Transcription ICANN Buenos Aires

GNSO Review Update
Sunday 21 June 2015

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Jonathan Robinson: Are we ready to go with the recording? Are we ready to go with the recording? Are we concentrating at the back of the hall? Great so if we could commence the next session, this is an opportunity to hear an update and to discuss the latest position with the GNSO review.

So here we have - is Jen here? Hi Jen. So we've got Jen Wolfe and the Westlake review team here. So over to you to hear from you on where we are. Ray did you want to say something in advance? Go ahead.

Ray Plzak: Yes real quickly. (Renali) and I are only going to be here for the first half hour because we have got to go to another meeting. So we're just taking the opportunity to be here.

Jonathan Robinson: Thanks Ray. And I mean for those of you who don't know you, you are...

Ray Plzak: Ray Plzak, former chair of the SIC.

Jonathan Robinson: Okay so former chair of the SIC, but...

Ray Plzak: I'm trying to escape from the new chair of the SIC, but she won't let me.

Jonathan Robinson: So we have the former chair and the current chair of the Structural Improvements Committee of the Board who are responsible - as Ray helpfully pointed out to me - for ensuring that the bylaws mandated review of the GNSO is undertaken rather than for commissioning the review themselves. Good, so let's hear about the work that's gone on on the GNSO review to date.

Jennifer Wolfe: Thank you Jonathan. This is Jennifer Wolfe for the record. I'm the chair of the GNSO Review Working Party, and I want to thank you for making time on the agenda today for this update.

I'd also like to take the opportunity briefly to thank those members of the working party who have been so dedicated and involved, some of whom are in this room. I thank you very much for your continued commitment, your dedication and your work to providing excellent comment and feedback.

And I want to thank the Westlake team as well because they have been listening to our feedback and working with us to incorporate that feedback. All of that feedback has been documented and is available if anyone is interested in reviewing that.

Before I turn it over to the Westlake team - and could you go ahead and advance the slide? I think there might be - yes, perfect. I'd like to just provide a brief overview of the scope and then also the timeline and then I'll turn it over to the Westlake team.

Just a few key points today is to realize that the objective of the review was to examine organizational effectiveness by examining GNSO functions. It was anticipated that structural topics would arise. And as clarified by the SIC at the outset of the review, finding some recommendations may cause the GNSO to implement structural changes as well as other adjustments.

Westlake followed a methodical approach, including various work methods which they will be briefing you on shortly and are explained further in a detailed draft report. Could I go ahead and have the next slide please?

The timeline of where we are now - as you can see right now, the public comment period has opened as of June 1 and it continues until July 20. And I want to take this opportunity to really encourage all of you to provide comments. So far we have had no public comments on the report, and I think it's really important to go back to your respective groups and encourage a review and comment on the report.

The working party has put significant energy and time to help make the review and the recommendations useful and supportive of continuous improvement. We've had 17 meetings and two rounds of nearly 120 comments leading up to the draft report.

After considering community feedback via public comments, in-person meetings here at ICANN 53 and ongoing interaction with the GNSO Review Working Party - and which we're meeting on Tuesday - Westlake will then issue its final report on August 30.

The working party is also meeting on Tuesday to discuss what will happen in moving into implementation and making recommendations. I'd like to now hand it over to Westlake to give their report. Thanks.

Richard Westlake: Thank you Jen. I'm Richard Westlake from Westlake Governance with my colleague whom I think most of you know, Colin Jackson. We have been

involved with this review now for virtually one year since it was commissioned in London at ICANN 50.

And if we could go - we're on the next slide - I'm not going to dwell too much because for those who have been involved, you've been part of the process. You know where we've got to, where we've come from.

But essentially it has been a very large data gathering process and for most of the last four or five months a strongly iterative process of working texts and drafts leading up to the draft for public comment which is now out there.

And the fact that there are no public comments at this stage does not mean there hasn't been a significant amount of feedback from those on the working party. As Jen said, there was - we received a significant amount of feedback on the original texts and drafts, something like 120 comments in total, which we have incorporated and responded to, and as Jen said, have posted up on the Wiki, our thinking behind whether we accepted or rejected.

So the draft went up at the end of May. It is there now - as Jen says - for about another one month till the 20th. And if I could then move to the next slide please. Thank you.

This - for those who haven't yet had a chance to have a look - is the content, the outline content of the report. For ease of reading, you'll see that the three of the items are in red. The substantive report are the items listed in blue.

