

**Transcription ICANN London
Preparation for meetings with the Board and CEO
Saturday 21 June 2014**

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On page: <http://gnso.icann.org/en/calendar/#jun>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

Jonathan Robinson: We've gotten the structure now. We've got to prepare for our meetings with - we've got a sequence of meetings tomorrow. We're meeting with Theresa Swinehart first thing. We're meeting with Fadi Chehade, ICANN's CEO, immediately afterwards. And a little while after that we're meeting the ICANN Board.

So we have an opportunity to have the discussions with all of them. (GAC) please can I ask you either to continue conversations outside the room or join in the conversation at the table because it's important we get this work done and have your contribution? So I really need you at the table and involved please.

So the time is a little tight. It's just gone 25 past 3:00. We're run on with a number of those conversations. They're very useful and constructive conversations. But it's left us a little tight to deal with these preparations for the various meetings plus a discussion of motions and the various items we've got to cover (up).

I suspect the workgroup items after our coffee break we'll be able to work through relatively quickly. But nevertheless there's some work to be done here.

So with - let me - I think that it is useful to keep these in sequence because it's possible if we've dealt with something with Theresa we may not need to deal with it with Fadi and we may not need to deal with it with the Board if we've dealt with it with Fadi. And that's the sequence it's happening in. So I think - my thinking is to take them through in the time - in the chronology in which they occur.

So Theresa's responsible for, as you know, was responsible for the strategy panels which appear to be kind of fitting somewhere but not quite clearly where they are. And she's also really got in her lap two of the most critical overarching issues. That's the transfer stewardship from the NTIA and the accountability - ICANN accountability track.

So the question is briefly as possible what do we - do we want to just hear an update from Theresa? Now one of the things that I'm very conscious of is that in particular with regard to the NTIA stewardship (this is) so called Coordination Group, which seeks to obtain five seats from the GNSO of which two are normally allocated to the registries already and therefore there remain three.

We haven't talked about how those seats - so at some point we're going to have to discuss how those are allocated, which is certainly in that area. So what - of those three topics I mentioned, do we want Theresa to give us an update on all three? Do we not want to hear about the strategy panel? What do we want to hear from Theresa? Marilyn.

Marilyn Cade: Thank you. Marilyn Cade. I would urge you to include an update on the strategy panels. And let me quickly just say why. Those were top down imposed panels, which created products. There was a session in Singapore in which several of us expressed strong concern about charts in one of them and about recommendations in another.

They're parked somewhere. And it's very clear from the communications that Fadi and staff think that they're free to go to those reports and draw things out of them including charts.

One of the reports has charts in it that either are not factual or are confusing and mis-convey information. They may be considered by staff as preliminary charts but in fact they are being misunderstood by people who are not perhaps centrally familiar with ICANN or some governments in the messages that they convey.

So we were told that they did not follow the normal public comment process. In fact we were briefed on them but not really allowed the opportunity to modify them.

I also personally think the idea of CEO driven multi stakeholder panels which take huge amounts of financial resources create work and do not directly support bottom up guidance from the community is highly questionable.

Jonathan Robinson: Thanks. So we've got a specific suggestion from Marilyn to not drop strategy panels and to pick up on three or four points in them. I've got (James) next.

(James): Sorry. I was finishing my cookie. So I support Marilyn's suggestion and I think that we should get an update on those strategy panels. I'd also like to

understand when you talk about the NTIA transition and accountability - I'd like to understand the interdependency of those two issues and how - whether it's coming from Fadi or whether it's coming from the Board. I'd like to understand how they see that sequence playing out.

I think if there's one thing that sort of unifies all the disparate interests within the community, it's this idea that there needs to be some robust changes to ICANN accountability in place in advance of any kind of, you know, that can't be done on (stack) as part of the IANA transition.

So I think that that - it's making sure that everyone is synchronized and aligned on that point. I would - or just - or hearing their understanding of why there should - why those are not related in that (area). I'd like to hear their take on that.

Jonathan Robinson: Thanks (James). And to the - I guess what I could do is to the extent that we brief Theresa for these sessions we could equally copy Fadi in on that brief because he may well appear during Theresa's session but he will certainly plan to appear immediately afterwards. Chuck.

