Transcription ICANN Buenos Aires ISPCP meeting

Tuesday 23 June 2015

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Tony Holmes: Okay, I think we're good to go so welcome to the ISP meeting here in Buenos Aires. It isn't easy for me to see anybody behind so you're more than welcome to take a space at the table.

Could I ask, are there any fellows here at all? We'd really like you to be part of the meeting. Come and join us at the table. Thank you very much. And then you - anyone else who can find a slot, please certainly welcome to move in.

So we've got a pretty full agenda and apologies once again for the delay in kicking off. It's always a little difficult when you have to follow on from an earlier meeting.

So can I pull up the agenda? Right. We certainly need to spend some time tightening up on where we stand as a constituency on the stewardship and accountability issues. We've had a number of sessions during this meeting. You also heard earlier us bring up some issues with the ICANN board.

In the commercial stakeholder group there's also been some significant discussion about some of the aspects of accountability. And we're heading towards the stage where we need to pull together a response and an input on those particular issues. So we're going to take that as the first slot.

We then have a visit from the SSAC who will point us towards the parts of their current focus, which are particularly pertinent for ISPs. And that would be something that we follow up on after this meeting.

We have a presentation from the leadership program, a discussion rather than a presentation - and I hope on the GNSO review. We've met with them - well, we've had two opportunities to meet with them, once in the GNSO council session and again in the commercial stakeholder group.

In the commercial stakeholder group we also had a presentation earlier quickly from (Chris Giff) on the digital services and (Chris) is coming back in here where then we can focus down on some aspects of the services that he presented, which are particularly relevant for the ISPs.

And finally, the thing on our agenda is the acknowledgement that we need to start developing an ISP input into the discussions, which appear to be taken off on human rights.

Having said that, it was somewhat surprising this morning when I realized the status of that work was purely in a working party that has no official status in ICANN rather than a working group. But that said, it's certainly going to happen and I think to start thinking about how we're going to tackle that deserves a slot on our agenda.

So my first question is, is there anything anybody else wants to add on to the ISP agenda before we kick off? Okay. So let's get straight into the issues around stewardship and accountability.

And I can see Malcolm's still on his call but as one of the key people involved in that area I want to open up the floor for comments from both Malcolm and from (unintelligible) who is the commercial stakeholder group lead on the coordinating committee. It's his number eight, yes, it's fallen off the bottom, universal acceptance, yes.

So Malcolm, do you want to pick up on where we were when we left the discussion with the board because I felt that that particular issue - maybe we need to just take account of where the board were coming from on their reaction to the statement that was made and maybe discuss that in a little bit more detail with a view to seeing whether we need to refine that more or whether we need to go back on that issue?

So where do you see that? And for everyone who wasn't involved in that meeting can you just maybe pull up the statement that was made and refer to that? Or quickly read through it?

Malcolm Hutty: do you want me to read out?

Tony Holmes: I think it would be helpful because there are people in this room who weren't present for that session.

Malcolm Hutty: Okay, well, I'll start with that then. (Unintelligible) statement was read said the ISP constituency believes that IANA transition and the accountability improvement process are inextricably linked. IANA transition can only be supported if it moves together with essential improvements in ICANN accountability.

Sorry, does that help? Sorry, I couldn't hear that I couldn't be heard. For ISPs our core requirements are these. We need to be satisfied that any transition will meet our expectations for operational stability, resilience, and security in the IANA functions.

We need to be satisfied that post-transition ICANN will remain fully committed to the multistakeholder model and that this will endure through the challenges the future brings.

And we need to be satisfied that ICANN will never use its duly constituted authority over certain unique Internet identifiers as a lever to expand its role so as to attempt to regulate or govern the businesses and individuals that use the Internet for purposes unconnected with ICANN's properly authorized role.

Given that natural propensity of all organizations to seek to expand their role over time this last guarantee needs to be underpinned through the implementation of effective and enforceable accountability mechanisms that will hold a future ICANN to its current commitments. Accountability without enforceability is no accountability at all.

We would therefore like to convey to the board the importance we've attached to these requirements, to thank the board for its previous commitment to accept the outcome of the ccWG accountability recommendations, and to urge it to instruct its lawyers to approach implementation of these proposals in a manner that discharges this commitment in the upmost good faith. That concluded the prepared statement.

Tony Holmes :   Okay, thanks for that. The reaction from some board members on that I thought was a bit negative. I think they saw it as a criticism. And of course, then we got into discussing the letter as well, which some of - built upon that. So I'm wondering...

Malcolm Hutty: You know, it's interesting - you know, I mean I don't know what to say about Fadi's reactions, especially in private because you know that he can be a very - a person that is very keen to build a sense of agreement. And so I don't

know if it's worth placing too much weight on the fact that actually afterwards he seemed very appreciative of the comment and where it was coming from.

And not - certainly (Chris) and really so much that (Mike Silver) as well...

Man:	Both.

Malcolm Hutty:	I would say - yes, did react somewhat defensively to the statement in a way that certainly Fadi didn't afterwards. But maybe that's just Fadi, I don't know.

Tony Holmes:	All right.

Wolf-Ulrich Knoben :	I don't think it was the statement itself that was questionable but what followed your statement.

Malcolm Hutty:	Did the gloss I put on afterwards explaining - referring to the letter, yes.

Wolf-Ulrich Knoben	Yes, regarding the statement, the only remark I would add is you asked the board to implement the conclusion of the (unintelligible) committee working group on accountability but to my understanding we are not at the final stage.

Malcolm Hutty:	Not at this point.

Man:	We have first draft that was asked to be commented publicly. We are analyzing the comments coming from the public here in Buenos Aires. I saw some pushback - some concern regarding the membership model. And I expect that the remark - I share personally regarding this model and the consequences of this model will be included in a new proposal that will be out over the summer.

So in your statement (unintelligible) it's not final. We cannot ask to the board at this stage to implement something that hasn't reached consensus within the community. That's my only remark.

And - sorry, Olivier, I think we are in a very complex area. If I refer to the comment that was mentioned and the discussion we had earlier during the CSG meeting it's not as simple as some in the working group may think.

Man: Olivir?

Olivier Muron : Yes, I just wanted to recall for the people that may not know that we published the comment to the CWG in the last report and the first point we made on that comment was with the concerns about the model as it is defined.

And now we see - at the time we are (unintelligible). Now we see that a lot of people are really concerned with that membership model. That's really the first point we've made and we've made a great argument in that in a written report that was submitted to this last report (unintelligible) by the ISP.

Tony Holmes: Right, did you wish to speak? Thank you.

Izumi Okutani: Izumi Okutani from Japan and with the hat of the ASO representative - within the ccWG, I totally agree with the observation that (Allen) has made and Olivier has made that now which particular model the group will apply, it's all not fixed yet.

And since it's based on the SO/AC model and move forward based on this mechanism I think if there's anything that the ISPC feels that you don't support a particular model over the other there are two - well, three models on the table at the moment. So one is the membership model and I think it's not getting much traction so this is not likely to be discussed further.

And then there's another model that's called - what's called the designated model. The third model is what's called the hybrid model, which came up during this meeting and the basic idea is to give people the option to become an incorporated association or not.

So if you don't want to be you don't need to be but if you want to have some legal standing then you make yourself into an incorporated association. So that's the basic status of what's being discussed at the moment.

So I just wanted to share this so that in case the ISPC feels that - you know, you strongly support a particular model or you have concerns over a particular model I think it's worth flagging it with the ccWG.

Tony Holmes: That's really helpful. (Christian)?

Christian Dawson: Thank you very much and I think that Steve DelBianco actually also went over the - I guess - I hadn't had it referred to as the hybrid model but describing the proposal that (Becky Burr) put out here at the conference. And I haven't had very long to sit with it but it sounds very interesting. Having gone through the process of doing many incorporations in the United States I know that the barrier to entry for doing so is fairly low. It genuinely is kind of simple and kind of easy. And if it is an option to have a lever to enact something if you want to it also provides benefits like being able to very quickly get a bank account and take dues and things like that. So it's something to consider. Haven't had long to sit with it but I don't hate it.

Tony Holmes: Okay, I think we need to limit two issues here. One is that I think our statement probably was somewhat misinterpreted and I do think we need to clarify that. I think where you were heading, Malcolm, was to just set out quite clearly that it was the principle that we were endorsing for the consensus, whatever comes out, whatever model comes out. The principle we were adopting was really making sure that ICANN board were well aware that it was our strongly held view that what comes out of that work they implement.

And I think one of the things we may need to do is to make a statement or maybe send a note to the board members I would suggest clarifying that point. And also making the point that when we made those points and had that discussion in the debate with the board it wasn't an implied criticism. It was - because I believe that was the way it was taken and I would rather not leave it like that. But Malcolm, on that particular point.

Malcolm Hutty: Well, I mean a number of things have just come up in that discussion. Firstly I mean I think the statement stands by itself. It's a clear statement of principle as to the basic requirements that we are looking for from the accountability process and that we will expect no matter what model is chosen to give effect to those. So whatever comes out will indeed be implemented fully and faithfully.

So in that sense there is no comment in that statement as to what model is chosen or the models that are on the table and so forth at all. It's entirely neutral as to that. It's (unintelligible) characteristics that we will be testing any outcome against.

But it's - but more than that, that isn't really a question or matter for the board. That was simply being raised to show the seriousness with which we attach to this process. The point that was being raised with the board was the importance that whatever comes out is - seen to be fully implemented and that ICANN approach what comes out in a manner of - in a mode of implementation of wanting to do and to execute what's been asked for rather than being seen to be in some way resisting that. Because let's face it, I mean that letter of what came out caused many people to think that ICANN was being - taking a resisting attitude and we know that that is - many within the ccWG have viewed it that way, you know, language like vicious and, you know, is being used. Not by me but by others to describe it.

So what was important I think to get across to the board was that when they make commitments at a high level that needs to be followed through at the

lower level and that - if that's going to happen given the natural propensity of lawyers to take a sort of defensive stance, a protective stance of the organization, this will require no attention. And that was the point that was really being raised in the after discussion there, that they need to give attention to the way that that is being handled at the implementation phase in terms of instructions for the lawyers and that sort of thing.

It's particularly relevant given the discussion that we had with our own board representatives earlier in the week where we were told - well, we hadn't seen this letter from lawyers. I mean frankly what we were told by our board representatives was completely at variance with what (Chris) told us in the meeting just lunchtime. He said that this was something that came from the board as a whole that they'd all worked through, that it had been - it was completely at variance with what we were told by our board representatives previously.

Yes, we were told there it was a small caucus of the (unintelligible), that they hadn't been part of that caucus, that they would be looking to be part of it in the future, that it had been (unintelligible) through as a recommendation from their expert lawyers and so forth. And that was really what gave rise to that discussion there was the discussion that we'd had with our own board representatives as to what that process had been to highlight that that can give rise to a tension or reduce the confidence in the commitment to the implementation that we believe is there at the moment and we want to support, you know.

So you know, to suggest within the best sense of goodwill that this was appropriate area for them to give their full attention to.

Now to have then other board members turn around and say, well - not that he referenced it by point but make comments that were completely at variance with what our own board representatives told us, well - and do so in a way that's very defensive is a little disappointing. I think the possibly raising

that up again, going back to them and saying, well you said this and they said that and we want to reiterate this and clarify that and rework it, possibly may be working it up into a bigger conflict than it needs to be. We've got our point across. We've said what we've said. And we said what we said to other board members as well that weren't in this meeting but they are board representatives. I think the point will be understood and they'll be taking it onboard.

Tony Holmes: Okay, I accept that to some degree that there were conflicts there. I think there's this hazy line between what comes out of a working group of the board if you want and a full board support because I think a lot of the work that goes in those smaller groups and probably it's the best way to work to some degree, does get the nod through. And I think that's what was being emphasized by (Chris).

Also, we should take account of the fact that we quite privileged when we have a dialog with our board members that they're very open and very honest with us. And I wouldn't want to put that in question in any way. So accepting that maybe we should leave it. But it wasn't taken in the right way and the one thing I can't talk to is that - the letter that came out from the board. I haven't heard anybody who's really spoken of that in any other way than it was a direct challenge from the board. So that's something else maybe we should accept at that - at this stage.

In terms of where we are though we are at the point where we need to think about how we're going to respond and on that issue - and thanks for the clarification, (unintelligible), my understanding of one of those scenarios is that you don't necessarily have to make a decision on whether you become a legal entity or not at this stage. And I think there's a - there are issues clearly around that particular point. So can you help - well, make sure that my understanding of that is correct? There's no need to do anything even if you accept that as a way forward. There's no need for the community to do anything now if they don't want to.