The main body of the report - Sections 4 through to 9 - is covering first of all the previous review's recommendations, our assessment of whether they have been implemented, the degree to which they were effective, and any further analysis and recommendations around those together with Chapter 9, which was the future looking one which I shall talk about in just a moment.

For those who are tight on time or may have interest particularly in only one or two areas, I strongly suggest you read the report summary, the first few pages, because that does contain the full set of recommendations with the four themes under which we have grouped those recommendations because that will give you the overview picture.

And then from there if you want to read in detail the section that is of interest to you, you'll have a far greater set of context around it. And so we've got the context and review methodology for those who are interested or who have had a strong involvement or interest over time. And at the end you will find a series of appendices which provide a lot of the background information, provide the quantitative results from the 360 surveys and various other material as well.

If we could then move to the next slide. As we said, there are 36 recommendations that have emerged in total. We've managed to shrink this down from more than 40 when we started, but we recognize that is still a significant number of recommendations to try and address individually.

So what we have done is to group them now under four key themes and the themes 1, 2, 3 and 4. The first one and by far the largest set of recommendations and we think probably the one that will have the most impact looking forward is around participation and recommendation where there are 16 recommendations.

Secondly, continuous development, which covers also some refinements and enhancements we think to the PDP process. Thirdly, four recommendations around transparency of the GNSO and its functions and operations and finally two recommendations aligning the GNSO with the rest of ICANN.

So if I could now pass the floor to my colleague Colin and he will talk through some of the more specific recommendations. Thank you.

Colin Jackson: Colin Jackson speaking for the record. Tēnā koutou, tēnā koutou, tēnā koutou katoa. And those are words in the Māori language, indigenous language of New Zealand welcoming everyone. I want to just work through the recommendations grouped as they are here in themes.

I'll just stress a point that Richard made that we were asked to address the previous reviews of the GNSO under a set of headings. Now we have done that but then when we finish that we came out with recommendations that we have then regrouped into themes. So these are not - these themes do not necessarily correspond to the chapters in the report. They correspond to how we saw them fitting together once we had made them.

The first theme is about participation and representation. There were a lot of recommendations here and I'm not going to - you'll be glad to hear - read out what it says in each one of them. You're perfectly at liberty to do that clearly on the report and on the screen now.

But I would like to start highlighting specific points. So I'd like to move on to the next slide please, to the second page of these because there's some I want to specifically address in here. Thank you very much.

Recommendation 7 is a big one here. This is about use of the English language. GNSO conducts its business in the English language. That is a statement that was made to us by a number of people and appears to be well supported by fact. There are of course very large numbers of people in the world who do not speak the English language or would have difficulty engaging at the level required to then meet together to do policy.

We consider this is something that should be addressed. We are strongly encouraging GNSO and its component parts to find ways to deal in languages other than English in order to reduce the barriers to participation. And I must stress that barriers to participation is really the theme of this section. It's participation and representation.

We also - the other point I want to make off this slide, cultural diversity. Cultural diversity is in ICANN's core value 4. It talks about cultural diversity, about geographical diversity and functional diversity. Now we - ICANN has defined geographical diversity about which we comment in our report. Functional diversity I think is relatively easy to induce a definition for that. But there is no definition for cultural diversity in ICANN's materials.

I think we probably all have some idea what people mean by cultural diversity. We may not agree on it, but we could at least have a stab at coming together with some sort of definition. Our view very much is that ICANN should attempt a definition of cultural diversity and then try to measure it.

We also believe that ICANN should measure other items for which it says there should be diversity - gender, for instance. There is no - whilst one can make reasonable guesses about gender diversity of organizations, that is largely based by turning up to meetings like this or trying to guess by looking at a list of people's names, neither of which are exactly acceptable.

We suggested incidentally that birth language might be a metric for cultural diversity but we're very happy for somebody with expertise in this area to pick that up.

The other two recs I want to highlight on this page are different. These are about the role of council compared with the role of (SGs) and (Cs). We are recommending that council should ensure that its focus is on making sure that working groups have been properly constituted and follow due process rather than involving itself in the policy.

We've had various feedback on this. We have been advancing this recommendation in various forms of draft. Sometimes the feedback has been at the form that counsel needs to have a chance to rewrite everything because we maybe didn't have time to go to the working group in the first

place. I'm being waved at. Should I take questions or would you like me to keep going? Yes, yes, please.

Man: Who proposed that the GNSO is a strategic manager rather than a policy body?

Colin Jackson: That is our proposal.

Man: Who suggested that?

Colin Jackson: That is our recommendation.

