

**Transcription ICANN Buenos Aires Meeting
Strategy Panels, 5 yr Strategic Plan
Sunday 17 November 2013**

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Coordinator: This conference is being recorded for transcription purposes. Than you.

Jonathan Robinson: Okay great. Thanks, everyone. Thanks for responding to the call for attention. Are we in shape to start the recording? So this is our next session with - can I just ask you to hold off on the conversations? Thank you very much.

The next session is with Theresa Swinehart who's the Senior Advisory on Strategy to ICANN President Fadi Chehadé so it follows very neatly on from the previous session.

A key area for Theresa will be the management and organization of their strategic planning and the strategy panels. But I am conscious that there were a few people in the queue hoping to talk - ask questions of Fadi. And I think Theresa is willing and able to at least attempt to take those questions.

So I'm going to close off that queue from previously in which I've got John Berard - I had Wolf-Ulrich but he's not here presently - and Jeff. So that'll be -

we'll just finish off that queue. Do you guys the courtesy of finishing off that queue before we open up to the next couple of topics. So fire away, John.

John Berard: Thank you. If - John Berard, a GNSO councilor from the Business Constituency. If I had had a chance to ask I would have asked how all this engagement, which Fadi puts in - from the perspective of how ICANN will be influencing the international debate - how will that international engagement affect ICANN? Right? Because behaviorally when you engage you change. And so what do you think will happen to us?

Theresa Swinehart: So I think, first, it's great to be here and to see everybody. There's many familiar faces and many new faces so I look forward to hearing all the new things that have happened over the past years and I'm very excited about that.

So there's always been dialogue around ICANN in different international foras. That's not a new thing. We've heard it in the IGF context. We've certainly heard it in other multilateral forums and various other things.

This is actually no different than that if the engagement is around different initiatives, right, and different dialogues. Because in the end it really comes back to ICANN itself and utilizing our processes and our mechanisms to look at how the organization is working. It brings me to the strategic planning process and various other things.

So the dialogues and the engagement that happen outside of the ICANN space end up coming back to the ICANN space and working with the community on anything that may be relevant to ICANN itself, issues that are not relevant to ICANN are obviously discussed in other forums. So I don't know if that answers your question exactly.

But I would not see a scenario in any way where, you know, one goes into a discussion with - I don't know, a business entity in a very different part of the

world than North America and takes input from that and specifically incorporates that into ICANN without going through any sort of process in our public and transparent way.

And so I don't know if that answers your question or not. It's not...

((Crosstalk))

John Berard: So do you feel that Fadi has ceded any responsibility, authority to 1net?

Theresa Swinehart: Absolutely not, no, absolutely not. He's described in the beginning - and this is quite accurate and I think we've seen this all over the space that there's enormous amounts of discussions around Internet governance, Internet cooperation, where does one deal with issues that don't have a home to be dealt with if you want to put it that way, are not within ICANN's mission and mandate.

One has seen press articles in different places that have said, well, gee, you know, why doesn't this organization deal with it or why doesn't that organization deal with it, regardless of which organization it is. That may not be the appropriate multistakeholder way to deal with an issue or may not be an appropriate entity for an ICANN process or may not be within the mission.

And so part of this is actually ensuring that ICANN's mission is not expanded, that it's mission and responsibility stays the same, that the pressures that exist in the Internet ecosystem around Internet policy issues don't impose and put pressure on the organization to shift in ways that are not within its mission and value.

So I do not see that happening, no. And I don't think he's ceded anything at all. I think what he's done is strengthened and show that ICANN is a partner in the broader Internet governance dialogue which it always has been as a

supporter of the IGF and the important work of the IGF and reflected, obviously, in the participants here but he's not ceded anything at all.

Jonathan Robinson: Thanks, Theresa. I've got Wolf-Ulrich from the previous queue. Wolf-Ulrich, I don't know if your question still stands. All right so that's past. And then I've got Jeff Neuman. Jeff, go ahead.

Jeff Neuman: So before I ask my question is there going to be a presentation on the panels then too? So...

Theresa Swinehart: There will be. And I will get to that but there's also a major session tomorrow on that specifically.

Jeff Neuman: Okay so...

Theresa Swinehart: So I'm happy to answer questions until you guys want to go to that.

Jeff Neuman: Yeah, I guess I'll ask my question, if you say you'll cover it then - but I have two points. Number one is I'm very, very concerned - and I'm not trying to downplay the whole Internet governance debate. But I'm very concerned that the amount of effort and time and resources being devoted to preserving ICANN's mission will actually end up being a distraction to actually us achieving what's in our mission.

In other words, I don't want - my fear is that we're getting the community so - I'll use Fadi's word, energized - in going out there to defend ourselves that we're not actually - it's a big distraction from doing what we're supposed to be doing or we're all here to do.