Izumi Okutani :   Correct, and it would enhance your accountability within the ICANN system by changing the bylaws, giving this additional requirements within the community. But you don't have to organize yourself as an incorporated association. So that's the key, you don't have do anything, just changes in the bylaws to link with additional requirements and that's it. But when you want to sue ICANN for something then that's only when you want to register yourself as an incorporated association and then you will have this legal standing. But if you don't feel like it and you - everything gets resolved within this ICANN mechanism then you don't have to do anything gas a constituency. So your understanding is correct.

Man: Okay, so we're at the stage where if you ever did get to that stage you have to register yourself as an entity or it's in your interest to do it at that stage. And then you then go to ICANN and say, can we have some money to sue you, which I think was the issue that came up earlier.

Alain Bidron: I think this possibility something very strange on what we heard this morning is that we don't know exactly how it can work. I've never seen an entity asking money to another entity to sue that entity, that for me is something I don't fully understand.

Tony Holmes: So could I ask the obvious question, well, it begs the question and maybe (unintelligible) and Malcolm and (unintelligible) can help me understand that. How did we get to the stage where what seems to be a problematical approach and principle is getting quite a high level of support from those who have actively engaged in the debate? How did we get to that stage where such a difficult proposition seems to be something that is being favored by many people who are at the heart of the discussion?

Malcolm Hutty: Well, it's the advice around the question on enforceability really. The - for many people, the - they went into this saying we need to have some mechanism to hold ICANN to account on basic fundamental issues. Amongst

which I think we - I certainly would put clearly - adhering to its bylaws rather than defining them, you know.

So it started from the point of how do we - what behavior do we want from ICANN? So what goes in there. And then how do we ensure that comes about? You know, and then there's a question. Well, you can build all these various different mechanisms and powers and stuff and you can do that until you're blue in the face. But if it all reverts into one person watching over the next person watching over the next person and you just get this infinite regression. So what you need is something to be able to say, let's just leave it with the board, let's set standards that we expect to adhere to. And then have ability to say to an independent body we think that it hasn't honored this, can you rule on that, please? So - and that is the IRP process, which is being significantly reformed in this.

But that then raises the question, okay, well, you get an IRP ruling, what if the board says that's all very well but I'm going to ignore it. Well, for that matter, what if the board says we're not going to enter into an IRP on this subject or for that matter, what if this - the following happens, which has happened, which is namely you can't go to an IRP because the board hasn't appointed any IRP panelists. That has been a problem in the past.

That raises the question, well, what do you do about that? And the answer that came was, well, you need to have some mechanism. You can have - try to resolve as much as possible within our own processes but at bottom it's always going to come down to either the final ability lies with the board to say actually we defy you or the final ability lies with some independent and objective entity that can order the board to adhere to its bylaws, to comply with its bylaw requirements.

And so then the rest is just scratching around trying to say, well, how would you do that and the lawyers first said in order to do this you have to create a membership organization with incorporated associations to give turn the SOs

and ACs into an incorporated association or else create some sort of shadow SO and AC that they can direct so that they can go into cause, that's what we were told first of all and that's why you saw the draft report that went out to public comment was based on that idea.

Essentially since then the advice has changed. I mean it hasn't been changed as, you know - they haven't been terribly open about this but this is what it amounts to is that actually you don't have to do all that stuff because that sounds like registering new entities and new bylaws for those new entities and all that sort of stuff. And that sounds terribly complicated and a lot of people criticized that, and rightly so.

And the advice changed and said actually you don't have do any of that. All you have to do in order to allow the SOs and the ACs to have the final word on this, to be able to go to court and tell the board, you know, you can't disobey this. You must obey this outcome, this IRP outcome for example.

The only thing you have to do is pass a resolution saying that we are actually - to embed within the bylaw it is actually fundamentally a membership organization and pass a resolution in an SO that wishes to make use of that right to go to court to demand the board honor the bylaw, a resolution that simply says we are here for the purpose of exercising our functions as created by - for SOs under the bylaws, that's what we're here for. We are associating for that purpose. And at that point then the previous advice that SOs can't enforce things falls away. We're now told actually that's all you need to do and then it will be effective.

Now there is a question - so here I think we need to separate it out to different issues. Does the question of whether you need to have all this membership stuff or not and the various different models? And we've basically got to a place - a different place than we were when we went to public comment based on revised legal advice. And then there's also the question, but what about enforceability at all? There are some people that

would say we don't need enforceability, yes. Ultimately if the decision ends up the board decision we hope the board will do what we want. We have to trust the board to do what we want, we have to trust the board to honor things. And there's another point of view that says, no, the thing that should be fundamental is the constitution of the organization, the bylaws, that should be what's fundamental, not the board's good will. And so that's the key distinction there.

The rest is just about how you go about implementing it.

Tony Holmes : And that was the point that (Larry Strickland) made as well when he was talking about you elect these people and then you don't trust them, that was the very essence of that - of that issue.

Malcolm Hutty: Which of course is entirely natural for any organization, you create a structure and you set out a constitution so as to provide certainty as to how it would be exercised. You don't crown someone king and let them do whatever they wish.

Tony Holmes: I'm keen to discuss this because we're getting close to this stage hopefully where I would think before the next time we get together as a constituency we're going to have to put in comments on the accountability issues. And this is probably the thorniest issue of all. Now we don't know quite where the community are going to go.

Malcolm Hutty: Well, the leading model right now, the bundle that ccWG is taking us as its preferred model, that it is planning to issue a new consultation on is - I mean (unintelligible) you referred to it as a hybrid model. I must say I hadn't heard it - that term being applied to this model before. It's being discussed in the ccWG as the empowered SO/AC model.

Man: Right.

Malcolm Hutty: Yes, which is essentially the idea that everything stays the same, that there is no new structures created, that there were no new bodies created, there was nothing to register but that the SOs and ACs will ultimately have the power to demand that the board adheres to the bylaws and that we'll - in the final analysis the power will not rest with the board to decide whether or not to. It will rest with an objective view as to whether or not they have done so.

Tony Holmes: Okay, I'm keen to discuss this issue because at some stage someone's going to have to put pen to paper and this is probably the most difficult one so I would like some other views around this point. (Unintelligible), is it something you wish to comment on?

But our understanding is absolutely correct as well that this empowered model is as described, that it's where you move to this formal procedure. And it is the last resort that there's no doubt about that. But has anyone got a strong view on whether you require this or whether there's a lighter model that we should consider as a constituency? Because whoever picks up the pen in this is going to have to make a decision and it's simple that we have a view that's reflective of our part of the community. Does anyone want to offer a comment? Olivier? Think it's too early?

Oliver Soume :   (Unintelligible) just a few slides (unintelligible) in the content.

Man: Hello?

Man: No, to fully agree with Olivier I think it would be wise to wait for documents. What are we proposed? What is suggested by the quest committee working group and accountability and react on that because at this stage I don't exactly - is it (unintelligible) in the details as we say? And I think we have to see what...

Man: The reason for asking the question though is we're at the moment in time where you can actually help shape that discussion in the working group. And

if there's a view that comes out of this constituency that's what should be fed into that group, not merely just waiting to see what pops out at the end and then say we like it or we don't like it, which is why I was keen to try and get some sense of feeling of where that currently sits.

Malcolm Hutty: I would go some - split the difference if you like. I think it's important that - or it's probably prudent that we remain flexible as to how models are developed because we saw how quickly this new SO/AC thing came up. But at the same point our basic requirements of whatever comes out remain unchanged. So we distinguish between what we want and how it is achieved. Yes, we are clear now at this point as to what we want and, you know, that we've just made a statement on what we want, which was completely silent as to how it is achieved.

The - how it is achieved I think as Olivier and (unintelligible) have said, you know, this is moving - is quite fluid at the moment. We don't need to nail our colors to the mast on a particular way of going about it. We just say, you know, once it is done we can all participate in the development of that. And people are encouraged to participate in the group. But as a collective ISPC, we will ultimately be looking at the output from this and measuring it against what we want and saying, do we believe that this proposed mechanism for how it is achieved has done that? And if it does then we give it our support.

Tony Holmes: Okay, so what we actually have within the ISP is a special or a specific mailing list for this discussion and I would ask that those like yourself, Malcolm, who really actively engaged in that - and (Alain), that it - we have it flagged up to us really as this debate goes because this is the crunchy part of the whole process. (Unintelligible)?

Izumi Okutani :   I totally agree with Malcolm that rather than specifying a preference over a particular specific model, which might change again would be good to set principles. And so just for food for thought on what would be the elements

that would be discussed within this group further, I think the key is the enforceability and I think we also want to note that two types of enforceability.

One is enforceability within the ICANN mechanism so whether do we have the sufficient power to challenge the board as a community if needed. The second type of enforceability is the stronger legal enforceability so the ability for the community to be able to sue ICANN so, for example, as a GNSO we can sue ICANN if we want to. So it may be worth distinguishing the two and do we want the legal suing ability or are we sufficiently happy if we have this enforceability within the ICANN mechanism and this part is strengthened?

Another part - food for thought is that - so there are several requirements that's being listed and supposing that we want legal enforceability on some of them do we want legal enforceability on every single requirement? Or do we identify this is the most critical. As long as we have the legal enforceability on this then it's not a must for us to be legally enforceability on the others. I mean I'm just like listing things for food for thought. And this is just for your consideration.

Tony Holmes: Well, you've done more than that. You've actually eloquently put it in words that I was trying to convey so much better than I did. And that's exactly the point. It's understanding I think those principles where I would like to get to fairly quickly because the models can change but those principles, they don't go away and it's exactly that that was the point. And it's whether we can actually reach that stage now or not.

And maybe it does - it is going to be impacted by the final model but the actual principles of where you want to go to shouldn't really differ that much for the model, not for me anyway. I think you either have a really strong feeling that you have to have that level of enforcement or you don't because it's not going to fundamentally change with what comes out of the proposal.

(Allen), you look as though you don't agree with me but - you're welcome.

(Alain Bidron):   No, you know, I don't disagree with you. (Unintelligible) because this is very clear and I think the major issue falls under the legal accountability as you may suspect and using the (unintelligible) accountability is something that - is the implementation of mechanisms that could offer some legal accountability of some consequences we don't really know and could have very, very - numerous consequences for us in this unknown territory in my view.

Not only unknown territory but very, very linked with the California - (unintelligible) California way sometimes too.

Tony Holmes: Okay.

(Allen):   (Unintelligible) and not completely convinced that it is something the (unintelligible) community will be feeling comfortable with.

: Wolf-Ulrich Knoben   Right. And just a comment, I agree with (Allen) that this is a more lawyer model trying to push to the model than the community want to have that. And also, the other parallel conversation and discussions that we are doing is that how ICANN can be international (unintelligible) so basically if you draw something in California, legal statement, do not apply to any other place.

So this is - I think it - your idea, Tony, is keeping the principles that we are thinking as it should be achieved in this thing regarding for the ISPs, the resiliency and the technical things and everything because the model change, of course. I don't have doubts about that. They will change the model, how the conversation will go forward. And for us, I believe that the technical side is really important than the model or the legal model that they should present to us.

And then we'll be - of course, it will be easy - is not easy but we'll be more comfortable to decide and verify the model that should be applied. So I think that we go forward in discussions, go deep as Malcolm did altogether to

exercise the details in how they proposed that. And then we could be - have some decision in the next step.

Man: Okay, thank you for that. Mark

Mark McFadden: Two things. First of all, absolutely plus one on Malcolm and (unintelligible). I completely agree with everything you say. I do have a strong opinion about the food you gave us for thought. I think that it should be legal - I think - must because I'm an American but I think it has to be legally enforceable. I come from country where every neighbor sues every other neighbor. It's a remarkable world. But I also agree with my colleague who just spoke, there comes a point here where the actual model that's used to provide the enforceability that we talk about so much is going to be almost beyond the scope of the ISPC. It's just - it's something that when I think about the risks to the organization the principles are in place. And I think the principles have been eloquently identified and I think, Tony, you're much closer to having a core set of principles that you could write down - in fact, I think they have been written down. But a core set of principles that you could write down that you could use and I agree with my colleagues from France that the time to actually put pen to paper is when you've actually seen a proposal. But I think the principles are already there in place.

And I think to go any further at this point doesn't get you - I agree with the - my friend who just spoke, it's I think we're a technical community primarily and now we're getting into legal details where - like except for (Marty). None of us have any expertise. I genuinely think that now we are beyond our own level of expertise to make adjustments about how a particular legal model actually works.