Man: Actually the board governance committee as one of its early recommendations as well, the same words. That's where the words came from.

Colin Jackson: Right I'll just - for the record I'll state that that was originally a recommendation of the board governance committee, which we agree with.

Man: Out of the previous review.

Colin Jackson: From previous review of GNSO. Moving on from there, the Recommendation 23 which is related. This is about the process for creating new constituencies. When the current structure of GNSO was established the vision of those who did the establishment and those who recommended it was that communities would be created and possibly removed, more or less at will to meet the requirements of the community.

That really hasn't happened. The one has been created. Many have been attempted and failed. It's - in our view that process needs to be made easier and there needs to be a presumption that enough people putting their hands up can form a community unless there's a really good reason not to. And we give far more information, more details on this in the report.

Could we move to the next slide please? Okay one of the - just before I start on this slide I'll note that ICANN recently released a report on a fellowship. Fellowship is in our view an extremely valuable tool for ICANN to engage more people in the community. We need - to put it bluntly - we need more and more people in the community, in the GNSO community, to do all this work in policy.

There needs to be a continuous influx of fresh people. Ideally these people would come from places where there are many Internet users who are currently not fully represented at ICANN - Asian continent for instance.

The fellowship reports which ICANN published oh some two months ago contained a quote in Spanish, which I won't attempt to read out because my Spanish pronunciation is truly dreadful. But it says, "I believe the barrier is language. ICANN must work to give the community information in different languages, not just English." And that was from a gentleman from Costa Rica.

And it seemed to me that he really put his finger on it. So it isn't just us as Westlake who are blessed with some ability in English to saying that we really need to move wider than that. It is the people outside the group of those who can speak English well really want that to happen. And we believe it is essential for GNSO to progress and address the changing demographics of the Internet.

On this slide, I want to just note that the Recommendation 36 follows on from our comments, the comments I just made about diversity in that working groups should reflect a requirement for diversity. And it is up to GNSO counsel to try to achieve this. When constituting working groups, GNSO council should ensure as much diversity as possible, hopefully something that resembles the diversity of the Internet.

Next slide please. Thank you. I just - I'll only point to one on here. The final recommendation on this page refers to alternate decision support systems. I'm drowning in an e-mail blizzard and I dare say everybody in this room is as well. E-mail is also not an ideal way for much debate and for decision-making.

Then the alternative to e-mail within the GNSO and within ICANN as a whole would appear to be using tools like Adobe Connect and running real-time conferences. They also have problems due to time zones and the amount of time frankly wasted in terms of roll calls and establishing the administration of the conference.

We are proposing that ICANN and/or GNSO evaluate an alternative decision support system to supplement those two mechanisms. There are various alternatives out there, mechanisms that involve people sharing thoughts and producing collaborative decisions. And we commend that approach.

Can we have the next slide please? Right, we've highlighted here that the PDP has been -- PDP groups, working groups -- have indeed tried to address chunks of work. We believe that's a thoroughly good idea. For instance, there is the IT RP isn't it, has gone through five iterations now - A, B, C, D - maybe there's an E.

We believe that this is a good thing and should be done to a greater extent. Certainly those of us with a technical background know that when attempting to develop pieces of software or similar you always try to break things into small chunks for development individually. That certainly is a way things happen now.

There are many advantages to such an approach, but part of it will deal with volunteer burnout and will allow you to introduce people into working groups and give them a chance at doing, contributing in areas they care about and perhaps maybe getting them to contribute in further areas in future.

So we believe that working groups should be broken into dealing with small problem spaces certainly as far as that can be done. We don't claim that this is a new idea, but we would like to see it implemented to a greater extent.

The point I'll just make here is that we note that GNSO council is looking at the timeliness of PDPs and that's a good thing. That should continue. PDPs do take a while. We can't really say that they take too long because in some cases that length of time is clearly required by the level of policy suggested in the requirement to consult it.

But we do think that a certain amount of watch has to be kept to ensure that timelines are not unnecessarily protracted. And we do recommend to some extent going back to our point about decision support systems will hopefully reduce the time required by volunteers and working groups and therefore make it easier to complete PDPs.

We also recommend that a policy impact assessment is included as a standard part of any policy process. Now that is potentially something that could be performed that you could ask staff to do for you or you could get external expertise to do it. But we do think that in, for instance, a government environment, if one were a government decision maker confronted with a request for policy change, one would typically expect to see an impact assessment as part of that.