Chuck Gomes: Thanks. Chuck Gomes. It seems to me there's one question you need to ask - maybe must ask with regard to their revised proposal and discussion on the IANA transition and that is why did they totally ignore the GNSO Council comment that was submitted suggesting a working group and charter.

That seemed like an intentional oversight to me. I'm not usually one that's judgmental like that but that was a very specific comment approved by you guys as the Council and they didn't even mention it in their response.

Now you could add to that -- maybe not quite as important -- why they didn't address scope issues in their revised proposal. Because there we all kinds of comments from GNSO people and others about scope and yet they ignored it.

Steve DelBianco: Steve DelBianco with the Business Constituency. To Chuck's point about scope; we too were disappointed with 40 or 50 entities commenting that the scope should not be limited. And by them not commenting on scope I don't know whether that implies they believe that the scope should be limited as originally proposed.

And that's the way we could open it up with a question. That if public comments were not acknowledged in any way, do we presume that they're sticking to their original constrained and restricted plan for the Steering Committee and which they renamed.

And the very same people that insisted it be renamed to Coordinating Committee were the very same people that said scope shouldn't be limited. So it was the selectivity there.

But having said that, I do want to suggest that most of us when we commented on scope wanted to see that ICANN's accountability not be excluded because at the time this whole thing was put together, the IANA transition was the only story anybody wanted to talk about.

But in truth what we wanted to get to was how the IANA contract was a powerful form of ICANN accountability. And that was perceived as being out of scope. And I really believe that's where we were three months ago.

That's changed a little now because everybody took a truth pill and we now know there is an independent accountability discussion. And it's separate than the IANA transition.

So I realize why that may not be relevant to the scope but I think Chuck Gomes is correct that we ought to quiz staff about why some comments were ignored and what it means when they're ignored. Thanks.

Jonathan Robinson: Thanks. So just to let you know what I'm doing, I'm trying to capture these in (unintelligible) notes. I'm going to send them to Theresa, to Fadi, to (Steve) and let them know what's going on. I will also send them to the Council so that you either know them, that you can use them as an aid memoir to comment during those discussions.

I'm expecting that those that raised them here will be prepared to voice them there. I don't want to be leading the whole thing. So that's the process I'm thinking we're going through here. Kristina.

Kristina Rosette: Kristina Rosette, IPC. But speaking personally, I have kind of a micro question and a macro question. The macro is that if - did I hear you correctly Jonathan that the Council view is that there would be questions directed to Theresa and to the extent that she provides an answer then that would be the answer and that those would not be questions that you would also ask to the Board and Fadi?

Jonathan Robinson: I think in - well, I see - I said we're going to see them in sequence. In principle that could be the case but I don't think they're necessarily of the table. If we felt that we had to ask Theresa something or make a statement to Theresa and it was important and necessary to make it to the Board, fine. I'm not putting that...

Kristina Rosette: Okay.

Jonathan Robinson: ...I'm not sort of overruling that we should do that.

Kristina Rosette: Okay.

Jonathan Robinson: But in general I would supposed we would want to be efficient with our use and assume that we can trust that within reason certainly with Theresa and Fadi that they are speaking with close to one voice.

Kristina Rosette: Okay. That's helpful. I just - I would encourage you and I'm glad to hear that you're not necessarily going to take the position that if you get an answer from Theresa the question won't be posed again.

The micro question and I think it probably does make sense to ask it to Fadi is I personally find it very troubling the fact that while this ICANN accountability process, you know, enhancing ICANN accountability process is about to kick off is kicking off.

You have the President and CEO of the organization sending a letter to the third party dispute resolution provider that's supposed to be administering one of the primary accountability mechanisms and encouraging that dispute resolution provider to get his act together and hurry up already. And to me that's completely inconsistent and frankly very troubling.

Jonathan Robinson: For the record who is the dispute resolution?

Kristina Rosette: I think it's ICDR. So I just would like to hear the rationale is to, you know, is this an example of speaking quite candidly accountability being sacrificed for

political expediency. And if so, is that something that we can continue to expect in the future?

Jonathan Robinson: I think Marilyn you're next.

Marilyn Cade: Thanks. I just wanted to encourage us to think about - and I think this was sort of building on a point that Kristina was making. Are we communicating with the CEO of the organization or with the - and the Chairman of the Board or with the Board Governance Committee or with the full Board?