Tony Holmes: Okay, that's really helpful. (Unintelligible), just for clarification, once we've finished this phase and we get to the stage where whatever model it is pops out, how long do we get for comment to go back on this? Is it a 30-day comment?

Man: On the - you know, we don't comment on that.

Man: We get the chance to comment once the ccWG concludes.

Wolf-Ulrich Knoben :   ccWG will go for an ex-public comment period for a second one.

Man: And how long will that be?

Wolf-Ulrich Knoben :   I'm not aware of that, how many days it is. It used to be 30 days I think so
                   - but the next one, I'm not sure about. Let me check.

Tony Holmes: Okay, Olivier?

Oliver Soume :   Just another comment on this issue of legal enforcement, I absolutely agree
                   that we are a technical community and that it's more about technical issues
                   than these things. But that does not mean that we are not acting on some
                   kind of legal basis?

                   And that's exactly what's happening now with the transition. We are
                   constructing a new legal basis and I think maybe it's because I'm a lawyer
                   and I'm looking at this having my lawyer glasses on but it's more or less
                   natural to ask the question about legal enforcement. If you have processes, if
                   you have decisions, which are not accepted by a part of the community, by
                   SOs, ACs, I think you have to ask the question and we as an ISPCP don't - I
                   would agree.

                   We're not the ones who have to provide the legal assessment for that. But I
                   would agree that at least addressing the question of legal assessment or
                   what happens at the really end of the day if things are not happening like we
                   wish they happen on the basis of the new PTI. Then this has to be addressed
                   and I think it's a matter of - well, how you say it? Because talking about legal

enforcement doesn't mean at all that we don't trust that this new system will work. It's the opposite. It's the basis for trust.

Only if everybody knows that there is also a legal solution also - the possibility to go to court to sue someone, that is the basis for trust in the new structure and so I think it's very important how we address it - if we address. But I think it should be addressed but not as a matter of we don't trust that this doesn't work or we don't trust the board or whatever. But we need to have legal certainty about what happens at the end of the day.

Tony Holmes: Okay, that's certainly helpful. I'm very keen actually that one of - well, you'll be one of the hands on the pen I hope.

Man: Just to add a comment, I don't believe that we don't need to give us our legal opinion about that. I believe that we need to do that also. And of course, we need to decide if we prefer the legal enforcement or the other model that they should be - agree on the ccWG. So I think that we need to give us our opinion about that. And of course, this impacted to everybody, it's not only the technical side but the evolution that we have on the Internet. So just to clarify this point.

Tony Holmes :   Okay, thanks. Sorry, (Christian)?

Christian Dawson :   Hi, in agreeing with you I actually want to put one clarification forward. I don't actually think that we are a technical community. I think that we are a business community with a technical lens and the clarification there is that we are here as representatives of organizations that have invested a ton of money to build infrastructure of the Internet.

And those organizations have sent us here to make sure that ICANN doesn't do anything stupid that's going to make huge problems for our helpdesks or shut down their businesses. Therein those are technical concerns but the ultimate concerns stop at being business concerns.

And therefore, that is reinforcing what it is you said when at the end of the day when we are talking about things that potentially disrupt our business and disrupt the investment of the organizations that have sent us here to represent them we do need that legal recourse.

Man: In particular what I may add is that we are not contracted, we do not contract with ICANN.

(Christian): Exactly.

Man: That makes it even more important to ask the question about legal enforcement.

(Christian): Yes.

Tony Holmes: Okay, I'm going to put the discussion - I think we got a lot out of that. Did you want a quick word just to wrap up? Please keep it brief.

Man: I just wanted to say one thing that occurred to me from the last few comments that we had there. And I guess I'm ripping off Mark's rather jokey comment about neighbors suing each other.

One thing I detected in this is a cultural difference. Those that are more sort of business minded - I mean taking the sort of approach that (Christian) has there, see this - see a proposal for enforceability and clarity as to where the authority finally lies. Not as a means of getting more litigation but of getting less, yes.

For businesses you understand that if you are clear as to what the expectations are and clear as to how it will be addressed you don't have the disputes so you don't get the litigation. That is the way to avoid getting into fights.

And if you - it's when you don't understand when there's a possibility for reasonable disagreements over how things might end up, that's where you end up in having a combative situation.

Now on the civil society side where they don't have the same sort of background in how business operates and relies on things like contracts and such clear statements, there isn't that expectation and as soon as there is a reference to enforceability or courts they basically think of it in television terms.

You know, it's like we're going to be in there in court all the time hammering it out. And of course, they fear that. And rightly so because that's not what we're aiming for.

So I think there's that cultural disjoint there and we might - as (Christian)'s point there that we can contribute by showing the viewpoint of the businesses that we represent, that this is not about trying to gain more disputes but this is a way of avoiding disputes and an effective way of doing that from our background. It would be a valuable input into the discussion I would say. I'll leave it at that.

Tony Holmes: Okay, we do need to cut there and move on because Patrick is with us but only for a limited period of time. So the reason we asked you here and we often do this, Patrick, as you know is because the work that you particularly do in SSAC, there are elements of that particularly pertinent to ISPs.

And it's those issues which we would like - I would actually seek your help to point us towards some of these things we can pick up between now and Dublin, particularly from what's come out of your recent work elements. So can I hand over to you on that?

Patrick Falstrom: Sure, let's see where we end up. So Patrick Falstrom, Chair of SSAC, and I also have here Jim Galvin, Vice-Chair of SSAC. And then we have a few other SSAC members in the room.

As you see, the slide deck you have contains all of these six elements. I will not go through all of them. Instead I will offer an introduction. I will ask a little bit on more clarification from you on what you might be interested in.

So next slide, please. One thing we have been doing is work a little bit on our communication strategy, which means that we have new slides with graphics. A little bit easier to understand so we are 35 members. We are actually down a little bit since the - we peaked about a year ago or something.

What is important is to remember that our charter is to advise the ICANN community and board on matters relating to the security and integrity of the infinite naming and address allocation systems. And that is something that I might come back to depending on what we're going to talk about.

So we do advise both ICANN board and staff but also SO, ACs, and other communities. And we advise by making publications and some of those publications include recommendations for parties to act. And the publications - that's our outreach.

Next slide, please. The way we produce documents is by forming work party and that can be triggered by a question that is initiated, that is sent from sort of anyone, specifically from ICANN board.

Then the work party is doing some research and do some writing. And at the end of that research and writing it might be the case that they conclude, well, we actually should come up with some recommendations here.

So a document is produced, it's (unintelligible) by SSAC as a whole, and then published. It might where all be that in any of these three first steps it is

decided that no report should be written. So in any of the forming of the work party, research and writing, and review and approval it has happened that it has been decided by SSAC to not continue the work.

The current work parties, which is really important to know, the reason why I mention these things, you see that on the left blue box there, new gTLD program review, registrant protection will run (unintelligible) SSAC workshops.

We look at the ICANN document management solutions, that is something that we're helping ICANN IT with.

We're also looking at how board advisors track, which is something that you're one of the groups that actually asks most about how our advisor's been tracked so we're working on better mechanisms for that. And we have a standing membership committee.

So none of these - so the ones of those that actually are work parties that are - might produce documents, there's really might there. Might not be that something is produced.

If we look at the last three publications we have, we have SSAC 69, which is the third out of three documents related to the IANA transition that were produced when the transition work started. That includes a list of recommendations to the operational communities on what they should look for in their proposals to - for the transition.

SSAC 70, which is an advisory on the use of static TLDs and public suffix list, which is normally called PSLs. And then SSAC 71, which is the comment on the cross community workgroup proposal.

So SSAC 71 is literally our response, our - our response to the open - the public consult - the first public consultation on the ccWG accountability, that is more sort of general term that has been used in this - at this meeting.

Next slide, please. So we can now either sort of look a little bit more on the various things we are - yes, we can go to the next slide.

So what we are looking at to summarize for the (unintelligible) is that we are - we have started and initiated work to look at our advice that - advice that we've given, advice that we did not give, that is related to the new gTLD round that we are currently in.

And to prepare for questions regarding potential next round, what needs to be done before that starts if it is to be started. We are looking at registrant protection, (unintelligible) management, and I have some slides about that that we can talk about.

We are looking at cross-community working groups - we are participating in the cross-community working group and (unintelligible) proceeds. There was a discussion yesterday, sort of high interest topic - high interest session on that.

And then we have the ongoing work parties on DNS (unintelligible) which is the main one tomorrow, board advice tracking and membership committee. And then internal guidance and IT with document management tools. Yes?

Tony Holmes: Yes, so Patrick, thanks for that. One of the things - well, one of the reasons I was keen to get you here was because we made a pretty strong statement this morning when we met with the board, I don't know whether you were in there, but we were talking about IANA transition.

And one of the statements that was made by this constituency was the fact that the whole issue of security and stability once the proposals have been

agreed and we move into the transition phase, absolutely fundamental, certainly for ISPs, no deviation on that whatsoever. And whilst we made that point pretty forcibly SSAC 69 seems to go down that path. But as we all know, and I've heard you say this many times, this is advice, nothing is binding from what comes out of your work on ICANN.

One of the possible things we should be thinking about I believe as a constituency is using your advice in two ways. One, we run a technical list now, which goes to the operational people who won't come to ICANN no matter what happens because they don't really care about policy but they certainly care about their operational arrangements.

So Christian Dawson runs this list that goes out to that community and that seems to fit right into their territory.

The other question really for you is we would be keen to try and ensure that what's coming out as recommendations in that area really underpins the messages that we gave to the board today. And it isn't something that's optional. So...

Patrick Falstrom: Okay, let me comment on that. Can you please go to Slide 16? Let me - what we - this is the report that we wrote based on the open consultation for the ccWG proposal. And would like to show you just one slide before to answer your question because it will be easier to understand my answer.

Next slide, please. If you look at the charter it says - which has said originally, SSAC advisors, ICANN community and board - yada, yada, yada. And our interpretation of this and the way we operate is that we have neither been given or sought any standing for the advice that we in SSAC give. Instead, the advice we give ought to be evaluated on its merits and adopted or not according to the evaluation by the affected parties. That's sort of where we are, which is exactly what you said.

Tony Holmes: Right.

Patrick Falstrom: It's not the first time we meet so I'm not surprised that you understand how
we operate. So that said, if you'll now go to the next slide, because of this we
also said that we do not have any comment whether or not the legal structure
is required (unintelligible) to compel ICANN and the board to respect to the
SSAC advice.

And we - on the other hand, we are concerned about the proposed SO and
AC membership model. Remember, in the proposal that was up for open
consultation, of course yesterday it looked different. Now it probably looks
even more different. That might affect the way SSAC operates, okay. So
there is something to be - to sort of - to remember.

Next slide. We also said that we expect the community to adopt an
organization structure that recognizes the role and importance of high quality
expert advice on security and stability.

Now in the proposal from the accountability that - if you read the document
that was open - up for open consultation, it takes very much about the
organization and structure and review of the board and recall functions and
structures, etc., etc.

But what is sort of hidden in a couple of places there is first of all that SSAC
today have the charter that suggests or that we are coming out with advice on
related to secureness ability. Sort of nothing else is our scope. For example,
we are not tasked or charted to review internal IT operational ICANN nor
organization structures, legal advice or whatever. It is purely the secureness
and stability of the identifiers, okay.

Now the only time, for example, that we would make an advice regarding
ICANN IT - just like any other IT organization and any organization is if it is
the case that whatever kind of weakness or management should they have

do have impact on the identifiers. Now ICANN do operate through its own management system, okay, but that is where the connection is.

So our charter gives us the ability to give advice to the board. The next thing that is important in the proposal - that is important for us that we have been looking for is that they propose that the HRT 2 recommendation - that the board must take action on formal advice from the advice or committees, that is something that you'd think is a good thing but it was proposed there so that's fine.

On the other hand, take action might imply that they take action, they explain why they choose a different path. For us, that's taking action and that's fine because of the advice is taken into account based on merits.

So the last piece in the puzzle which is important is it's also proposed that security and stability issues - the importance of that is moved into one commitment in the bylaws of the sort of - in a commitment into the articles of association.

So to answer your question, how do things really fit together? That is sort of the thread on how to connect the dots that we are looking for, not so much the organization structure that was sort of the main - the main way the document was written. So that was what we were looking for and that is what our response is based on.

Now if you now go to the CWG stewardship or CWG name - it goes under different names, which is currently the proposal sent to the charter organizations to be adopted, SSAC being one of the charter organizations, we must respond no later than Thursday this week.