In other words, what is going to break if I do this, who is going to be upset if I do this? Why? And you might still do it, but you want to do what are the downstream implications for other policies, other bodies. There are pretty standard frameworks for policy impact assessments.

Next slide please. Right. I think I'll skip over these ones because I don't need to highlight them now in this and for the sake of brevity. Thank you. No, I'll go

back to one more slide. Thank you very much. I'll just comment on a couple of these.

Statements of interest - SOIs - these are really, really important, and we all understand why they're important because they make interests clear. We found many - some to be out of date or absent during the course of our research.

We believe that it should be an actual requirement that is enforced, that people who are involved with GNSO and working group members should have current valid SOIs and they should be required to affirm that these things are up to date on a periodic basis. This will be the norm say in governance groups such as boards, for instance, going around the table at the beginning and checking that conflict of interest statements are all up to date.

As you can see here, where individuals represent bodies or clients or might be thought to represent such bodies or clients, then that information should be posted - not necessarily the identity but the interests. It's really important that policy is made in a transparent environment. And to some extent suspicion about inadequate SOIs or missing SOIs is as bad as the actuality. People must be confident that this is being done.

The final one here - Recommendation 28 - we have posted what a proposed clarification of the GNSO operating procedures. Okay, we have posted a clarification of the GNSO operating procedures. It essentially tightens up a lot of the language and says that instead of you might do this then you will do this, this is all about tightening up participation and recommendation.

And we suggest that you read that in the annex of the report rather than me trying to read that out here.

Next slide please. This is the last one that I have I believe. We're talking here about the future of ICANN and GNSO's role in that. ICANN has a clear set of strategic objectives which is pasted to the walls of this fine conference venue. Our view is that GNSO should be trying for the same thing that aligns to the council's objectives.

And it must maintain a balance between the resources available, most of which are people frankly, volunteers, and the needs to generate policy in order to meet ICANN the corporate and ICANN the community's expectations to meet its own strategic objectives.

And that is in our view a job for council. It's a matter of balancing resources and planning. So I think at this stage you've heard enough from me and I'll just pass that on.

Richard Westlake: Thank you. And if we could move to the next slide please. Thank you. Most of those recommendations that we've talked up to date have been around those that have come from previous reviews. Now this slide isn't fully visible unfortunately.

There's one or two lines not entirely clear, but the purpose of this section that we wrote - Number 9 and the changing environment - was to try and highlight some of the major changes in the usage of the Internet and participation of the Internet around the Internet over the last few years.

And some of the headings there -- you know them better than we do - the overall demographic structure of the Internet, nationality, gender, age, and so on, have been growing dramatically. The diversity of people participating over the last few years, areas in which ICANN itself has driven the initiatives around the internationalized domain names, the bricks of the new generic top level domains, not so new anymore.

And also really over the last 18 months the IANA stewardship transition, which of course is going to have a significant impact on ICANN's overall accountability and inevitably is going to have some impact. We can't say what it is at this stage on the GNSO.

Now the reason I put a question mark around the final item there - the GNSO structure - is because although it was not within our terms of reference specifically to address the structure, within the surveys and our interviews, many, many people - something like 120 in total - offered comments on the structure.

Now our view after thinking about it very carefully and taking a lot of the feedback was that the form should follow the function. We wanted in our review to address the functional issues, the strategic issues, the actual substantive issues that the GNSO deals with.

We recognize from watching ICANN but also many other organizations what a huge distraction it can become to become completely preoccupied with whether structures are right. And so we said we wouldn't cover it, but this does not in any way forbid or preclude the GNSO from making some decisions itself.

But we think the logical order of that is for you to have a look at the overall recommendations we've provided and then decide once the substance is there, once the functions have been clarified, then decide whether the form - in other words the structure of the organization you have - is still fit the purpose or whether you want to make some changes to it.

So the fact we haven't addressed it does not rule it out but that is over to the GNSO, not to us. Thank you. That's my section. I'll hand back to (Larissa) now if I may just for the final couple of slides.

Larisa Gurnick: Good afternoon. Larisa Gurnick for the record. Real briefly, there's a number of activities that are taking place here in Buenos Aires to make sure that the community is informed about this report and the fact that it's out for public comment. So I just wanted again to reiterate what Jen said and remind everybody to please submit public comments by the due date of 20 of July.

And for those that would like to share this information with others in your community there are close to ten other sessions similar to these updates that will be taking place throughout the week, particularly on Tuesday. We are visiting with quite a few stakeholder groups and constituencies and taking comments and information on the Westlake team will be here to do that as well.