And so that is a very big concern of mine. We have a lot of work on our plate as the GNSO and as the community. And my fear is that things that we're supposed to be doing are not - we're not going to be doing.

The second comment I have is on - especially with respect to - and I can't remember the panel's name, the one that's dealing with policy processes and improving it. And this is a comment I've had not just with this panel but also with the ATRT2 and with the Board's Structural Improvement Committee and frankly anyone that reviews our policy processes.

I've never seen anyone that reviews our policy processes actually ever in any one of our meetings, ever. And Fadi's comment of, "Well you guys should go out and meet the panel," I'm sorry, the panel that's talking about policy processes should be coming in here to meet with us; to observe us.

And that is - to me every time I see these recommendations of things we can - or should fix, usually comes from a perception of someone that's never sat in our shoes. So that's, I guess, my comment and maybe you can address that while we're talking about the panels. Thanks.

Theresa Swinehart: I'd be happy to take it now. I'm happy to have this as a dialogue whichever way people would like to do it. To highlight there's a main strategy planning session tomorrow in the public forum and there's also a main session on the strategy panels tomorrow with the chairs of the panels themselves. So I just flag that. Obviously you guys know that for the schedule.

Yeah, I take your point. I think the - I've had some conversations also with some of the staff that they're - we should be engaging and there should be a presence of the participants in the different things that are being under review in the actual sessions of what's happening.

So an opportunity with my coming on board is also to take a new fresh look on that. It's helpful to be aware that this is a perception and that this is, you know, happening in different ways and so we actually do need to deal with that and find ways.

And if there's suggestions that you have or anybody else has on how as a community we can do that better and how as a community we can also look at these different review mechanisms that are in place how the chairs and the committees and the people who are actually participating in those can and should be engaging in all of the different institutions and mechanisms that they are actually reviewing I'd be really open to different suggestions and thinking about that.

Jeff Neuman: Just to follow up, I mean, I think it was - there was a slide yesterday that the GNSO was shown. I think Marika had prepared it just as to like all the different processes going on of who's reviewing - I'll keep it to the GNSO - who's reviewing the GNSO.

And it was the ATRT; it was the Structural Improvements Committee and it was now this strategy panel. And then I turned around to the room - we were having a policy session and I looked around the room, I said, "Is there anyone here from the ATRT2 that's not part of the GNSO already?" No one.

And I looked around I said, "Is there anyone here from any of the - from the Board Structural Improvement Committee?" And obviously no one. And then I said is there anyone here from the Innovation panel that's looking at the policy processes? No one. Right.

And I think that's telling. And there's a perception out there of the GNSO and the way we operate and it's usually a negative perception. But it's usually from a person who's never actually participated.

And my fear is that the strategy panel, which is not comprised of anyone that's actually been involved in these processes, which may be an okay thing, they're going to be making judgments based on things that they've not observed. And I tend to shy away from things like that. It loses credibility.

And I think, you know, first of all it's hard to understand where these strategy panels fit in at all, right, it's an idea that's kind of up there and all these people working on something that none of us really understand, reviewing things that they don't understand at least internally here. So it'd be great to have them come see us and figure out what's going on.

Jonathan Robinson: Yeah, Theresa, it's great. I mean, I'm just slightly conscious of my - of my - our (management), we kind of leapt into this with both feet and haven't really welcomed you properly or. But so if - putting that aside for a moment I think it's - I mean, it does reflect the real concern over both the Internet governance stuff which we've done a lot on, initiatives that are taking place that don't seem to connect properly with the...

Theresa Swinehart: ...that we have participants from the different stakeholder groups involved, right, and we also have participants from stakeholder groups who are not part of the different structural parts of the organization. So there's sort of a two-fold. Put aside the strategy panels for a second.

And so from there how do we encourage and really facilitate that - those review mechanisms are actually sitting in and participating in and observing in full the different parts of what is being reviewed but also being informed by the representation of the stakeholder groups who are on those different review mechanisms. So I don't have the answers.

But it sounds to me like there's an opportunity there that we should explore moving forward on how we might improve some of those areas. Now, again, I'm here to listen and to learn and to hear new ideas and to see where we have opportunities and where we've had challenges so I don't know if that answers your question, Jeff, but we should continue the dialogue.

Jonathan Robinson: So now I've got Steve in the queue. And I just would make one remark. I think it's important for the record to note that the ATRT2 team, while it doesn't negate Jeff's point, which was that there was no one participating in the

weekend sessions and so on, ATRT2 has actively sought to meet with the GNSO and has a meeting on more than one occasion and has a meeting...

Jeff Neuman: That wasn't my point.