And I think that's important for us to start thinking about when you look at the organizational chart of the Board and understand who's responsible for what. Because I kind of feel like we're trying to talk to the Board but we're doing it through sending letters or communication just to the Chairman of the Board and to the CEO.

I'm kind of thinking that it's either the Executive Committee or - but I am asking us to think about it carefully because the Board is now divided into sort of functional groups with scope of responsibility and it sounds to me like since we're talking about governance of the organization we might want to be thinking about when we send communication or just asking the Chair to share this with the full Board as communication.

Jonathan Robinson: Let me help. At the moment there are no letters. We're talking about the structure of our interaction with Theresa followed by Fadi followed by the Board, which will include Fadi.

I am trying to capture which points need to be in which category. And actually maybe it's more successful although it's in that order. Maybe it's more successful if bringing a point up to the microphone you say this is a point I

think we should raise with Theresa and Fadi as Kristina did or this is a point which I think we should raise with the Board.

I haven't covered what I think is our proposed structure of the Board although it has been out on our mailing list. So we're getting somewhere here. We've got a pretty good structure for Theresa and I've got a couple of items in mind already for Fadi not to mention the one that Kristina just put in place. So and certainly we'll expect to copy Fadi in, as I said, on our briefing for Theresa. Phil.

Phil Corwin: Yes. Thank you. Phil Corwin, member of the Business Constituency speaking in a personal capacity. Just two quick comments. One, one this issue of the scope of what's now called Coordinating Group. ICANN made quite a show saying we heard you. We've stepped back from some of the things we had proposed so that the composition and the Board's role in selecting members.

But none of it really matters if the scope is - predetermines the outcome of that group, which is transfer the functions so ICANN would know whether alternatives being on the table. So I think that's a critical issue.

The other thing for the - many of you are not based in Washington like some of us are. And there's more and more business groups and think tanks and others weighing in on the IANA transition and the need for strong enhanced accountability measures.

So eventually the decision on the transition must be made by NTIA when they get a product. And it's important to send the same message to the Board and the management as the NTIA is starting to get from think tanks and business groups in Washington. And civil (unintelligible) and all the people engaged on

this issue where the decision on whether the transition plan is acceptable is going to be made some time next year. Thank you.

(Sentra Sooktenan): Hi. I'm (Sentra Sooktenan) from NPOC. I'd like a question to be posed to the Board with the increase in (group generation) to Board members. Would there also be a balanced increase of responsibilities in terms of not having conflicts of interest and being more accountable to the community as a whole?

Jonathan Robinson: Okay. I see no further requests for comment. Is there anybody else who would like to step to the microphone? There we are. Robin.

Robin Gross: Hi. This is Robin Gross. Yes. I wanted to ask a question or at least have the Council perhaps ask a question tomorrow regarding the enhanced accountability. I know staff has organized a workshop on Thursday on enhanced accountability.

But I also know our community hasn't been approached about the organization of that workshop or possible participants. And so I'm wondering if other parts of the community have had - have been able to have a hand in the organization of that workshop and maybe staff could tell us how they've organized it and chosen speakers and such for that issue. Thanks.

Jonathan Robinson: Sorry Robin. Can you clarify what that is because I missed that? It's workshop on accountability?

Robin Gross: On Thursday there's a workshop on enhancing ICANN accountability. That's the workshop I'm talking about, the organization of that.

Jonathan Robinson: There's been some - there's been - it's been a really busy time. And there's been some discussion on a mailing list of I think SO and AC Chairs possibly

talking about what the content or structure - there was a request for some suggestion on that structure I think.

I didn't participate in it because I've been - but - so I'm aware as I - I'm conscious I want to be truthful but my memory isn't - I can come back to you on that. But I'm - this, you know, that's all I'm aware of on the structure of that.

So let me tell you what we've got so far then. We've got - with Theresa we've got these three buckets, the stewardship transition, the accountability theme, the interlinking between the two and the strategy panels. I propose to copy Fadi into that so he knows of and is aware of that discussion.

When we then come to Fadi, in principle we've covered all of that off. I guess to the extent that we don't feel we've got satisfactory answers, I would imagine Theresa's going to stay on during the discussion with Fadi so some of those may continue into that.