And our attention at this point is also beginning to turn to planning ahead to implementation and thinking through how the recommendations, the draft recommendations, can be assessed for feasibility and usefulness so that Westlake can receive appropriate feedback in time to be incorporated in their final report which will be issued on August 31. Thank you.

Jonathan Robinson: Great. Thank you very much Richard, Colin, Jen, Larisa. That's very helpful. It's interesting - we'll obviously, I think all of us will probably get to see this again in some form within constituency and stakeholder groups.

I did notice there was one opportunity for input at the - where you talked about us potentially providing input to things like strategy plan. And that ties in with the work that went on the policy and implementation working group. I don't know if you've recognized that tie-in but there's a way in which we can provide advice through the outputs of that group. And so that's an interesting one. There's a queue...

Larisa Gurnick: Jonathan just to respond to that real quickly, that is one of the things that we're actually working on and that we're planning to discuss on Tuesday morning as we ask staff to put together a matrix of all of the

recommendations and anything where there is work that's currently overlapping so that we can visually see where this overlaps. So we are planning to look at that.

Jonathan Robinson: Yes I think that sounds very helpful from a kind of process point of view to then start to notice some of it may be work in progress already, so that's very useful. All right, so I've got Steve Metalitz up at the microphone and then Stephanie and Michele in the queue. So Steve.

Steve Metalitz: Thank you very much. Steve Metalitz, a member of the Intellectual Property Constituency. I had questions on two areas here - one having to do with the GNSO structure and the other the GNSO operating procedures. On structure, I think I heard again that you didn't - this was somewhat outside the scope of your review.

You recommend that these issues be addressed first before structure and I don't necessarily have a problem with that, but there are some statements in your report that suggest that you actually think the structure is a good one. For example, you state on Page 120, "While complex and the object of much comment and criticism, we consider that the framework of GNSO council/two houses/four stakeholder groups and multiple constituencies should continue."

And you go on to say that, you know, these other issues should be addressed first. As you know from your survey, there's a lot of dissatisfaction among people who participate in the GNSO about the structure. And it's a dissatisfaction that actually stretches across some of the sometimes adversarial groups within the GNSO.

So I think it would just be helpful to clarify whether you're saying GNSO structure was outside our scope and it's up to the GNSO to decide what to do with that or whether you were saying the GNSO structure was just fine and really shouldn't be the subject of further activity. So that's my question on that.

My question on the GNSO operating procedures, your Recommendation 28 calls for revision for - basically you went through that and you changed the may to must and, you know, should to shall. And I wonder what your investigation showed about why those phrases were drafted in an advisory fashion in the first place.

Having had some role in that, my recollection is that there was a strong feeling that it was not really the job of ICANN to make every constituency and every stakeholder group function in exactly the same way. One size did not fit all. So I wondered what your investigation showed about why that was wrong or why that position should be abandoned.

Richard Westlake: Thank you Steve. Richard Westlake here. If I could perhaps take your first question first on the structure. Yes, we did say that we have - we've looked at the structure as it is, and we do accept your point that a lot of people commented and a lot of people were not happy with the structure.

What nobody addressed was the thinking that had led to the structure that has now emerged, what you currently have, the very delicate balance that has been struck at I would have to say quite some pain over the period of getting to it. So if somebody wishes to propose a better option, we're certainly not precluding that, but in our view, what you have is not broken. What you have does currently work and appears to serve the purpose although cumbersomely.

But in the absence of anything which can address the very tightly nuanced voting balances and do that successfully to get to a similar consensus outcome even if it was somewhat a forced consensus in the end, if someone can produce a better, wiser approach, then we're saying that's over to you.

But in the absence of that - and that's why I'm saying don't just abandon the structure because you don't like it - be careful what you wish for because be

careful that if you wish to replace it, you replace it with something which will not open up yet new problems yet new issues. But yes it was also beyond our scope.

Steve Metalitz: Okay. Again that to me sounds as though you did some kind of substantive evaluation of the current structure, which I thought was outside your scope. I disagree with that conclusion, but it's helpful to know that that was your conclusion.

Richard Westlake: Because the extent of the comments were so great, we did probably rather more work than was envisaged on having a look at the structure and whether it was fit for purpose. And we try and investigate and see whether it was serving the purpose that was required. And our view was that overall - although it's not perfect, it passed the test.

Steve Metalitz: So maybe those of us who are unhappy with the structure made a strategic error by saying that in our survey responses. Otherwise you would have just left it alone rather than endorsing it. Is that what I'm hearing?