((Crosstalk))

Jonathan Robinson: No, I understand...

Jeff Neuman: It's not that we can't participate, it's - and it's not - look, you can interview people as much as you want but to actually observe what's going on yourself - and I don't care whether it's the people inside that are making the recommendations on the review but I don't want to be reviewed by someone who hasn't observed us, right?

So my point was not that they've come in and done presentations and asked for our opinions because - that's my point.

((Crosstalk))

Jonathan Robinson: Right, I'm glad you clarified that...

((Crosstalk))

Jeff Neuman: So I don't want to go on record saying hey, you know, and whining saying we haven't participated or haven't been given the opportunity, that's not it. I want to be reviewed by someone who actually observes us rather than talking to a few select individuals on their opinions.

Jonathan Robinson: Also one of the key messages we want to get out is the work that's being done to improve without reviews; the fact that there's actually an active initiative within the GNSO to improve the way in which we work and do

things. But, Steve, I don't want to stop you getting in the queue so please ego ahead.

Steve Metalitz: Thank you. Steve Metalitz from the Intellectual Property Constituency. And welcome, Theresa. One thing that struck many of us when the names of the four strategy panels was unveiled - I guess we're getting the fifth one unveiled today or tomorrow -but on those four - was almost total absence of representation from the business community.

And I think if you take out those who are contracted parties with ICANN it's just about a total absence. So I'd like to know why that was. Is it that you approach people who are experienced in the business world and who represent companies and associations of businesses and they wouldn't participate? Or is it that you didn't reach out to the business sector for representation on this? Because this disturbs me - it's not the only example that we're seeing recently but it's a - was a rather glaring example of what appears to be leaving the business sector out of a lot of ICANN activities.

Theresa Swinehart: The - do you want me to answer it just individually or do you want to compile it?

Jonathan Robinson: I think it's helpful to just deal with the questions as they come in...

((Crosstalk))

Theresa Swinehart: Okay. So my understanding is that the panels were announced in Durban and then there was a request for names to be submitted and then it was really left to the chairs to look at how they wanted to compile the panels overall.

I think maybe part of this also - not to focus so much on who's on the panel but rather on how the panels will be engaging with the community and the

processes by which they want to get the input and the engagement with the community.

Because in part that's the important element, the dialogue with the community, the input that's coming in from the community, all of that and, you know, as you note for business or civil society or technical community or frankly governments as well, into those processes and then ensuring that we're engaging in the draft that comes out and putting input into that. I think that's the important element we should focus in on.

We will never, in everything that we try to compile regardless of it's a council or committee or working group, be able to get absolutely perfect everything. But if we can get the processes down in a good way - one second - if we can get the processes down in a good way and learn from what's worked and what's not worked then we can absolutely ensure that we have absolutely all the representation encapsulated in that.

So I take your point on the business part. Let's figure out how to use the process to make it work really well to ensure that there's input there because that's going to be the important part of the output.

Steve Metalitz: Well, if I could just follow up? Yes, we'll try to do that. But I don't really think that was a responsive answer. And it just goes back to what Jeff just said.

You know, if you want people who actually know something about the processes and have been directly involved in them if ICANN thinks that the businesses that built the Internet, the businesses that depend on the Internet, the trillions of dollars that are at stake by decisions made within ICANN, if you think that it's important to get those people involved you would put them on these strategy panels.

And I'm not talking about under representation; it's non representation. I understand you can't always have perfect balance. But I really don't think

your answer was responsive; "We'll do what we can now to try to make sure there is input." But I'm - I think it's a big disappointment that in this very highly touted strategic process that's going to set the terms for ICANN for the next five years business is absent.

Theresa Swinehart: No just to be clear. The strategy panels help inform, right? They are not the final decision on the strategic planning process. The strategic planning process is the fundamental document that is looking at informing how ICANN's strategic plan looks for the next five years. That's where we need to ensure that business has provided its strong input because that's the part that's relevant for all of that. The informing part is one part of it on specific topical areas. And I take your point and I'll take that back. Thanks.

Jonathan Robinson: Thanks, Theresa. I know Jeff wants to make a point of clarification and I've got Chuck in the queue. Am I missing anyone else? Jeff, if you could briefly make that point then.

Jeff Neuman: So, yeah, first I want to say I agree with Steve that business needs to be better represented. The only part I want to clarify is that there's only one contracted party that's on there and that's the CEO of Go Daddy, that's it. So I would make the other argument that there needs to be more contracted parties on it; there is only one.

But I agree with you as well that there should be more business as well because it seems like it's highly stacked with academics and researchers and, you know, a lot of theoretical stuff. And I'm not saying they don't need that but, you know, a balance of business and - it would be good.