We are evaluating that proposal compared to SSAC 69 because that's what we wrote, that was our recommendation. This is what you should do, of course, we are looking at that and we are evaluating what our response will

be. This is one of the reasons why we must leave at 3:00 pm because we - you know, we need to discuss what our response will be.

Hopefully as the Chair I can say that it's my goal to see whether we get consensus today so we can release a report early tomorrow and not wait until Thursday. So it's an ability for people to see it and discuss but on the other hand, we have decided to even not release reports within the last ten hours of last cause internal (unintelligible).

But in this case we must say something but we don't know what it is. We have some ideas but we'll see. So that's where we are. So unfortunately I cannot say anything more about anything relationship to SSAC 69 specifically.

Tony Holmes: Okay. That's really helpful, I get that. But if you were sitting here as an ISP rather as the Chair of SSAC, seems we've got two options now. We either rely on the fact that under ATRT 2 they have to take notice of the advisory committees, of which you are one.

And as you say, that means they can do anything. And so far the - dare I say, the implementation of those recommendations is being pretty poor by ICANN.

But from an ISP perspective we either rely on their judgment and their goodwill or if it - there are issues around security and stability, which impact ISPs. It's beholden on us to say something about that to the board, not to you guys, but to the board. Is that a correct understanding where we should come from?

Patrick Falstrom: Well, that is correct but I think what is also important - I mean looking at SSAC 69 here and it's actually the case that some of the recommendations there are sort of indirectly to the supporting organizations, which you are part of one.

And I'm looking here and it's actually the case that we say that - Recommendation 2B in SSAC 69 say each of the communities should review and if necessary enhance its policy development process to ensure that all of the instructions that it provides to the IANA functions operator are clear and implementable.

Man: That's...

Patrick Falstrom: There is - and that's it. So in the document we are explaining a little bit about why we see that, why we give that recommendation.

And basically without really remembering the words so don't quote me on - read the document to get the exact wording but basically we have been detecting cases where the output from - the outcomes from the PDPs, for example the GNSO PDP, has been sort of - a little bit - maybe a little bit too much hand waving but that has been interpreted by ICANN staff and others that have taken the proposal, sent it out for public comment, etc., etc., etc.

And then it has ended up being instruction sort of policy that IANA has implemented. So there's quite a lot - so one could say in layman's terms that we in SSAC are a little bit nervous or let me phrase it differently. The gap between the outcome of the PDP and what IANA implements could be made shorter.

Man: Okay.

Patrick Falstrom: And I think that could be one - another avenue for you to make - to make - get more certain that what you advise at GNSO and you as part of GNSO is really what is implemented.

Tony Holmes: That's very helpful. (Christian)?

Christian Dawson: I would like to speak a little bit more generally in asking a question. Tony talked about a technical work stream that we are trying to spin up within our own ISP community. We're doing so under sort of the general concept that we represent sort of the global helpdesks of the world.

And so want to take a look and focus on the things that are going to cause issues in the helpdesk communities and review them from our own perspective through our own lenses.

We don't obviously want to do that in a way that steps on any of the work that you do. We would rather say are there ways in which we can learn from you in which we can create feedback loops and in which we can collaborate?

Patrick Falstrom: First of all, stepping on our toes, you would very, very rarely do that. And if you do a report on that and we don't have to do it so please, go ahead.

Secondly, this is one of the reasons why we - at each meeting do publish a list of what work items we have on the table, what we actually are doing to give the ability for you guys to say that, wait a second, that's something that we would like to send some input to, this is - we are thinking about starting work but wait a second, SSAC is already doing that or otherwise, sort of coordinate.

Or you could - given that - for example, helpdesk issues are not on the list that we just had there are two ways to move forward. One is that to do some work and you let us know and others that you have started to do work on that so in that case we would not do it.

Or you decide - wait a second, this is pretty tricky, we don't want to do it but we would like SSAC to do it and then you should send us a question. And the best way for us is to get things done is to get a question that ultimately - ultimately result in us giving a recommendation to someone to do something that resolves whatever issue you see, right.

Because the way we evaluate and make a decision whether we are going to take up some work is that we do not think it's enough to just say, the weather is bad no and then in Houston, Texas so people have problem to fly.

We actually want to spend time writing reports that give specific recommendations to someone to mitigate the problem or some - that results so that whatever that part is doing results in some positive effect.

Christian Dawson: That's a wonderful answer and really appreciate it. My expectation is that during the early days of our work stream what we likely are going to end up with is on the areas in which we wanted to do work that is within your remit simply providing input.

Patrick Falstrom: So for example, there are multiple things that we know is pretty bad on the infinite but on the other hand, just saying that we think it's bad is not enough for us. The question is what to do about it.

So one thing - for example, that we are discussing over and over again that is very, very close to what you guys are doing is our report Number 4. It has - in the ITF context are called BCP 38 regarding source address filtering.

Why are ISPs not doing source address filtering and decreasing the amount of spoof (unintelligible) packets? Our conclusion when we started to discuss it over and over again is that it's not enough for us to actually just say this is the most problematic issue we have on the (unintelligible) at the moment.

We actually - to be able to really - because we already said that, to really reach some kind of effect and spend time on it we need to sort of - we need to understand or whatever you - cannot come up with - some kind of good word in English.

In Swedish we have a lot of good ways of explaining this. We need to come up with a really - with what kind of recommendations we are given to someone to do something to really have an impact on the high number of source address - to have the number of spoofed IP addresses in the world.

So maybe that is a typical work that maybe we are not the ones that actually should write the report, maybe that is something you should write.

Man: Right. Okay, just before you go, quick question to Tony and (Christian) and Mark, in terms of the work going on that you're kicking around now on UA, universal acceptance, is there the likelihood that we can also use this as a resource to cover up some of that stuff without (unintelligible)?

Christian Dawson : Well, this is my - here's my initial thought and I may be wrong but as I was learning about the remit of SSAC it may be that we have moved past the point at which this is something that you would focus on because it's a bit outside the realm of the actual global - the function of global DNS.

And it is into the realm of coders and systems. That's one of the reasons why we are making sure we explain this as an outreach issue and not a policy issue.

Patrick Falstrom: Can you go to Slide 8, please? This is the report on public suffix list and the usage and if you go forward to Slide 11 you see an example of the use of a public suffix list where two different implementers - because of the use of public suffix list give two completely different results.

The SSAC 70 which I recommended you to read is at the moment as close as we have come to universal acceptance. And what we do here is we - if I remember correctly we do talk about these similar kind of things but in a more specific context.

Tony Holmes: Thank you.

Tony Harris: I'm not sure if this answers your question but one of the things the universal acceptance steering group is talking about right now on the steering group's mailing list is how to document and publicize the things that it - the results it finds, the mitigations it finds, the public - publication of sample code for instance and things like that.

So I think what we're searching around for is a mechanism to make public a wide variety of information that we know over the coming years we're going to have available to us.

One of the models that's been talked about - I mean in some places BCP makes perfect sense. But one of the models that's available to us is actually the SSAC series of documents and it could well be that (unintelligible) use SSAC for documenting work that they've done.

Patrick Falstrom: Regarding that, (unintelligible) we're happy to share our experience while our own document series that have evolved over time.

And for example, I think it was not until around SSAC 50, which is sort of - we published about 50 documents before we really start to understand the necessity of understanding exactly what kind of recommendation we are giving to others and try to sort of read the recommendation we give with their eyes so that the receiver do understand that - how - that it's not that we must be clear.

The reader must understand what the goal of the recommendation is so those kind of trickery things are things that we are happy to share with you in the general sense.

Christian Dawson: That's incredibly helpful and especially right now because right now is when the USAG is starting to talk about those things so that's incredibly helpful.

Tony Holmes: Okay, as always, Patrick, it's been great having you here. It's been really helpful so thanks very much, appreciate that, thank you.

Patrick Falstrom: Thanks very much.

Tony Holmes: We've got a little bit of time on our agenda now and I think we should actually pick up on some of the universal acceptance issues. Because we have somebody coming to join us - talk about leadership program but that isn't until quarter past 3:00 - 3:15.

I would ask if you people sitting down there, maybe some of you behind, can make me aware of when they join us because I was never aware Patrick was here. And I can't really see without wing mirrors what's going on behind. So if you see people coming in looking or so they're from the leadership team it's helpful to let us know they're is coming in.

Man: Will we recognize them? Will they have a lean in, hungry look?

Man: A little bit more than me, for sure, even though I haven't eaten my lunch so far. But yes, you could just tip me off. (Jim)? And welcome, (Jim), a new member of our constituency.

Jim Baskin   Thank you very much. Unfortunately, I'm very sorry I missed the first part of your meeting - your meeting. I'm not close enough to this microphone I think. But I am here.

Man: It's not switched on, is it? Okay, I can't hear you.

Jim Baskin: Yes, hello? Okay, I'll stay real close to it. I'm sorry that I did miss the beginning of this meeting. I have applied for and it appears that I've been accepted to become a representative of Verizon here.

To be clear, it's going to be a non-voting position or non-voting representation although I understand that voting is not all that frequent if I'm correct in this group.

Tony Holmes: Correct.

Jim Baskin : The reason I'm non-voting is because Verizon has a voting representative in the business constituency and the rules in the GNSO I believe still say that a single company - entity can only have one voting rep in the GNSO.

Tony Holmes: Right.

Jim Baskin: So - but I'm here because as in the past Verizon has - believes it's important to participate in this group. We are an ISP connectivity provider obviously. So thank you for having me and I'm here.

Tony Holmes: No, you're more than welcome, (Jim). As I said, the one thing you probably don't understand now is we have our own rules as well and there's a penalty box at the door for people who come in late but - no, you're more than welcome, thanks.

So let's talk about universal acceptance and I don't know who's going to lead. Is it you, (Christian) or Tony or Mark? But it's really important that everyone that's part our constituency is well aware of the huge effort that we're putting into this and get some real understanding of where we're going. So over to whoever.

Mark McFadden: How about I talk and you drive?

Christian Dawson : Sure.

Mark McFadden: And you can just...

Christian Dawson :   That sounds great.

Man: And haven driven with Mark that's the way you want it.

Man: Sounds good.

Man: I'll get the coffee and sandwiches.

Mark McFadden: We can have Tony Harris do this. Well, anyway. This is actually very short. I think there's five slides, right?

Christian Dawson :   Yes.

Mark McFadden: This is just a reminder, I don't think this many folks in this room actually need this reminder but universal acceptance is an issue for all TLDs. It's an acceptance issue for ccTLDs, for IDNs, also for internationalized email addresses and so a vast variety.

Sometimes universal acceptance gets painted as a project that is in support of the new gTLD program and frankly that's simply not true. It's a much broader effort than that.

This of course is something that's incredibly important to the ISP community because we're the ones who actually man those help desks. When my 85-year-old mother actually types in McFadden or I'm sorry, Mark@McFadden.photography and her email package doesn't let her send me an email she doesn't call me, thank God. She calls the helpdesk, the poor ISP that is canceling her account probably right now.

So what's interesting about that is that what I want to stress there is that universal acceptance is a very, very broad topic. The - there is - the history of this very, very, quickly, I think I can - (Christian) will help me with this but I think I can do this very quickly.

Before the Singapore meeting there was really a flash mob - a group of people who got together with common interests who met together for about six or seven hours and just exchanged views on what could be done about this. And it came from a very, very wide cross-section of our industry so they were connectivity providers but also applications developers, large companies like Google, small companies as well.

And they came together and sort of talked about, well, what could be organized in support of universal acceptance, how could we actually get to work. And in the Singapore meeting there was actually an invitation to meeting participants to actually come together in a meeting. That meeting room was standing room only. It was absolutely a sign that the ICANN community was coming together to address this.

And emphasize again, it was not just one community. It wasn't just providers. It was across the community. You had technical people in there. You had policy people in there. You had business people in there. So you had a wide variety of people who shared this common set of interests, right.

At that meeting - and (Christian) was one of the people really responsible for this, sort of divided the work into four separate groups. The first group, topline and technical issues, answers the question what would you do if you knew you could do one or two things and get a large part of the problem solved? What are the topline issues you could take on immediately and get a lot of bang for your buck? That group is working on those issues.

The international guys took a look at IDNs and said, look, are there special reasons why IDNs are not working in terms of acceptance? We want to have people be able to use the web, their mail, the Internet in general in their native languages, right. So the internationalization people have taken a look at IDNs and EAIs and said, we need to do something to help people understand how to use and support those IDNs.