Richard Westlake: When our work is done you can do anything you like, Steve, as can the GNSO. We are but your humble servants providing recommendations.

Jonathan Robinson: Thanks Richard. Thanks Steve. I've got - did you want to make an additional point, Colin?

Colin Jackson: Yes. Steve actually had two questions and I feel I should at least nod to his second question. Congratulations on reading all the way through to the final appendix in the report, Steve.

The reason that we proposed strengthening the language in those operating procedures was relatively technical in that we believe that those particular issues were things that people thought were necessary and we believed were necessary but the language implied they were optional.

And I'd have to go back to see what they were, and I think they were things like statements of interest. They were essentially procedural matters. And they were things that pretty much everybody seems to or at least thinks should be done. But the language didn't reflect that.

Steve Metalitz: Okay, thank you for that answer.

Jonathan Robinson: All right thanks very much Steve and Westlake. Stephanie.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. Thank you very much for coming and talking to us and for taking on board all that feedback. You mentioned that one of the proposals was it would be good to find sort of beginner's work for new recruits that they could do.

And you are arriving like after a day and a half where we've had updates on all the blessed work coming at us, noting the complexity and the interrelatedness of the work. And we had this conversation last night and I'm indebted to (Bret) for his expression, "If this were ski slopes, where's the beginner slope?"

Where do we put recruits? Because the amount you have to know to be effective in a PDP is just mind-numbing. And I can see us slaughtering a few new recruits if they're sent off to do definitions and they wreck something or - you know, I can't in my mind peel off a piece that we could give people. So any advice you have on this would be great.

Richard Westlake: Stephanie thank you. Look, we absolutely agree that we're looking for the beginner's slope and how do you get yourself otherwise up the chair lift to the black slopes. We can't honestly answer that question but it does seem to me that there are an awful lot of components.

Everybody starts somewhere. And one of the things that we have looked at also - and I think we have addressed to a degree - is the question of some degree of mentoring and training for members. So we're saying this is an issue.

Otherwise it's going to become a self-fulfilling, effectively self-perpetuating until it explodes circle because you'll have people who become more and more expert. And the disparity between those who do know and those who don't is only going to widen.

So we are saying it's a significant issue, and breaking into smaller pieces of work, more elementary pieces of work, introducing people into working groups maybe even on some aspects of it is one possible approach.

Jonathan Robinson: Okay thanks for the question and the response. Just noting we've just hit 3:15, which is technically the end of the session but there's obviously a few people waiting to speak so we've got Michele, (Mary), and then Philip. Michele.

Michele Neylon: Thanks. Michele Neylon for the record. I think I was meant to be actually in the GNSO review group but part of the - due to the workload, I haven't been able to do anything apart from answer the odd e-mail when after I received about four reminders, which I think is part of the problem, and I'm not sure how any of us are going to solve this.

Some of the recommendations I think are absolutely fantastic. I mean the transparency ones in particular I think are very, very important. I mean it is incredibly complex at times to work out exactly who is speaking and who are they speaking on behalf of and where that's coming from. And more transparency around that would be incredibly helpful.

And extending that out so that it also covers the constituency stakeholder groups and everything else seems like the logical extension of that. That makes perfect sense to me.

I would ask, you know, as just a simple question, I mean, this has been some work done within ICANN senior staff about providing - not sure the best way of phrasing this - as kind of a membership support services for constituencies and stakeholder groups. Jonathan knows what - you've been in those meetings Jonathan.

And I don't know whether you've spoken to them about what they have managed to do there because at the moment, things like the centralized member registry thing, that really doesn't exist. So I mean you do end up in the situation where as chair of the registrars, I mean, I'm here as on GNSO at the moment for a variety of reasons.

You would see people saying that they're a member of Stakeholder Group X or Stakeholder Group Y, but you need to actually go back and check to see whether they are or not. So sometimes I've looked at the list of members on a working group and I've gone like, you know, who is this person.

They're saying they're a member of a stakeholder group, but I can't work out who they are.

And that's, you know, that can be a potential issue if they're saying they're representing a group when they aren't. On the diversity, while I think it's a nice idea, the problem again comes back to how we're going to clone these people. And the number of - I mean, Stephanie raises a very valid point. The ramp-up for somebody to actually engage meaningfully in any of this is huge.

The language issues are very, very real but there's a trade-off there. I mean there's a massive cost associated with that. I mean, if you want to look at providing real time, interpreting services, real-time translation, etcetera,

etcetera, etcetera, that not only involves a massive cost, it also involves massive logistics.