The question is what independent of those topics do we then go on to discuss with Fadi? There was this letter to third party dispute resolution provider that Kristina raised. In a sense that's a relatively small and a standalone topic.

I had written down in my own thoughts thinking about talking to him about workload burnout, volunteer recognition support and reward and in a sense that links into the current effective functioning of the model. And maybe to have a discussion in and around that and share some thoughts as to some of the stuff we've talked about before.

So that's one theme I've got potentially in mind to talk with him about. Let me know if you think there's others in there. And we've got (Brett), sorry, John, can you - it's John, (Brett), Ching.

John Berard: This is John Berard with the Business Constituency. I know from participating as the liaison for the ccNSO Council that they have expressed concern over their inability to be responsive to requests for information for public comment because the timeframes that are being set are shorter than their prescribed deliberation periods.

And I know that - I don't know if Keith here, Keith Drasek from VeriSign who promoted the notion that the accelerated timeframes and a growth of the ICANN budget and the expansion of the staff is essentially a DDoS on the community; very difficult to keep pace with the flow of requirements and action.

And so I'm wondering if we should - could engage Fadi on a discussion of just how far he intends to go before appreciating the pressure that he is putting on systems that cannot accommodate the decision by executive fiat to shorten or change the processes.

Jonathan Robinson: I've kind of (unintelligible) physical theme before we go into the next, which is kind of - which I've called loosely - I can rephrase it so there's a better - but issues from a community perspective. And I've - there's workload burnout, volunteer recognition, support, current effective functioning of the model, which kind of captured this in some way and there's timeframes being set too fast, you know, from the community. And that seemed to fit into a...

John Berard: I agree. But I think if you lead with the burnout and such, it - there's a sense of, you know, you're killing us. What are you doing to us? But if you lead

with the undue pressure you're putting on the community by - I won't say - there's got to be a word to describe, you know, casually changing the reply period.

You know, when will that stop? Or is this, you know, part of his plan to take over the universe? I mean, you know, somewhere between there and in that method I would like to get a sense of whether he appreciates what's happening at the community level.

Jonathan Robinson: Yes. Good. And as I said, this was a topic (last time). I got the sense from Fadi that he was quite in some sense is surprised but has come to realize the magnitude of it and so on and was receptive to discussion about how to fix it.

So I think we should have that discussion with him. So he got a heads up because if somebody said to me what do you think the burning issue, I would have picked up on that, which is what I did. So he's kind of - he knows that's coming down the track and seems genuinely somewhat surprised and now responsive to it. Right. There's a queue here. First (Brett) and then Ching.

(Brett): Operational excellence is a continuing theme that comes up with the registries and I know with the new TLD Applicant Group. And I know that Fadi and the Board are going to hear that from us when we have a chance to meet with him. I didn't know if it was something we wanted to weave into our Council themes as well.

Jonathan Robinson: Good question. It's been going on in my mind because clearly as well as being Chair of the Council, I'm a Registry Stakeholder Group rep and I'm acutely aware of that - the sensitivity of that issue.

So what I would pose to the Council, to the GNSO here is are there - outside of the Registry Stakeholder Group if you like and those that - are there - do others have concerns in and around organizational performance, if you like, of which operational excellence is a component? And then Marilyn.

Volker Greimann: Ching is next.

Ching Chiao Thank you Volker. I would just like to make sure that in the morning we discuss about the IDN related issue and that I'd also send out a note after - right after the - I mean the discussion. So I would hope that that particular item can be incorporated into the discussion with the Board about the top level and also the second level coordination on the IDN. So want to make sure of that.

Volker Greimann: Will you write the topic then? Will you present that to the Board?

Ching Chiao: Yes.

Volker Greimann: Good. And next I have (James) and then (Marilyn).

(James): Just that I think that registrars would probably also like to jump on the operational excellence issue particularly in light of the two changes recently - the changes to the ICANN Web site, which were done I think, you know, a little abruptly and a number of pages that we're contractually obligated to link to disappeared.

And then secondly the - so I would definitely like to know how we can work more closely with the ICANN staff to make sure that we don't have repeats of those things because we built them into help files and things of that nature.