Jonathan Robinson: Thanks, Jeff. Chuck.

Chuck Gomes: Thanks. And thanks, Theresa, for being here with us. First of all let me say I'm cautiously optimistic that some good things will come out of these strategy panels. But these panels and the way they were formed along with an awful

lot of the staff and Board decisions over the last year have been examples of giving a lot of lip service to the multistakeholder model but managing top down. And I'll just leave it at that.

Jonathan Robinson: Thanks, Chuck. I know that that representative sentiment. I don't know if you'd like to comment, Theresa or if there's anything you'd like to respond to those.

Theresa Swinehart: As I said I'm here also to learn very much. I know that there may be a perception that for many of you who've known me for years that I know everything that's been happening over the past couple of years when I've not been involved.

So I would say this is a very helpful perception issue. And I would like to take a look at that and talk further offline and figure out how we can work together to address that and if we can work also with you, Jonathan, and others on how we address any of that to try to resolve it. Thanks.

Jonathan Robinson: Yeah, and I shared with Theresa privately prior to us taking up the mic, that, you know, the concern that many of us feel about the sort of passion with which we feel that good work is done within the GNSO and good bottom up multistakeholder work and our desire to make sure that that is properly and fairly represented within the ICANN community and without such that notwithstanding any issues where it could be improved or developed but it's still the core of what we refer to as, you know, in many ways the bottom up multistakeholder model.

And when there's all these initiatives popping off all over the place there's the sense sometimes that the GNSO is not being recognized for the valuable experience and work that's done within it. So, you know, I think that's a scene that we'll want to take up and continue to discuss.

Are there - I mean, we've - yes please do.

Theresa Swinehart: I sort of - I sensed a bit of a tone in some of the, you know, I think review processes and various other things can often given a perception that something is always wrong as opposed to the focus of the positive. The amount of work that's being done in the GNSO and the mechanism and the models of how this is actually functioning is mind boggling. I mean, it's just absolutely amazing.

And I would reinforce that the amount of work and the commitment and the successes that have really been achieved in all of the work here and the volunteer mechanism and the commitments of that is really remarkable. And so just to highlight the positive factor and that as we look at anything evolving into the future this is a really important part to reinforce.

And frankly, it's something that should be shared. I think there's a lot of areas outside of the ICANN sphere that are looking at how to address different policy issues and there's a lot to be learned here and a lot to be looked at. So I think it's a good story and it's a good story that should be shared and told.

Jonathan Robinson: Thanks, Theresa. That's a positive note. Marilyn.

Marilyn Cade: Thank you. My name is Marilyn Cade. I'm one of the officers of the Business Constituency. Theresa, nice to see you. I want to follow on some of the comments that were made. And since you shared with us that you really are here to listen to some of the concerns that we're bringing.

I think that those of us who have built and sustained this organization are becoming really perhaps victims of the speed of growth and expansion of the organization. I'm not going to tell you what the percentage of new staff is because that would be something that you guys as the staff would know having counted them just like I've done.

You might also have looked at all their backgrounds as I've done. And you might also have noticed that there's a big gap right now in the opportunity to immerse new staff in understanding the community before they're forced or take up a really rapid pace amount of work. That's not true of all the new staff that's come. I'm looking at Mary who's been a very strong builder, but a lot of the staff are new.

So I want to reinforce the experience that you have heard us say that we're feeling very much like we've moved now very suddenly into a top down staff-driven organization. It's a bit of a shock for many of us.

And we can go into why that's happening but I'm going to give a specific example about the gap between the strategy panels and the strategic planning process that is similar to what you've heard but perhaps a little different and perhaps is something that can be fixed.

When the strategy panels were announced the community was invited to nominate participants. Since I know a very large number of the people who nominated I can also tell you from looking at the list how few of the community were put into those panels. You've already heard that.

I went to the microphone then. I'll say it again: The strategic planning process is supposed to be about the community. But the strat panels have a huge budget. They have staff support. They have travel for people to come and to gather and to work.

The strategic planning process is not supported financially by the organization in order to better empower the participation of the community. That's a gap that perhaps could be fixed.

((Crosstalk))

Jonathan Robinson: Great. So I think we - that's a further point that's clearly (unintelligible) as far as adding to Theresa's list. I think we're probably out of time at this stage. We've run over our scheduled time by 15 minutes. We started late with Fadi. But, you know, I think - that's probably a useful point to wrap things up.

So, you know, thank you, Theresa. Thank you for coming in and taking things in a slightly ad hoc way. But, I mean, we had had the opportunity to talk through this yesterday and so, you know, really appreciate you listening and taking it on board. And I know many of us will talk with you when we get the other opportunity. So thanks again.

That brings this session to a close if we could stop the recording.

END