And at some point you may need to kind of say well hold on a second. You know, does that really need to happen for every single thing? But how do you actually decide? Thanks.

Richard Westlake: Thank you Michele. We could only agree with what you're saying there, but we are saying that whether or not you can find a solution immediately the problem is only going to be become exacerbated if you don't. I mean, even just this last three quarters of an hour there's only one person who's spoken so far whose first language is not English.

Michele Neylon: Well I could argue that constitutionally I have the right to two. Okay.

Jonathan Robinson: Thanks, so we've got (Mary), Philip, (Tony). Mary?

(Mary): Thanks Jonathan. So before I read out the question in the chat, just to note that some of the discussion started this weekend about some of the efforts that the GNSO is starting to create and implement that will hopefully help with at least building a bunny slope or pointing out the fact that there is a sort of bunny slope, like the GNSO Learn and some of the other initiatives. So hopefully we can get better in that respect.

There is a question from a remote participant. It's Amr Elsadr, who's familiar to many of us as a member of the GNSO Council. And his question is - to Westlake of course, to Colin and Richard - "The language in the report on the process approved by the BGC on creating new GNSO constituencies describes the process as ineffective. How has the Westlake team reached this conclusion?

Has an analysis of the applications to create new constituencies been evaluated to determine whether they fulfill all the requirements they're supposed to?" Thank you.

Colin Jackson: Thank you, Mary - Colin - and for Amr on the chat here. The fact remains that only one constituency has been created despite there have been many attempts on this. When the process for creating constituencies was established, the view was that many would be given that only one has succeeded and many have failed, should we simply assume that there aren't - there are nobody out there in the world who wants to be or should be involved in the GNSO policy except through the existing constituencies? Because that seems to me quite a very dangerous assumption.

I can't see any justification for that. Therefore the process is not succeeding in generating new constituencies even though it's designed to do that - with one exception. As I say, all attempts to create new constituencies have failed. That's all I have to say on that. Thank you.

Jonathan Robinson: Thanks Colin. So I've got next Philip, (Tony), and then (Maria), and then I suggest we call it a day at that point. Philip go ahead.

Philip Sheppard: Thank you Jonathan. Philip Sheppard with the Brand Registry Group. Richard, you said earlier in response to Steve Metalitz that none of the submissions had attempted to give you historical background about the existing structure of the GNSO. Would you like to revise that statement?

Richard Westlake: One person gave us very extensive background.

Philip Sheppard: Thank you very much.

Jonathan Robinson: Would anyone like to go on the record as to who that was? (Tony).

(Tony): Thank you. Just picking up on that last point, you did mention that the existing structure seems to serve its purpose. The background to the existing structure was that a while ago we were given an option to reform by ICANN at board level. And we were - a lot of us were unhappy with what was put forward.

At the end of an ICANN meeting in the past we were told we've got one month to get together and come up with a better solution. I was part of the group that worked on that. We were one week away from the deadline of having an imposed change that many of us were unhappy with. And we had nothing that we agreed on.

That last week was absolutely frantic, and what came out of that was what we have now. A good starting point for designing anything is never to say, "Well if you don't better this is what you get." And that was our starting point and what we ended up with was better than what was on the table, but it was never something that a lot of us would have been happy with.

So I find it rather hard now to say well be careful what you want because it seems to be working. It's working to some degree. But also the issues of new constituencies filters into that debate as well because the contention to be quite blunt around the GNSO structure often comes back to voting. We don't vote that much, but when we do vote it is a really important aspect.

And you cannot do a complete job and talk about introducing new constituencies until there is some answer to that question as to how they fit in with the overall structure. To suggest that any changes to the structure should be determined in the future by the GNSO I believe is the wrong answer because I think there are such diverse views across the GNSO we will never agree on anything. So that isn't an answer at all.

Just to come back with one other point as well, on diversity, totally support the recommendations you've put forward. I think they're all very fine, but the

problem again with that is that other than two particular working groups around the IANA function where at one stage people were crawling over each other to become part of that until they realized that being part of that and being effectively in a position to contribute probably ate half of your life.

Apart from that experience, we're often finding that we are in a situation where we need to engage and the amount of people that are actually doing the engaging and the heavy lifting is very small. And there was a very damaging report that came out under the ATRT 2 review which looked at working groups.