And then secondly, the recent compromise of the RADAR database. Would like to understand a little bit more about what the path forward is, you know, in that regard and whether or not any of that information was compromised and whether or not we need to take any extra efforts to secure the data that was in RADAR.

Jonathan Robinson: Good point. So where do we want those. We're meeting with the GDD. We've currently talked about them. I think that's right (there) with the CEO. Are they Board CEO or GDD? We've got (unintelligible).

Volker Greimann: Thanks (James). Marilyn.

Marilyn Cade: Thank you. Marilyn Cade speaking. I'd like to ask you to consider that when you're raising the question of operational excellence that we try to divide this into the tactical day-to-day issues, which are incredibly important and do need to be addressed. But also think about the strategic issues related to the operational excellence of ICANN as an organization.

The GNSO is one of the busiest supporting organizations in its own way in terms of policy development but plays a role in the larger part of the input on governance of the organization.

And I think sometimes there's confusion on the part of some of the Board members and some of the staff that when we speak to them we are only there to talk to them about gTLD policy issues and not also about the larger issues.

So we get answers like I've given you a dashboard. That's not the question. So the tactical day-to-day operational performance incredibly important but I think we also need to convey to them that operational excellence in everything

that ICANN does is the only defense against major changes being imposed on this organization externally.

And that last point seems to be what has people running for the hills or driving certain others behaviors or changes that may not have complete buy in from the community.

But I think it's an important point to get across. And right now there's too much - there's too big a gap between the expectations of the community on operational excellence and performance and the answer keeps getting driven down to we're going to answer your questions about ccTLD policy or the dashboard on the budget or the dashboard on something else.

And so maybe if others share that concern we could think about how to get that message across.

Man: (Unintelligible).

Jonathan Robinson: Okay. So we've completed the queue. I think we've got a relatively comprehensive set of points for Theresa, for Fadi and some of those will roll over into the GDD session.

What I have got and I'll let you know - I mean we're coming up to 4 o'clock. We can cut into the coffee time a little bit. We haven't touched on our motions. I'm not sure how contentious or how substantial our discussion needs to be on those at this point.

We may be able - there's only - there's the two motions we need to deal with. But I do think we need to come briefly on to make sure that we've got the right topics that which we have socialized on the mailing list before.

Let me tell you what I've got in my list at the moment. I'm going to have to tidy this up and structure it a little. I want to give them a very brief update on our recent achievements. I don't want that to dominate the session. I probably won't even produce any slides. But I just want to start with reminding them of what we do do and we do do well.

There is something bubbling underneath, which has come up seems from both - in my perspective the contracted party's house and the non-contracted party's house but different manifestations.

But it's the role of these GNSO Board seats and what they - what our expectations might reasonably be of these Board participants. And I don't know how much of a discussion we can have on this. But it really would be good to at least understand the Board's perspective of why does the GNSO have seats on the Board and what can we reasonably expect.

I know from the contracted party's house that there's been some, you know, some question over how much - whether we get an representation or how effective. That is, I know on the non-contracted party's house there's been a significant discussion about the selection of the Board seat.

So my thought is that this might be something we want to at least ensure a common understanding of what our expectations of that role are and spend a few minutes discussing that in an open forum where we can all understand it.

So that's my - maybe just run through the items and then please come back and ask to strike them off or add to them. (Steve), when I met with him on Thursday said he has worked personally and is very aware of the substantial work that the Expert Working Group has done on Whois.

I think this is a really interesting one. And he would love to know where this goes next. What does the GNSO expect in order to be able to do something with it? How - and he doesn't ever necessarily want and answer now. But he does want to know what we - how and what we think.

So there's a discussion potentially about that Expert Working Group's in general, in particular on this Whois and what's going to happen there. And then the question is whether we go into issue with the Board again about this volume of work, the number of threads and so on on that, so.

And then there's the point that Ching's made on the IDNs. Are we going to discuss this work from IGO/INGO? My sense is not. My sense is we got to work on that in the background. But and then discuss at our Wednesday meeting and formulate a response. But I need to have that confirmed I suppose.

So let's go back, touch on these items quickly and see if there's any feedback from, you know, strong support for, neutral or strong rejection of any of these items that are around. (Steve), you - I think you had a point or a question.