You never know whether or not you're doing better if you aren't measuring how you're doing. And so when (Christian) and the folks that were working with him at the time organized the work of this universal acceptance steering group they thought one of the things that needed to be done was to have a group that actually measured things. And they built something called measuring and monitoring. And that's a group that's responsible for metrics and seeing how well we're doing.

Finally, one of the things that - it's always amazing to me that this is the fourth one in the list because in my mind and in my heart I think this is the one that's probably at the top. But one of the things that needs to get done is education. People need to know how to fix things. People need to know that there's a problem. People need to understand that there are people that have addressed the problem and have best practices to share. People need to get to software developers and say, look, there's a better way, right. And so that community outreach is an essential part of what's going on with this steering group. So those four groups, what's happened is that the steering group itself has a chair that's (Ron Mohan). It has three co-chairs in the event of the death of any two of them apparently. And then each one of these subgroups has a chair.

Maybe I could have you go to the next slide. I said in the beginning that I think - I actually think for a variety of reasons and in fact, I should let Tony tell this story. But in the beauty pageant round of the new gTLDs when .travel, .coop, .museum were approved, one of the things that happened to us - and Tony's far more eloquent about this than I did, was that people would come to ICANN and blame the ISPs for the failure of those new domain names.

And the people who operated the registries would take us in a room and they would take us up against a wall and say, you better fix this problem. And it wasn't our problem. And we weren't the ones who could fix it. And that experience to this day - Tony is over it but has scarred me to this day, right,

where when we worked on this new round of gTLDs we thought about this very problem. How are we going to deal with acceptance? Because once again ladies and gentlemen, it's our helpdesks that get the phone calls when stuff goes wrong. I offer you my 85-year-old mother, truly I offer her to you.

It's - one of the things I want to suggest here to you though is that it's not just a new gTLD program - problem, right. It is that if you take a look at some of the older gTLDs, in fact someone was showing me on a commercial airline website in the United States if you actually tried to use a .travel email address you couldn't apply for an airline website. You couldn't apply for an account on that airline website. So it goes beyond just the new gTLD program. And I want to emphasize one other thing, a really important part of this for many of us who are involved in this is the IDN part of this, the fact that we want the IDNs to succeed. We think that's an important part of what the new gTLD program brought to the table, the ability for people to use the Internet in their own languages.

The last bullet here is especially important because what it allows us to do as representatives of the ISP community, whether we're representatives of the technical community or representatives of the business community, in either case, it gives us an opportunity to reach back into our local communities to get the word out that - A, that we know this is a problem; B, that solutions are either in hand or coming; and that there are best practices, there are things like sample code and make those available not only to people who are in the ISP community but in the software development community and we can go on and on.

Maybe I'll have you go to the next slide here. I should let Christian and Tony talk but one of the things that's most important to me is making sure we get as many people involved as possible. This is not just a case of many hands make light work. This is a case of many, many people know things that folks who are on the committee don't know.

And so what we are doing is building up the expertise by building up the pool of talent quite wide, that's a really, really important part of this. And even if it's not something where you feel you can contribute being aware of what's going on is really important here. This is going to be a long term project. If you heard me before lunch today, not that any of us was able to get lunch, but if you heard me before lunch today talk about this problem is that this is not a problem that's going to be solved in six months. This is not a problem that's going to be solved in 12 months. This is a problem that's going to be with us for many years and we're going to incrementally and evolutionary ways solve the problem.

On the screen here there are links to the mailing list and the general one for discussion is a general discussion where you have announcements but there's also some general discussions there as well. I strongly recommend you join that and one of the things I can tell you is that the traffic level right now is not great. So that you would be adding a mailing list to what you probably have many thousands of mailing lists already coming to your inbox but (Christian), Tony, and I can tell you that we would not be adding to a huge pile of a backlog in your inboxes as a result of that.

If you're interested in any of the specific four areas in which the UASG is going to be working the links for those are also there, those are the next four. And then finally at the bottom, right now we have a wiki page, that wiki page is - I shouldn't say a placeholder but is our beginning attempt to start having a public way to share information. And I think that's it, right, or do I have one more slide?

That is it.

Mark McFadden: Okay, and I apologize. I will let Tony and (Christian) add anything they want to that but that's my short version.

(Christian):   I - that's great. Well, actually I have two more things I would like to say about universal acceptance but the very first thing I would like to do is say something very nice about Tony Harris. And that is specifically because this has been a very issue that our very own Tony Harris has been championing for a number of years.

And I think that your leadership in this has been one of the reasons why this has come to fruition at this time. This flash mob that came up in D.C. that made things happen was something that Tony was one of the invitees and one of the people helping gather.

I actually ended up getting his slot as an alternate because he couldn't make it on that day. And saw because I have been talking to Tony about this issue for quite some time how important it is to the ISPs, how important it is to what it is we are doing.

And through his leadership I decided that I would step up in attempt to try and take a leadership role within this organization. And so I thank you for your efforts on this publicly.

Moving on from there to the two issues that I wanted to address, the first is I wanted to give you a brief overview of what we did on Sunday in our all day workshop on this matter.

Just briefly, we went through each of these different subsections and we talked about the major issues that we needed to do in order to start making iterative progress towards the goal of trying to get something done.

And as one of the co-chairs of the community outreach section I got to - with my co-chair end the day. And in ending the day we got to listen to everything that everybody had said up until that point and the things that they needed to focus on, that they told us that needed to be focused on first.

And we got to narrow the scope of universal acceptance, which is an outreach effort to basically the entire world to something tangible that we can start to achieve. And so this is also something that in addition to being a small remit if you want to get involved, it's something that has actual deliverables starting to be coalesced around very early on.

And so you can get in on something where we're actually building things right now. And it's going to be a long fight but this is far less esoteric than it used to be.

The second thing that I will say is I want to put this through the framework of what I was talking about before about the global helpdesk. Because that's really what it is we are talking about.

This is a revelation I haven't talked about to any other groups. I haven't brought this up in the universal acceptance group but I was looking around the room during the workshop and I saw that we had Microsoft Google at the table.

And both of those groups are probably the number one and number two email - they are the number one and number two email provider in the world. They're committed to getting something done on this.

Right now we don't have a lot of technical issues. We don't have a lot of the situations that Mark is talking about where people are trying to pin us to the wall saying you fix this because not a lot of people are using - especially IDNs for email.

Once Microsoft and Google get things taken care of they're going to create the problem. And I don't mean that against them, that's not bad for them, but they're going to make it so that it's easier for these problems to exist because they'll have interoperability between each other.

But the rest of the world won't have been spun up yet. So we're going to see this problem get way worse before it gets better. And we should be part of the fight to address that.

Tony Holmes: Did you want to say something, Tony?

Tony Harris: Yes, I'll be brief. I'm sure you don't want to hear too much more about universal assistance but basically this is important. It is important to us. I gave a talk on this in the province of Cordoba in Argentina last year in October during one of (unintelligible).

And people were looking at me and sort of blinking and - they weren't - the ISPs in the room didn't even know the new gTLDs. And we have 6 million registrations in the new TLDs already out there and functional.

And what did surprise me was - at that event, at the end of my talk, which I thought was - sometimes we always think we did a good job talking. And no ISP came up and said anything but a young man who's kind of friendly with me and is - let's say, he works implementing social networks in villages, which is a little removed from ISPs in a way.

But he said you're quite right because we registered a lot of names under .social and none of them will work anywhere. So that has arrived in Argentina, at least these people have a problem.

And getting to (Christian)'s comment about a global helpdesk, I couldn't agree more. I think that unless there is a place - a repository that that is on the list of items to be worked on.

But until we have a repository where complaints can be centralized and circulated amongst people who can fix them this - I don't think it will gain the momentum that we need urgently.

And finally, in talking to the board today, there was a very interesting comment from (Ray Pozack), which if you - since some of you weren't there I think we should share it. And after hearing about our comments on - our positive comments on UA, (Ray) said this is similar to what's happening with IPV6.

It's out there, not everybody's using it or implementing it. And so basically we have the same type of problem in both names and numbers.

Well, we are in capacity of actually piloting a project now to give technical assistance to all our ISPs and get them implemented with IPV6 in the next year for a very selfish reason. A lot of big companies are going to roll out Internet of things - products in the market and on top of that we're running out of IPV4 addresses and (unintelligible).

So I just mention this as an anecdote really but we do have - something to do with both of these critical resources under ICANN's, let's say, remit, names and numbers. Both of them have threatening horizons as far as implementation and resolvability. Thank you.

Tony Holmes: Thank you, Tony. Just on the IPV6 analogy that came up, yes, I get it. It's similar but this is worse because with IPV6 you normally get an idea of when you're hitting the wall. You haven't gotten any IPV4 addresses. You've got to go to IPV6. This one comes back and bites you and you don't even know it's coming. So it's somewhat worse than that.

Just three quick comments. One, I endorse everything (Christian) said about Tony's effort and thanks to you for that. Two, that the guys who are leading on this in the working group, Tony, (Christian), and Mark, great thanks to you for doing that.

The other point or two points to make, one is that this information with the links will be up on our website so you can get the links from there. The other

is that Mark raised the issue about getting involved with the local community and reaching out.

Just want to say to our members that we do - this is so important. We do have the ability to get you out into places where you can get the message and we can actually help get you there so you can deliver these messages as well.

So we have the opportunity to do some outreach on this because this is such a big issue. So if you are looking to attend any meetings, particularly where this community, ISPs but broader than ISPs - application developers, software developers, then if you have the ability to get there and take this message then we can help with that. So if that's the case give me a shout with that.

So with that we'll move on to our next topic. I'd like to hand over to **Sandra Hoferichter** and welcome to the ISP meeting who's going to take us through the leadership program.

Sandra Hoferichter Thank you very much for the opportunity - thank you very much for the opportunity to speak to you. My name is **Sandra Hoferichter** I come from the ALAC and I'm also chair of the ICANN academy working group.

The leaders of training program is the one which I would - going to announce and invite you today is an effort which was developed from the ICANN academy working group during the last couple of years. And it's taking place for the third time in a row.

It started actually here in Buenos Aires with a pilot program two years ago, was rather successful so another addition was organized in Los Angeles. It's always the last meeting of the year. And now with the third in a row I think we can call this a tradition, which probably will go on in the future.

And next slide, please. It's three days and night meeting from Wednesday to Friday night because we also spend the evenings with each other. Last year we were cooking together, not only yesterday but also last year with this program.

These are around 25 participants from all stakeholder groups within ICANN including the board and the NomCom. Staff is also somehow participating but not officially as a stakeholder group but they are also facilitating breakout sessions and are included in all the other efforts.

It is a program for incoming and experienced community leaders and I'm very happy to see (Anthony) here because he was one of the well experienced leaders who participated last year in that program.

Because it is an effort to - for learning, teaching, connecting, exchanging, discussing and get to know the community better and therefore it is upmost important to have a really good mixture between those who are new at ICANN and need some guidance and those who are actually the ICANN veterans.

But it turns out that also those people do not quite know what's going on in other stakeholder groups and constituencies as well.

So what we are doing there, we are having a deep introduction into each stakeholder group and this was actually the most interesting part of our - because there we are not exchanging those information which are already available on any website.

But we are really talking about the dynamics behind why is the GAC behaving the way they are, why are they so - why do they have so - for some people stupid processes we don't really get on with and how may we - how we might improve this in the future.

So we are actually also talking about the dirty little secrets, which are taking place and every stakeholder group.

Next slide, please. Here you can see the number of seats, which are distributed among all stakeholder groups. So far we had quite good participation from all groups. Only the RSSAC was never able last year, they had one applicant or one participant and unfortunately this person were not possible to come.

But from any other groups including the board we had a really good participation and this made the whole program a really interesting exchange. But it's actually not a need to convince you to participate in the program. I would actually like to ask Tony to say a few words why you might find this program valuable and would recommend to your community to participate.

Tony Harris: Yes, I would - I attended the - this meeting last year in Los Angeles. Actually I was up - I was very, very impressed with it. We had excellent - I don't know if you call moderators or coaches.

And it was extremely interesting because there was such a variety of people from different places and different SOs. We had two incoming board members also participating, which was - I thought was really fabulous for them.

And I think what you can take away is particularly useful in the ICANN environment because - I mean we are used to speaking in different committees and meetings and having rocks thrown at us.

And this does teach you quite a few - what you would call - it does give you some tools to structure your approach to people, your reactions, particularly work a lot on reactions. And I think anybody who would go from our constituency would definitely benefit in Dublin, thank you.