And one of the points they picked up was the very points that you made as well - that we needed to increase the diversity. But to do that you have to get to a stage where you have a range of people from different cultures who bring that diversity to the table to pick from. And the problem is for very few constituencies we just are not in that situation.

So I think it's an ideal thing to aim for, but there are some really difficult steps along the way before we could actually realize those goals. Thank you.

Richard Westlake: (Tony) if I could perhaps sort of take all those as a little bit of a bundle, I think the point around structure, I mean, your very point was the one week before you were forced to agree on something, you didn't agree on anything. We would hesitate to start pulling one brick of what has been built, even if in a hurry without having a very clear idea of what it was we were trying to achieve.

We think therefore just addressing structure for the sake of it is the wrong approach. Let's see what the GNSO is going to achieve then decide how to do it and at that stage decide whether the structure you need needs something better, in which case you then have I think a far more rational basis for building something which may be different from what you have today. But in the meantime, the function precedes the form.

(Tony):   Just to come back on that, I think that's fine but the key point of this for me
                 was that when we reach that stage - and I accept what you're putting forward
                 - when we reach that stage, I doubt the ability of the GNSO itself to come up
                 with the best answer on the difficult part of the problem.

Richard Westlake: Maybe that's the next review (Tony).

Jonathan Robinson: All right, thanks. Last word goes to (Maria). Go ahead (Maria).

(Maria):   Thank you very much Jonathan. This is (Maria) speaking. First of all I'd like to
                 show appreciation for the dialogue about the report and how you have
                 incorporated some of the comments that you have received. So thank you
                 very much for that. Like Michele I also appreciated very much the
                 suggestions made on transparency.

                 And I just would like to say a few words about the fellowship program
                 because that was the way that I got into ICANN in the first place. I think that
                 many of the people that participate in the fellowship program, they end up in
                 the GNSO. They're either intellectual property lawyers or small businesses or
                 civil society. So this will be their home.

                 And maybe it will be - there is a window of opportunity there for the GNSO to
                 work with the fellowship program to try to see how the program and the
                 subjects that are discussed can incorporate with a little bit of more depth what
                 we are discussing in the working groups.

                 Fellows are allowed to come here to ICANN for three rounds, and maybe the
                 second round could be more focused on the heavy work, on the work that we
                 are actually developing beside the policy-making process.

                 Just a few words on language. I think that you have touched on a very
                 important point. It's necessary to have translation. I know that ALAC has

developed a very consistent approach to translation, and I think that this is equally or even more important when we are thinking about policy-making. The documents, the main documents that we're going to vote and the calls, they should be translated.

We have a lot of people in our communities in NCUC that we had this meeting yesterday, and there were people that could not participate effectively because they only speak Spanish. So we had to translate ourselves because we did not have translation available. So there is a lot of people that are interested and they won't be able to participate.

And the negative effect is also the opposite. When I'm here, my mind is set to English. I was going to give an - I gave an interview to the fellowship program and I was asked by staff, "Can't you speak in Portuguese?" And I said, "I'm sorry, I can't because all the vocabulary and all the words, they come to my mind in English now because I'm sort of into the process, and how do I translate this to my community back?"

So this creates a problem to me as well. If I had access to the knowledge and to the vocabulary at least in Spanish it would make it easier for me to convey the message back. So I really think that this is a very important point. Thank you.

Colin Jackson: (Abregardo) Maria and thank you. Thank you very much for emphasizing the points that we've been making about language there. But also about fellowship, I just want to again agree with something you've just said and observed that of all the components of ICANN, this part, the GNSO, is one that most needs a constant flux of new volunteers.

And yes it is hard, and yes there are lots of people - it takes a lot out of your life but we really do have to find a way to improve that supply of people. Part of that is through translation services. Part of that is through effectively going to non-Anglophone countries and looking for people. And that's partly what

the fellowship is about. I commend the notion that GNSO work with fellowship organizing committee to ensure that happens.

Richard Westlake: Thank you. If I could just very - Richard Westlake again - if I could just very briefly, just in one closing remark say thank you to everybody, those who've been on the working party and those not specifically on the review working party for the very constructive input, feedback over the last few months that we've received. It's been exceptionally helpful to us.

And I would encourage you - as I say - to have a look now at the draft that is there for public comment and here's your one final chance to have any further input. Thank you to date and thank you in advance for anything more that we receive.

Jonathan Robinson: Great. Thank you very much Jen, Larisa, Colin, Richard. With that we'll call the session to a close and there's a half hour break before we are in with the GAC for the final GNSO GAC session of the day. Thanks again. The session is closed.

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