Steve DelBianco: Thanks. Steve DelBianco with the Business Constituency. This is currently under draft in the BC. I want to speak to your issue of what the Directors - the Board of Directors individual roles are.

And I'll - in our draft comment on ICANN accountability, we quoted from the bylaws with respect to what the Directors' responsibilities are. And if you haven't read it in several years, it's one sentence long. I'll read it to you.

It says Directors shall serve as individuals who have the duty to act in what they reasonably believe are the best interests of ICANN and not as representatives of the entity that selected them, their employers or any other organization.

And what's important - I mean since you already know that, I saw you nodding, you're not going to ask that. Are we asking for clarification about whether that best interests of ICANN is ICANN the corporation versus the community that is ICANN because those are terms that get mixed up all the time and more and more the Board management serves ICANN the corporation, not the greater community.

So I'm looking to see where you want to go with that. Are you trying to explode and peel that onion of what their interests are supposed to be normatively in the bylaws or what their interests are descriptively, which is sort of how they've been acting lately or where did you want to go with that comment?

Jonathan Robinson: To be frank I'm not 100% sure. I've thrown these out as some ideas to think about. And I know the stock answer. You know, I get that the stock answer referred to the bylaws, this is it. But I felt that given what I've observed that there was maybe some discussion to be had even if we walked out of the room and said great, I'm glad we had that discussion. We now know where we stand.

Steve DelBianco: Jonathan, follow up. The answer is refer to the bylaws. It's fair follow up to say well, the word ICANN in that sentence is that ICANN the incorporation or is it ICANN the community.

Jonathan Robinson: To which I would expect the answer to be the corporation.

Steve DelBianco: Then therefore - yes. Therefore we have to change the bylaws if you wanted any greater degree of representation.

Jonathan Robinson: (James) and (Brett).

(James): No just - I wanted to build on Steve's comment because I thought it was an important distinction. I'd also like to address this question representation because if the Board - the Directors are acting as individuals in the best interests of ICANN, then why are some of them conflicted out or in the past have been sort of removed from certain decisions or asked to recuse themselves from various decisions because of conflicts?

Is there a presumption that they will (copy) acting in the best interests of ICANN? If so, why are they on the Board? So I think that that's more - I don't know how to shoehorn that into this topic. But I would like to see that practice kind of wind down and come to a close.

If we have a concern that a Board member is acting in a conflicted capacity then let's get that front and center as opposed to taking the one and only contracted party Board, you know, expert - operational expert on some of these issues and saying, you know, you're not participating in this particular issue.

(Brett): This is (Brett) and this is not a registry position. This is my own thoughts. I support Steve's view of what the Board members should do. Once they're on the Board they represent - they're an individual and they represent the best interests of ICANN, not the people who elected them.

At the same time I sense that we want more liaising if we want them to have a more communicative role with us. So it think it's reasonable to ask them to participate more. And if that doesn't work, if that's akin to asking them to essentially serve on two houses, which, you know, it's already a demanding job to add, you know, sitting on the Council and talking with us all is probably too much.

I mean maybe we go the other way and ask for like the GAC has a liaison to the Board. Maybe the GNSO needs a, you know, a non-voting person up there to increase the communication, so. I mean there's a Chair, the Vice Chair of the GNSO but someone who can participate in those discussions and bring that back to us without changing the role of the existing elected Board members.

Jonathan Robinson: So I think I'm hearing an appetite for this topic to be discussed a little and that it has some substance. Marilyn.

Marilyn Cade: Thanks. I guess I'm going to push back a little bit on spending too much time on this topic given the fact that it does take a bylaw change. And I've looked at it rather extensively.

I would just say that there are things that the Board could do today that they are obligated to do as a part of the affirmation of commitment and there's ATRT1 and ATRT2 that are not being done that would improve the visibility and transparency and engagement with the community.

If what we want is more engagement, I will remind all of us that at one point Board members came and sat in our various constituency sessions. They sat in these rooms with us and listened.

And one major change that has happened, which I find very bazaar really and disappointing is the Board is now spending so much time with itself in subgroups and in retreats, et cetera, that much of the time it used to spend in listening into the various working activities throughout the week have kind of gone away.

I used to count the number of Board members who came to each of the meetings and I watched who came and didn't come. And today that's an easy thing to do.