Sandra Hoferichter):   Thank you, Tony. Can we have the next slide, please? So this is the program structure from last year. It's a mixture of ICANN orientation session where we are going to discuss processes, policy development, our processes, how do they work or what - how does the public comment period - what influence it might have on our decision.

But then we also have this facilitation skills training which gives you some tools, how to run a meeting in this sometimes difficult environment where you have conflicts, where you have to mitigate, negotiate, where you have to somehow handle disruptive behavior because we all know that ICANN is not always friendly.

So this is actually a mixture of content with facilitation skills. The program is still under review because every year we improving - we're taking the feedback from participants so the actual content at the moment is under review and will - a first draft will up I guess after this meeting.

I would like to hand out you this postcards or fliers where you have all the basic information and also a link where you can - I wouldn't say apply but register for this program.

For your stakeholder group there is one seat available and it would be wise if you could agree among yourself who's going to participate in this program because it's not up to us to make a selection or something like this. I think you should decide among your stakeholder group who will going to be participate if one is interested. This would be very much appreciated to have all stakeholder groups there.

Regarding the logistics, it takes place there three days before the Dublin meeting, which is Wednesday, Thursday, Friday. Hotel will be covered by the program as well as catering and food will be provided.

But the program does not provide travel costs so you should have somehow your travel costs covered by any other resource up already and then you are very much welcome to participate in this program.

That would be it from my side. Are there any questions I could answer?

Tony Holmes: I have a question for you. Would you give us an idea of - so that when we have our discussion about how we fill that one slot from our constituency, what would you suggest should be the idea criteria we should think about when we're actually having a discussion as to who should attend?

Sandra Hoferichter Well, the policy or the program is designed for current and incoming leaders. Leader does not necessarily mean the chair of the constituency or of the stakeholder group only. It can also be a chair of the working group or somebody you think should be built up as a future chair, which is an incoming person.

I'm not sure, are you getting your people also through the NomCom or...

Man: When you say getting your people?

Sandra Hoferichter Your participants - I mean do you use the NomCom for selection process, no?

Man: No, we participate in NomCom but we don't select for the constituency.

Sandra Hoferichter Okay, because this is also a group we were looking at that NomCom selected participants might participate in this program because they are usually coming from a totally different angle.

Man: Right, so you don't - you're not looking for people who are currently engaged. You're looking for the future leaders to come from each of the constituent parts to get the training, that's the focus.

(Sandra):   Incoming and current. Tony for instance, he was a veteran at ICANN. He is a current leader and this is the important thing that we are not only have newcomers because then they will only listen and the thing is getting quite boring. We also need those that have to tell some stories.

Man: Okay, how do you get that balance? I mean if everyone sent experienced people the whole thing wouldn't work so...

Sandra Hoferichter Let's say it is a little bit of a lottery, not for the ALAC because the ALAC has - because of the five regions we have five seats so we guarantee that we send the balanced group.

                 And then we also approach for instance to the board and say, would it be nice if Person X, Y, Z could participate in that? And then we have some sort of - don't let's say influence but we are approaching people to come if we see the group is not very balanced. But I agree, it worked out in the two years quite well. But it's a little bit of a lottery.

Man: Okay, thank you. And I don't want to hog the floor on this but just one final question here. Do you also look at integrating some people who have been through the fellowship program but may be not quite assimilated into various constituencies?

Sandra Hoferichter This is indeed the case. ICANN provide you with an example of one colleague from the ALAC. He went through the fellowship program, it's (Leon Sanchez). You probably know him. He's co-chairing the cross community working group on accountability together with Thomas Rickert.

                 So he went through the fellowship program, was then appointed I guess by the NomCom or by his region, I'm not quite sure, as an ALAC participant, participated in that program. And he elaborated quite fast within ICANN and is now quite an important role to play.

And he definitely - or this was his feedback to me, he definitely said this program and also the fellowship program was very much helpful in this in terms of collaboration.

And this is actually the scope of the academy working group coming back to the broader scope now to give a better opportunity to get people engaged in ICANN, not only to get them to the meetings but to get them engaged and to get them up to speed to contribute effectively rather soon.

Tony Holmes: Okay. And before I open up the floor, one very final question or me, when do you need the information as to who would be representing this constituency?

Sandra Hoferichter We don't have a final deadline as such but for planning purposes it would be good to have it by the end of summer, September, something like this. We know that sometimes it is difficult with visa applications or travel arrangements.

So last year for instance we were open until the last day for the ccNSO and finally they could - for various reasons, not manage to send somebody. But we were still hoping until the last day that they would be able to do so. But it would be helpful if you have the final number somehow by September or - and August.

Tony Holmes Thank you. Questions anybody? Anything else? Okay. Thank you very much, very much appreciate your time.

Sandra Hoferichter Thank you very much and I leave the postcards with you and there you have all the needed information.

Tony Holmes Okay. Thank you very much. I was looking around to see if we had our colleagues to join us to talk about GNSO reform because that's the next item

on our agenda. It appears we don't have them here at the moment although I think a number of us have seen the presentation before.

So what I'd like to do is to - you're here, wonderful. Excellent. Your timing is wonderful, please come and join us. Couldn't be better, good afternoon.

Westlake :   We're a couple of minutes ahead of time.

Man: Well, for us you're spot on because we're a couple of minutes ahead of time for once. It won't last.

Man: Don't let us delay you.

Tony Holmes: Okay, so let's get straight into the discussion here. I think a number of us have actually been through the presentation and a number of us were also - because we're part of the commercial stakeholder group were in the room this morning when you came to see us.

But before we actually open up for questions maybe I should ask you if there's anything you want to add in terms of positioning this. And maybe just to seek a comment that because I'm aware that you've really been doing the rounds, seeking feedback.

What are the main things you've got out of that feedback so far? I'm sure I'm not going to be surprised at some of them but from your perspective?

Richard Westlake: Thank you. For the record, my name's (Richard Westlake) and I have my colleague (Collin Jackson) from Westlake governance.

For those who haven't - and I hope most of you are aware, but those who haven't been made aware our draft review is up for public comment now and you have until the 20 of July to provide that, whether it's individually or

whether you propose to do it as a combined constituency. I'm not sure what your process or your plan is there, Tony.

But look, the comments we've had through the course of the day, they won't surprise many of you. A few people have gone into quite a lot of depth about why we have not addressed structure.

Now one of the reasons we haven't addressed structure in any depth or detail list that that was specifically taken out of the mandate by the board structure improvements committee before we were engaged.

There - they acknowledged that there would be some need to comment on structure, which we have done, Page 116 and thereafter we've done so quite extensively. Given the degree of comments about it we have decided we're going to go back and review and probably just strengthen and maybe even clarify why we've said what we've said and why we haven't said more.

Other areas have been - what have the other - there have been some very constructive comments, quite a bit of disagreement on a few of our recommendations.

Tony Harris: Well, that's right. And of course, we're here to be disagreed with to some extent. We certainly are interested in feedback, which is reasons rational and quite possibly disagrees vehemently with what we've written. So we're happy for that.

One point that was made to us that certainly was a mild surprise to me and I think something we'll take away was about leadership planning. I think we need to think a little bit more about that and how - what the relationship between leadership planning and the democratic selection of offices is and whether we can make a recommendation in that area.

(Richard Westlake):   Policy impact.

Man: Tony, would it...

Collin Jackson :   Could we perhaps have Slide 6 I think it is or 7, which gives at least the
                        themes of the recommendations and then we can work down from there if
                        you like and go very quickly.

Man: Next slide, please. There we are.

Man: That would be helpful.

Collin Jackson :   All right, well, shall I comment just very briefly on this slide, which is to say
                        that we came up with a total of 36 recommendations. Now we recognize
                        that's a very large and very relatively unwieldy number. And that was some of
                        the original feedback we had. We started with 41 so we've already managed
                        to combine or edit them down to the 36.

                        But to help understand the thrust of where we've come from, we've grouped
                        them under these four themes and probably if there's any question about
                        prioritization as there has been, the fact that there are 16 recommendations
                        under Theme 1, which is around participation and representation, that there
                        are 14 under continuous development, which encompasses some
                        amendments to the PDP process.

                        There are four under the value of transparency to ensure consistency with
                        what the ICANN values appear to intend.

                        And finally, because neither the GNSO or any of the other structures within
                        operates as an island separate from ICANN, we've said to the degree
                        possible and having regard to the fact that people's time is limited, resources
                        are limited and it may not be always absolutely feasible, but to the degree
                        possible ensure that the planning by the GNSO of its future policy

development program is at least not inconsistent with the ICANN strategic plan goals as well.

So that ideally it's contributing to the achievement of the overall strategic goals.

And rather - without going through the 36 in detail, let's - if you like, that's the summary. But the first theme of participation and representation certainly does cover the largest number of our recommendations. And to the degree it's representing or sorry, what I - it is reflecting the fact that the nature of participation on the Internet has changed dramatically over time. And perhaps we can go to Slide...

Man: Nine?

Richard Westlake :   Slide 9 to illustrate exactly this point. Those of you who are at the opening yesterday, you would have heard the Indian minister speaking and talking about the number of new connections being added in India every month, whether it was 6.3 million or 3 million people, I think people heard differently or he said different numbers.

But whatever it is, you can see it's that bottom curve which is still curling upwards. The western world if you like reflected in the microcosm of the United States which is the line that came up the highest to start with and is now relatively flat. It's relatively flat because you effectively have saturation and penetration and usage of this sort of 86% - 87% of the population.

And the number that is now way above the others will be no surprise, no secret to anybody, that's China. And even there you can see that that curve is starting now - the rate of growth is decelerating but it is still a significant rate of growth and is currently about two and a bit times United States and trending still very much upwards there.

So when the ICANN structures were put in it was about - well, the original ICANN structures were more than ten years ago and you can see what the Internet usage split was then.

And we're saying one of the major changes has been this demographic aspect. The other side to that is the complexity of involvement, how do I get involved? How do I get involved if I don't fully understand GNSO? How do I get involved if I don't speak English? How do I get involved if all the calls are in the middle of my night?

And so we do recognize there is significant challenge for people outside the North American, Western Europe, English-speaking community who are challenged and new people even if they happen to come from one of those communities find it a massive barrier to overcome.

So again, we have looked at how would people do that. And whether it's the fellowship program, whether it's mentoring program, whether it is shadowing people by providing specific training, the ICANN academy and others; what we're saying is that given the demand on people that we have to increase the pool, that so many people commented all of the work is done by a very, very small number of people.

And that number of people typically is the same people who've been there for a relatively long time.

Collin Jackson: And if I can just pick up on that, part of our recommendation involves using - using is a terrible word, encouraging fellows and using the fellowship program to - and I know that is already done, bringing them into GNSO as people to help do policy. Of course that's already done.

Could we have the next slide, the one immediately after this? Okay. Now I'm not going to embarrass myself by attempting to read that out in Spanish but in English roughly it says that the - I think a barrier is language. ICANN must

work to give the community information in different languages, not just English. This was a remark made by an ICANN fellow. It was typical.

It was put into a report where ICANN went through and reviewed the fellowship program. This is a typical kind of remark from these people who are brought in.

So again, this is part of our whole thrust towards greater degree of representation and participation by people from a wider than just the usual suspects if I can put it that way, which would include the US, Western Europe, and Australia and New Zealand where we're from.

Man: Let me just comment on this issue of participation. It's interesting for me because you look at the need for participation and you - if we go back to the graph that was there, it clearly shows the growth in people on the Internet.

But I'm not so sure that that is the correct measure for participation because I think it depends on how you view ICANN and where you are and I'm one of those really sad people that goes way back in ICANN.

And I can remember the early meetings I went to in ICANN just as an ISP constituency, the very first meeting I ever went to. It was a job to get in the room. I mean it was just absolutely packed with ISPs. And it was at the stage when ICANN was forming, there was a lot of nervousness around what ICANN was, what it was going to do.

And certainly when it became apparent to people what ICANN was going to do some groups grew, some reduced. The ISP one reduced initially through that. But even just a while go there was some work done for the ATRT 2 process, which looked at participation.

It looked at it in working groups and it looked at it in constituencies. And the result of that were not particularly good because it - when it met, the actual

people who participated, in some cases they hardly got down to the questions about diversity because the groups were so small.

And it's pretty worrying if you have a consensus driven organization yet the participation is really low. So I wonder whether in some ways it would have been more appropriate to do a mapping that showed the level of engagement and where the weaknesses were around that. Because some of your recommendations - I wholeheartedly agree with.

