's something it can handle and manage.

And lastly, in terms of building new processes, I would hate to see us get into some huge two-year effort in cross-constituency working group processes. The ALAC is in the process of looking at the GNSO work group rules, and some of the other GNSO procedures, with the attitude that the GNSO has put a lot of work into it, maybe with some minor tweaks they can simply be adopted without any further work, and I would like to see a similar effort in this case and not start some huge effort. Thank you.

>>STÉPHANE VAN GELDER: Thanks, Alan. Wendy?

>>WENDY SELTZER: Thank you. I want to suggest that the council is in danger of becoming what we've criticized in the GAC. That we have criticized them for coming in late, after the community discussed issues, and raising concerns at the end of processes rather than getting involved with those trying to discuss policy matters while the arguments were going on, and the board said they heard that from every constituency group they met with.

And yet the council, if it sort of sets up rigid rules about who may work with whom and who may talk to whom is in danger of insulating ourselves from those discussions while they're taking place, discussions with other members of the community who are also part of the overall policy development, if not the specific -- capital P -- policy development in the gTLD space. And so I think we need to be more flexible about allowing those communications to take place, engaging with the others who also care about these issues, and I think that that flexibility can be enhanced by then relying on sort of signposts and clear definition of what the results are.

At the end of the day, what we as GNSO Council exist to do is to make consensus -- or to declare consensus policy on issues within our scope, and the signpost of when there is community consensus with an capital "C" is when the GNSO has passed a motion concluding its discussion of a particular matter, and at that point we should trust that others in the community can understand the distinction between consensus with a capital "C" and consensus with a lowercase "c" or agreement of a working group or discussion that's taking place in the

community.

So rather than trying to stifle those conversations, we should set up clearer signposts for the consensus that we've reached when those conversations conclude.

>>STÉPHANE VAN GELDER: Zahid.

>>ZAHID JAMIL: Yeah. Thank you.

I wanted to start off by saying, look, I supported the JAS work and I support cross-constituency working groups and coming from developing countries, I -- you know, some of those processes have been very beneficial. But I also wanted to say that no one is talking about stopping the community from -- you know, or the cross-constituency working groups from speaking to anybody, but it's a question of communicating a position, and that's where the confusion may start.

It's great having these cross-constituency groups, because they do break the stalemate that exists sometimes -- that sometimes exists in the GNSO structure. And this -- these sort of groups will create a flexibility and get you results.

But the question is not whether -- how. It's not a question of -- but a question of what. And so it's not a question of substance but of procedure, and at least of minimum safeguards that outcomes do

represent and are seen to represent the informed consent of the groups that are formed -- which form part of these -- members of these cross-constituency groups. So I think it's more about the procedure and safeguards. Because perception does matter, and if outcomes don't have the support of, say, for instance, the GNSO or others, what ends up happening is that others who may look at it may perceive it as having that, because somebody was a member of the GNSO when the working group was bringing its outcome.

So I think that's the issue, and we do support the cross-constituency working groups. It's just a question of procedure.

>>STÉPHANE VAN GELDER: Thank you, Zahid. Jeff.

>>JEFF NEUMAN: Yeah. I just want to read something from the bylaws because I heard something different.

The GNSO -- this is in the section of generic name supporting organization.

There should be a policy development body known as the generic name supporting organization which shall be responsible for developing and recommending to the ICANN board substantive policies related to generic top-level domains.

The reason I read that is because I thought I just heard someone say that we are here to -- the GNSO Council is here to make consensus

policies, and that's not why we're here.

We're here to recommend to the ICANN board substantive policies relating to generic top-level domains.

So that's very important. But the other thing I keep hearing is the criticism of trying to stifle communications. Nobody's saying that individuals or community members or the ALAC, for that matter, can't talk to the board. If you want to form a cross-community working group, which the ALAC wanted to do and the GNSO wanted to do, then you have to take the credentials or the credibility associated with that with the obligations.

In other words, if the ALAC wanted to, on its own, form a working group to look at applicant support, it could have done that and it could have just recommended things to the board. But for obvious reasons, or for reasons -- they wanted to involve others in the community and have the credentials of the GNSO in that work.

And that's great.

But if you want those credentials, then you've got to take the obligations that go along with it. And if that seems to outsiders that that's stifling speech or -- because we're following our process, then, you know, I'm sorry. Then the next time we won't do the cross-working group. It sounds harsh, but it's just a reality.

And so to hear that we're stifling speech in some sort of way, like I said, if the ALAC representing the ALAC wanted to go to the board and provide advice to the board, which is what its mandate is, it could always do that on behalf of the ALAC, just not on behalf of the cross-community working group.

>>STÉPHANE VAN GELDER: Thank you. Rafik. Yes, Wendy.

>>WENDY SELTZER: Since I heard that statement while no name was made, certainly sounded as though it was directed at my comment. You're free to refer to me by name when speaking to me, Jeff, and especially when mischaracterizing what I'm saying, because I don't think I was saying anything different from what you or the bylaws say.