So in addition to your thinking about longer term remedies, maybe there would be short-term ideas that we could put forward to sort of call attention to. If they weren't spending time in subcommittees, they could be sitting in the room observing the discussions and the topics that go on.

We achieved some things maybe on Tuesday where we all get an hour. But my experience is that's not working well at all. That it's almost become a tribunal.

And maybe a discussion about the short-term improvements as well as longer term improvements because in short-term you could implement some changes in short-term; more presence in the room, more observing what's going on and you - we could do that by (LA) while Board changes will take - bylaw changes will be multiyear.

Jonathan Robinson: Thanks Marilyn. Next in the queue we have (Dan).

(Dan): Well Marilyn actually stole part of the thunder of what I was going to say, which was that I think back to the same drum I've been banging on essentially

all day that it really is about community. And the best - maybe the most pragmatic suggestion would be that we try to change the dynamics.

So this group is not as supplicant at a targeted discussion meeting but that there's more informal interaction. And one way to do that would be to encourage the Board members to spend time in these meetings. But not even just in these meetings but more informal discussion because I think that's the way information gets traded.

There was one other technical point I wanted to make. That if we look at the bylaws and what the best interests of ICANN means, there are two valid interpretations of that, which are sometimes in conflict. And they are just the nature of the beast.

One is as a member of any Board, certainly in this case a U.S. incorporated non-profit, you are legally required to represent the best interest of that legal entity. That's a legal issue. And that's a distinct issue from representing ICANN the community, which is all of us. And there are times those are very much a pragmatic conflict. And it's just important to understand that.

Jonathan Robinson: We've got Steven and then I'm going to try and wrap this one up and see if we can't spend a little time on making sure we've had a least some discussion on the motions as well. Steve.

Steve DelBianco: Thank you. Steve DelBianco. Take only a moment picking up on what (Daniel) has said. And (Brett), you mentioned this notion of looking for changes whether they're incremental changes to the bylaws or the way they act. And that doesn't have to be the path that's pursued to have the Board become more accountable to the community than fiduciary duty or its personal relationships with management.

There are alternative methods. So we don't have to actually solve the problem yet. That's what the enhancing ICANN accountability will be about. We may need an external structure of accountability for the combined entity of the Board and management as opposed to trying to change the nature of the Board itself.

So we don't have to necessary solve that. But if we probe and confirm what the understanding is, where the fiduciary duty lies, that will empower us to do a better job designing the new accountability structures during the enhancement working group.

Jonathan Robinson: So we have - thank you Steve. We have another chance to talk about this Expert Working Group. Personally I haven't even read the report yet. So I don't know how many of you had time to think about the report, read the content of the report, understand the implications, imagine how that might all work.

But, you know, I think certainly let the Board - certainly Steve and I expect the Board might like to have an initial discussion about that. So I encourage you to think about that. Maybe we can talk about that informally.

We have a topic here which is Board engagement and involvement/GNSO Board seats to try and tease out a little bit about our relationship with the Board, how that might be changing over time, some expectations, what the consequence of fiduciary duty is so.

But we - and then personally I think we should make the Board aware of the substandard discussion we've had about - that we will have with Fadi but the Board also could do with knowing about the saturation level of the workload,

our capacity to absorb more and how that - the kind of discussion we had this morning.

So yes. Fire away.

John Berard: This is John Berard. And also how that reaction influences our thinking about the requests for additional compensation. I mean trying to - I mean it becomes very personal for each of the Board members if we're not very - if we're uneasy with the certain current environment.

Jonathan Robinson: I've got a little note on that partly because of (Sentra)'s point earlier. I try and thread that in and - yes. I mean I think it's a fair point. If I understand correctly, this is about how it appears - the appearance of an enhanced remuneration where there's in the context of a DDoS on the community. Right. That's the question really.

And it's sometimes as much about appearance as substance. And until we've resolved the one it makes much harder to feel comfortable with the other. Okay. Good.

All right. I'm going to draw a line under that. I think we are relatively well prepared. Basically we could always do more. I'm - and so I think we need a few minutes now. We've got till 4:30. We could probably run on a little bit before our coffee break.

Let's end the session here now please. So if we could stop the recording on preparation for Board meeting and with...

END