Certainly there are clearly issues around participation where the measures you want to put in place to strengthen that really stand up well; things like diversity, gender, language, all of those really good things. But if you don't somehow improve the basis of people who are engaging and those that do the heavy lifting you don't even get to that stage.

So I just wonder if, A, you were referring to that report, took that into account at all? Or B, whether you actually picked up on the fact that there are clearly issues around there in terms of actually growing the participation before you can implement some of your other measures?

Collin Jackson : And if I could respond to that, those are very good points indeed, but yes, to confirm, the ATRT 2 review was part of our brief to look at that and what was implemented and what was effective or otherwise.

Secondly, we did in fact try really hard to get data about participation. What we found was that some of the data simply are not collected so it became quite difficult. We went back and start to look at working group composition, composition of various stakeholder group executives, constituency executives.

And where we came to was in fact really all we were able to do was show what was missing. We've got some quite detailed statistics like - something

like 83% of active participants - and I forget which particular category, but 83% were clearly from North America and Western Europe.

And only 17% were from elsewhere representing probably 90% of the world population. And we've used those numbers to the degree we can.

And one of our recommendations is in fact to collect some more of those statistics. I'm trying to remember the exact detail, the exact wording of that recommendation but so that that type of participation analysis can be done more effectively because we were quite clear.

Page 112 - yes, 83% from North America, Europe, Australia, and New Zealand; 9% from Latin American and Caribbean; 4% from Asia, which seems quite ridiculously low; and 4% from Africa.

Man: It's also worth understanding the cause of some areas where we've actually seen a decline or even growth because if you just take, for instance, the intellectual property constituency, they've seen phenomenal growth and the reason was when the new gTLD program was announced all of a sudden the paranoia around intellectual property went haywire.

And all of a sudden we're absolutely flooded with IP lawyers. So I think there's a need also to understand why parts of the community grow and what you need to do in other parts of the community to get that level of engagement as well.

Any other points to pick up on that particular issue of participation? Tony?

Tony Harris: I have a question. Yes, in rereading these recommendations I don't know - I probably missed something but have you as a review team looked at the way the voting structure is set up in the GNSO? And is there anything in your report on that? I may have missed it.

Richard Westlake   We received quite an offer from comments on structure, voting really comes along as part of the structure. We received quite a lot of comment but the first thing I need to say is explicitly ruled out of scope for us, structure. Nevertheless, a lot of people wanted to have something to say on the matter.

Not all of it was negative towards the current structure either. So I want to make that point. Although we received quite a lot of feedback some people said actually the worst thing you could do is change the structure.

Man: (Unintelligible).

Richard Westlake   Thank you. And some people said things like, well, you know, this voting was complicated but it actually works and it's evolved over a period so think hard before you do anything about that.

We've taken - we have listened to that but we're not - because we - it was always out of our scope we're not really in a position to make major recommendations in that area.

We're also mindful that because we never asked questions about it those people who volunteered information are a self-selected group, which is not particularly scientific or the basis for drawing any sound conclusions about people's perceptions of the structure.

So as we've gone around these groups, various groups have said things to us like we're - have really almost - I could use the term hammered away about structure and some of them have done quite the opposite and some of them simply aren't interested.

Man: It'd be really interesting - I'd like to run a quiz and ask people the questions really - who do you think are the people who said it was fine and we needn't deal with it? And who are the people who have a problem with it? I could

never run that quiz because I could never afford to provide the prizes. We all know where the views come from.

So - and I think one of the things that's clearly come out of the study and it certainly isn't your fault in any way was that I think limiting your study so that it didn't cover scope.

I think there's a pretty broad acknowledgement now that that probably wasn't the decision because it hasn't stopped people coming back pretty strongly and raising that issue.

Mark, did you have a - I thought you wanted to say something?

Mark McFadden: Maybe one small thing and that is that we sometimes talk when we look at the effective operation of the GNSO and we sometimes point to participation as a problem.

But I think the ATRT 2 report actually very effectively talks about support for the working group model failing, that they - and if - I would just channel (Mikey) here is that one of the things that the ATRT 2 report shows is that there's a common - there will be a complete English sentence in a moment by the way.

There's a common perception in the GNSO that it's the same people over and over and over again doing work in the working group model. And yet the ATRT 2 report shows that in fact the average number of working groups that any individual participates in is one.

And so what happens there is that there's a failure to support people working in those working groups and given adequate administrative support, adequate working tools so that they come back a second time.

And one of the things that happens in the GNSO - and again, I think the ATRT 2 report was very clear about this, is that we tend to lose our expertise in the working group model as a result of not supporting people who are working in them. We spend lots and lots of money and this is just one man's opinion.

But we spend lots and lots of money on highly specialized sorts of activities. But supporting the GNSO's policy engine we don't put much money behind at all.

And so when I hear the words participation one of the things I commonly think is missing is actually supporting this working group model that five years ago, six years ago now that we worked so hard to put in place.

Collin Jackson : Could I just respond to that particular point first? Which is to say that that is an absolutely valid point, one that we have spent quite a bit of time on and that we've done some analysis of that and you're exactly right.

We did an analysis of the number of working groups individuals had joined. There is a massive attrition after one from 100 individuals who've done one to fewer than 20 who've done two. And for those who have done six or more it is down in the low single figures. So we absolutely recognize that.

Part of the solution we think is to do exactly what you say but another part we believe is to broaden the level of participation and then make sure that people are brought up to speed fast, which I think is going back to your point.

But broaden the base of the pyramid, give them support, give them the training - and we do have recommendation around training for individuals as is required.

But the whole question or the whole concept of the ICANN academy, the whole concept of the fellowship program, the concept of shadowing,

mentoring, that type of thing; all of those are contributors not yet we believe adequately effective but we think they're steps in the right direction.

Mark McFadden: And thanks for that. What I'm - sorry, (Christian), let me just respond because it's sort of a hot button issue for me. I think building the base is a very good suggestion and - but I don't think that building the base translates necessarily into building a base of participants in the policy development process.

I don't think that there's necessarily a causal relationship there. And I think without enhanced direct support to the working group model the GNSO is going to continue to have that attrition problem that you so rightly identified.

It's an observation of mine, not just on the basis of the ATRT 2 report but sort of along tortured experience in some of the working groups.

Tony Harris: There's another observation in the report that is germane to this I believe, which is the culture of the way that working groups and debate in GNSO in ICANN general works is very Euro-centric, I might also say US-centric. It is often quite robust. Disagreement is openly surfaced.

Frankly people yell at each other on occasion. It's - you can almost say it's a race to the bottom of behavior occasionally although that's maybe going a little far. But it is - this kind of thing is unacceptable in many cultures. It's simply not acceptable to have open disagreement around the table in many other cultures. I mean we're robust kiwis, we cope with it.

But we're trying to broaden this whole thing out and allow people from all these other countries who are filling up the Internet to come and make policy and they don't like that kind of behavior. And maybe that's why they run screaming from the room after a single working group.

Christian Dawson: May I comment about this? So I agree that there needs to be more support for the working group structure but I have had nothing but - now that I've

gotten a chance to get into a couple working groups and gotten my hands dirty, I've had nothing but good experiences to say - with the ICANN staff supports the working group and the work product that comes out of them.

That problems tend to be sort of like what you were saying, problems tend to be that we as a community end up circling back to the same question over and over again and end up feeling like we're spinning our wheels and wasting our time as we disagree and don't move on to the next subject and the next subject and the next subject.

I think if we're going to spend time addressing the working group problem what we should do is figure out when somebody signs up to be a chair or a co-chair what kind of leadership program we can put them into and what kind of framework we can use in order to help them move past that, to guide them to manage work product in the iterative way to get them - okay, we covered that.

And literally get to the point where we can - if somebody won't get off the same subject and is wasting everybody else's time, find a way to shut their mic down or get them off that subject.

= Collin Jackson : So I think that - I think in front of our robust kiwis, I think that the cultural observation is exactly right. I think that is a real problem. The - one of the observations I would make is that in this part of the PDP that you sometimes have competing interests, right, and that don't have a mechanism to get them off - there isn't a mechanism to get them off the point.

The second thing I'll say - and I genuinely believe this, is that the working groups by and large use archaic tools, that they're reduced to teleconferences and emails. And that is in - we're in the 19th century now.

I mean we could use tools that are better than email and conference calls. That's frankly pathetic. And as much as - I don't know if there's ICANN staff here. I should be very careful, doesn't look like there's ICANN staff.

Man: I'm in violent agreement with you here.

Man: I'm sorry. So just don't - please don't listen to what I'm about to say. Adobe Connect? Are you freaking kidding me? So truly - in fact, for staff in the room, I actually - I actually thank you that you're here because here's another thing I will say. My experience with policy development staff has been wonderful. I agree with (Christian) that my experience over the years - and I've only been working inside of ICANN a short time since 2000.

And I have nothing but wonderful things to say about the policy development staff. But I will say that the tools they've been given to help us do our job of policy development are truly from before the industrial revolution.

Collin Jackson : May I comment? Thank you. First of all I'm in violent agreement about most of what you just said. I want to make an observation about ICANN staff as told to us, the perceptions of ICANN staff are uniformly positive and beyond positive but very, very positive indeed.

And I'm - see, I'm getting lots of nods around the table on this. We did not hear anything negative about ICANN staff and most of it was extremely positive and that has been our observation as well.

Richard Westlake : Several assignments from ICANN.

Collin Jackson : This is true, this is not our first gig on this kind of thing as you probably realize. Moving on from that and the other point I want to make is that - again, I'm agreeing here. There are alternative tools.

There are tools that do not require real time participation in conferences but yet are far better than email for reaching agreement, making proposals, voting if necessary, discussing, reaching agreement.

We have recommended that ICANN evaluate and use such a tool. We've even suggested one, simply one we happen to know but there are plenty.

Man: Okay, thank you. Malcolm?

Malcolm Hutty: Thank you. You referred to the challenges for cultural references. And the way in which in some cultures is just simply, you know, unacceptable to have open and let alone robustly express differences of opinion in a public space.

Now you also - and you went on to allude some things which I think are beyond that, to things which would amount to essentially breaches of the already published acceptable standards of behavior.

I'm - as I think we all are, familiar with the sort of things you're talking about. I'm a working group where at the moment where there have been some challenges along those lines but - and while some may find that very uncomfortable, where it slips over into - into a breech of acceptable standards of behavior the group has also been quite willing to call that out and to demand, you know, corrective action.

So can we set aside that aspect, the - that that goes into, you know, a breech of acceptable behavior?

Collin Jackson : Before you do can I just add one brief counter comment, which is who judges acceptable? You see, some cultures - the appearance - even the demonstration of open disagreement makes them feel exceptionally uncomfortable and unwilling to become involved. So anyway, it was just an aside.

Malcolm Hutty: That's what I was actually going to say was setting aside that which is recognized within this community as it works at the moment as being a clear breech of that because it happens but no system is ever perfect and certainly from my observation, you know, corrective action is at least expressed in the hopes of the group, that this is not considered within the norms of the group.

Consider instead what you're referring to, the open expression of disagreement and indeed challenge - open challenge to the points that we made, the fact to accuracy the points have been made, the - whether or not the logical - an argument bears up under scrutiny of its logical progression, etc., etc., that kind of challenge.

As you say, when expressed in an open context, that is, you know, very difficult for people from some cultures.

So what do you propose doing about that? Do you propose us embarking on a precipice of cultural change so that it is not acceptable within the ICANN community to have those kinds of discussions voiced in that fashion?

Collin Jackson : If I could respond - I'd love to give you an answer. I'd love to see a hypothetical case where for example you had a Chinese or Japanese chair of a working group who was guiding and helping to set the cultural norms.

One idea though - and I really like the way you expressed what you did, which I sort of rudely interrupted, which I apologize, a non-culturally acceptable thing to do.

But the way you described it made me think that perhaps - yes, the assessment of what is culturally acceptable to those who are not currently participating might actually be a heck of a lot more useful in terms of assessing how could we then get increased participation.

And so we're going to do - I mean today's sessions been actually very useful in that because it's just helped me get some thoughts about how we might refine what we tried to say. We have tried to address it. Maybe we could sharpen that up a little bit, I don't still think that we're going to have an answer to your final question though, I'm sorry.

Man: It's a tough one.

Malcolm Hutty: I think just identifies that there are cultural differences and they act as a barrier to participation. Without a proposed approach it's not necessarily terribly helpful.

Man: No, I accept that and maybe actually using some of the non-real time tools where you don't have to get the heat of the moment if it is framed - if the use of those tools is kept at the appropriate level might actually be a catalyst for helping to allow that to happen.