We exist to develop and recommend to the ICANN board substantive policies. Those policies are consensus policies, as described elsewhere in the bylaws, and we must stick a stake in consensus for the board's information on those community views.

>>STÉPHANE VAN GELDER: Let me just cut across the clue because Alan wants to respond to that specific point.

>>ALAN GREENBERG: Well, in response to what Wendy just said, they are policies with which we have consensus, but not necessarily consensus policies, which have a very specific meaning in terms of some contracts.

So we need to not differentiate between those. Or rather, we need to differentiate.

>>STÉPHANE VAN GELDER: Thanks, Alan.

John, were you in the queue?

>>JOHN BERARD: Yeah. The -- I'm having a little trouble working up an appropriate level of umbrage here, but I feel as if I've been criticized without being named, much like Wendy has just said.

The fact of the matter is that collaboration is the cornerstone of our ability to progress. However, it isn't so much the input that caused this particular issue to go awry. I believe that substantive policies such as the ones that we've seen with the previous joint -- cross-constituency working groups benefitted from being more technical in nature, and therefore the charter was less -- there was less of an ability for it to become a subjective discussion point.

Well, this one not only was subjective, but it was time-sensitive, and so it becomes the anecdote by which we will now legislate.

I heard earlier in the week that, you know, ICANN is in danger of becoming a Parliamentary political body, and parliamentary and bicameral political bodies are driven these days by anecdote and this may be an anecdote that drives us mad for the next six months.

The fact of the matter is that the outputs are what the outputs are. The ALAC offers advice. GNSO Council offers policy. If the ALAC wants to talk to the board on the basis of a -- of a consideration, mazeltov. If the GNSO can't because it can't come to grips with the policy, then fine. The outcomes have different implications and the board is smart enough to be able to decide what to do with each.

So my feeling is that anybody who wants to talk to me is free to. Anybody I'd like to talk to, I will ask permission. But I think that we probably could wrap this up and send it back to Jonathan for another -- another time.

>>STÉPHANE VAN GELDER: Thanks. Let's hear from Rafik before we do wrap this up.

>>RAFIK DAMMAK: Thank you. So hearing all the comments and following the issue, I think, since the beginning and today in this GNSO Council, my point of view is simple. The problem is not at the cross-community level. They are working well. They are providing reports, et cetera.

I think -- I do think it's more a problem of coordination between the SO and the AC, so let's stop blaming the working group, especially the JAS, for -- because -- for -- I can speak for the JAS case. We follow the process. We send the report to the ALAC and GNSO at the same time.

So what happened after is not an issue for the working group. So let's work to find a process how we can coordinate between -- in the case we can have many SO and AC for the cross-community working group. Let's work how to make it smooth and work quickly so we cannot -- like, for example, maybe in the case of JIG to wait more longer for a SO to react or to approve the report.

And in the other side about the communications, I think for any working group, the communication is the main part for fostering the works, and to have feedback from the community. For the JAS working group, we have a limitation. For example, we cannot communicate with the board. It means that the board is not part of the community. I understand that it's only for the report, but also it can be extended that we cannot communicate at all with the board in any matter related to the JAS work.

So let's work between -- to coordinate between SO and AC and let those cross-community working groups to work in peace. Thank you.

>>STÉPHANE VAN GELDER: Thanks. Alan and then we'll bring this to a close.

>>ALAN GREENBERG: Yeah. I just want to reiterate we have a long-standing practice that working groups can publish their draft deliberation -- their draft recommendations without any approval of their chartering bodies. That's how we handle every single working

group, and I find it somewhat disturbing that we're talking about a different set of rules for cross-working groups than we have practiced for years and years with regular working groups.

>>STÉPHANE VAN GELDER: Zahid.

>>ZAHID JAMIL: Just trying to get my head around the issue. I think what the two maybe opinions which are being discussed is -- I'm going to try to sort of address the two views. One is the issue of communication during deliberations, and so the -- taking JIG -- or JAS as an example, communicating with the board during the deliberations. Then there's a completely different issue, which is the reporting out or the output of that joint working group, and whether that goes to the board or not.

Now, I think that it's fine if during deliberations the group is talking to several people. I think that's what I hear from both sides. When it comes to the output, I think this is also something I hear from both sides, which is that of course it must go through the actual chartering organizations. Now, there's a caveat to that, because if it goes through the process and there's a draft out and it still has to be approved by, say, a chartering organization, that doesn't stop the board from picking up the draft or anything else.

And so I think to that extent, you can't stop the board from looking at these things.

So I think what I hear from the two groups is very simple. During deliberations, communications are fine, but when you report out, you've got to bring it back to the chartering organization. And the last point, as I said, you can't stop the board from looking at anything, even if it's in draft form.

>>STÉPHANE VAN GELDER: Thank you very much. I think we will need to close this now and move on to the next topic, which is a topic on the board resolution that came out of the Cartagena meeting on consumer choice, competition, and innovation, and we have Rosemary