Man: Yes, I think that's a valid...

Man: But email is a non-real time tool and I haven't noticed that as a great solution for this problem.

Man: The problem with email certainly - speaking for myself and probably most people here is the sheer volume of the stuff and the fact that it's a mix of all kinds of things going through my entry all the time.

Man: That's right.

Akinori Maemora I'm Japanese. I'm really curious how - what kind of the countermeasure to - measure to address the kind of issue the culture difference and language issue or something? I've been involved in the (unintelligible) for a long time and then - and that's Asia Pacific, which everybody says that they're shy and quiet.

A lot of time I wonder what kind of innovation can be happen there for us to, you know, activate that discussion in Asian fashion or something like that? And then I don't really - you know, I am not sure if that there is - you know, sorry.

It's a GNSO (unintelligible), that's why you are now identified program and how to - thinking about how to solve. But you know, such kind of innovation is a not really, you know, suitable for this kind of review process. I'm curious how you will handle that - handle to, you know, produce some suggestions or something like that, that kind of innovative way.

Collin Jackson : Thank you. I think that was actually a very helpful, very useful comment. We will have a closer look, as I say. I would like to help - think that perhaps what we can help to develop is the framework by which you operate but we're not the people to then start to put in place the how and what is acceptable.

That's over to you. But if we can give guidelines to what the framework should be we think that's probably the service we can perform, thank you.

Tony Holmes: Okay. Jim, and then we must move on.

Jim Baskin: Jim Baskin. Being from the western culture I see what we do and I realize that sometimes we go overboard and - but I'm having difficulty again because my cultural background does - how do people in these other cultures where they are much more quiet or don't disagree in public, how do they get things done?

And is there a possibility or a necessity to - rather than move too far in a direction that western people would be uncomfortable with to find a way to bring them to the middle. You know, if we can tone ourselves down a little bit more maybe we can also help those that are shier, amp themselves up a little bit and still be comfortable.

I'd have trouble I think working in a mechanism as you've described might be the extreme of that other end.

Collin Jackson: And I think - again, I think that's an exceptionally good question. One of the things we have recommended is the establishment of a working group that quite specifically reflects the cultural and demographic makeup of the Internet to address precisely these types of issues. I mean look at me, we are exactly the same cultural background as you.

So again, should we be the cultural experts telling people, telling the GNSO how it should operate? Clearly not. So we have a Chinese-New Zealand woman who has worked with us and she's certainly identified some of the issues, even some of the languages used, the difficulties in our team back in New Zealand.

But you know, that's one out of four of us on the main team. And so no, I - but I think we did come to the idea that putting a working group that specifically reflects the - sorry, the demographic diversity would be - and to give them terms of reference to address precisely these issues is probably about as least bad an approach as we could aim to get.

Tony Holmes: Okay, well, thank you to both of you. Certainly this is - for me, the third time we've discussed this topic with you and every time we've discussed it the discussion itself has got better.

So appreciate you joining us. And we certainly will be responding as a constituency so you will be receiving something from us. Thank you very much.

Westlake : Thank you everybody. Thank you very much indeed for your time and your input and your comments. We look forward to it, thank you.

Tony Holmes   Thank you. (Chris), this is your spot.

Man: (Unintelligible)

Man: Wherever you're comfortable. So (Chris) is going to pick up for some of us where we had a short discussion once again this morning on digital services and - well, let's get into it by handing over to you to start with, (Chris). I think we have your slides to put.

So I don't know where you want to begin on this but what I'd like to try and get out of this for the constituency is a clear understanding of what we need to do to start being able to take advantage of these enhancements. And so if you could lead us along that path that would be really helpful.

(Chris Giff):   Absolutely. So my name is (Chris Giff) and I'm the man responsible for the poor digital services. But - not really, sorry, poor joke. I am here to talk about a number of changes we're making or projects that we've been working on.

The first one I'd like to address, which is probably the most critical to you is membership management and website management. There was a request sometime ago to see if we can acquire an association management software or some sort of application to help you manage your membership, your growing membership.

So working with other groups we got some requirements. We investigated some potential solutions, which we have narrowed down to one, that's called Members Click and Members Click is a solution very - it's very focused on small staff associations or volunteer associations.

And it has a number - so it's very easy to use and has a number of features I think should be of interest to you.

We have identified budget to pay for that so we will cover the payment but the whole notion of this project is that you - we will contract with Members Click but then you would work directly with them to work on your management association software, you know, the features that you need, as well as a new website that will run and will integrate.

The aim is to begin beta testing or to start deploying initial services of that immediately after Buenos Aires. So I think that is a discussion we can have in just a minute.

If you just go to the next page, just for those of you who are curious, this is - some of the things that it does manage. So it does do quite a lot and again, it's fully integrated solution.

It also comes with training so we'll be training both staff but also for those of you who want to learn how to administer the system yourselves training will be provided. But it is a fairly straightforward system.

So for moving forward, really we just need to identify a lead person, really more than anything, a lead person and then what I'd like to do then is begin - just do some in depth demos right after, make sure - valid this is in fact the correct way to go forward.

And if so then put them in touch with Members Click and see - for them to get trained, for others to get trained, and then to move forward along that path.

Christian Dawson : I wanted to publicly volunteer to be that lead with an asterisks. And that is that I'm also - during our last meeting I also picked up the lead on our crop program to direct our involvement in various constituencies and that isn't - that is not going as quickly as I've wanted it to be and I've been having more difficulty than I thought getting ahold of people.

I could use a second lead on both projects. If somebody wanted to co-assist me with this or that I would love to - I would love to do both projects but I'd also like the help of having a partner.

Tony Holmes: Okay, and I certainly appreciate you volunteering for that, (Christian). I think that's something we do need to pick up on as a constituency and get that engagement.

So (Chris), the way you're going to run this, would that be - the people who volunteer, would they be taking this forward as a group or is it on an individual basis that they'll do that?

(Chris Giff): Individual basis. So we have basically just negotiated for individual licenses. It's a software as a service but we've just negotiated for license for - I mean each constituency or stakeholder group who would want one. And then that's it. We'd move individually and on your own timeframe, your own basis, and they host and manage it so it's not hosted at ICANN or anything.

Tony Holmes So we then have the ability to basically tailor our requirements out of the overall list and just go for the requirements that we particularly want.

(Chris Giff): That's correct.

Man: Do you have any idea of what sort of resource you need to put forward to meet those requirements? I mean how intensive is it to get underneath this and understand it and engage?

(Chris Giff): It's pretty straightforward. I do think you'll probably need somebody who's going to dedicated, you know, at least five to ten hours a week for probably a couple of weeks - two to three weeks I would think.

We can also provide - we do have a user experience, designer on staff, who could - while there are templates for this so it's pretty - you just plug and play a lot of the templates.

Nevertheless, we do have a US designer on staff if you want to look at branding or have some help with that, more than happy to have somebody help that person with that. But I would plan on that.

Christian Dawson: One note though I have not used Members Click before, I'm very familiar with Nation Builder, which is a competitor to that - to this software and I'm sure it's very similar.

(Chris Giff): Yes.

Tony Holmes: Okay, so as a constituency we need to do a few things. We certainly need to identify who's going to take it forward but we also before that probably need to think about what requirements are specific to the ISPs.

And to agree where we'd focus our efforts on that to start with. And then I assume with the training you can just expand it as you go.

(Chris Giff): That's correct. You know, and if I may offer, what we may want to do is actually begin with a - we can even do this at one of your conference calls is to have an extensive demo so then you can get an idea of the box that you're playing in. And then from that you can look at requirements.

Man: I would very much like to do take you up on that.

(Chris Giff): Let's do that.

Tony Holmes: So we'll fix a date and a time to do that. Is that something you're offering around to each individual constituency? Because in some ways it almost makes sense to do that with a group of us.

(Chris Giff):   Yes, I've been doing a one-off. I mean I've been - had several demos with Rafik Denmark from the NCSG simply because he was helping me quite a bit and he was the initial requester of this back in the early fall.

So I've just been - you're right, we could do it as a group but then it gets scheduling problems. And I have no issue doing this one-on-one, more than happy to do it.

Tony Holmes :   Okay, we'll certainly fix up a time and date with you and come back to you on that. Any specific questions around the table - around the room to add to that? Otherwise I think it's very much a case of let's fix up a date, let's try and see where we go. (Christian)?

(Christian):   I assume that eventually our website - ISPC.info will be just - we'll be able to point it there, no problem.

(Chris Giff):   We'll just redirect it or you guys can redirect it, it will be part of the...

Man: Okay. It looks as though - without understanding all the details it looks as though there's a lot there that could certainly benefit us as a constituency.

(Chris Giff):   Another - there is another - IPC is very familiar with Members Click so there are some people there too that have used it in the past.

Tony Holmes: Mark? I thought you wanted to - okay. Okay, well, that's pretty concise, pretty short, but I think we know where we're going with that. So thank you very much.

(Chris Giff):   I do have one other brief update if you have two minutes or if you're out of time?

Man: Sure, we do.

(Chris Giff):   And that is simply there are several other projects that are ongoing just to update you on some questions about tools and how you're supported. We have been working on a pilot project and there's not - they're not in this presentation, it's okay.

We have been working on a pilot project with the SSAC for document authoring, for coauthoring so testing out new tools for that. That's been going for about three months now. We've also been in a pilot project with the DMPM working group as part of the GNSO for testing out new working group management tools, you know, to see if we can augment the confluence wiki. There's other things we can do there.

And lastly, we are investing more heavily in the wiki. We've assigned that to - we have - we've not been investing in it in the past and we're trying to change that. So we have assigned that to a project manager and we've assigned some IT resources to it as well.

So we hope to reinvigorate some of the wiki - I know it's not a perfect tool but it's there. It is used as a great deal of content already on it so we're looking to do that.

And lastly, while it's not a tool issue I think there's something very fundamental to ICANN and that is we are also looking to hire a librarian or an information science person, which is - I think critical for us to properly categorize our content and to better manage it going forward because we have a lot of content.

Man: This really dovetails in quite well, you're probably, with the last conversation we were having very much.

(Chris Giff):   I was listening.

Man: Can I ask a question?

Chris Giff   Please.

Man: You mentioned a collaborative document. I think the tool (unintelligible) with SSAC. Now I've been involved in lots of collaborative document writing using many different collaborative tools for it. None of which have even really - reached even a minimal level of adequacy.

The SSAC produces very serious documents that requires a very high level of quality in them and therefore has exactly the kind of signal that I'm looking for in something that might do better. So have you found something that they're happy with?

(Chris Giff):   Unfortunately not because that's right. It's very hard and their requirements - you're absolutely correct, are probably the toughest. We did find something called Please Review. We looked - we evaluated 50 different vendors. We settled on one which was Please Review.

We've been using it for three months now for them to actually create a document. And it's mixed, it's very mixed. So I don't think they're going to use it. It's - you know, it's about 50/50. Half like it, half don't. More than welcome to, you know, have you guys take a look at it as well. But we're going to start testing some other ones right now.

Man: I knew you wanted to say something.

Man: Well, yes, now that this trapdoor has been opened, all I'll say is that I genuinely appreciate that you're attempting to find those tools. Even if you're frustrated at the current moment, the fact that ICANN and you personally are making an effort to find those better tools, it makes me feel a lot better and makes me not - yes.

(Chris Giff):   It is frustrating. I am - you know, I do want to find some solutions but it is - it's difficult. It's really hard. Not a lot of good things out there, you know. You'd think there would be and there were but, you know.

Tony Holmes   Okay, thanks very much, (Chris). Thank you for coming along. And we'll certainly get a date with you and we'll set a call up and look forward to the demo. Thank you. So is (Niles) here with us? No, it seems. So I think there was a conflict on his timing, on his diary.

So he was due to come for the last item that we had on our agenda, which was to facilitate more discussion around the human rights issue. Again, we had a taste of that earlier in the CSG session this morning. I would suggest as he isn't here and we're pretty much up against the official stop for this meeting that I take an action to set up - again, to include him our next call.

And we'll do that that way. We need to have that discussion. It's a pity we can't do it today but it seems as though that's not going to work out on the timeframe. So if everyone's in agreement I'll cover that off that way.

And if that's the case the only thing that we are left to do and I would suggest maybe we do it on the membership list is to get a doodle out there for the next call when we can cover off both the work with (Chris), the human rights issues, and also the follow-up actions from this meeting.

So if everyone's okay with that I'd like to thank everybody for your contribution and look forward to the next call and thank you very much for your participation. So we'll close the meeting. Thank you.

END