

**Transcription ICANN Singapore
Open and Substantial Strategic Discussion
Saturday 22 March 2014**

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

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

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

Jonathan Robinson: Have what was (at a time has) been called a bit of a brainstorming discussion opportunity to have a slightly more open discussion and raise key issues that might not have come up on the formal agenda or otherwise.

I thought it would be appropriate that we as part of this session revisit briefly some of the output from that development session we had in Buenos Aires. I thought it'd be a very good idea to just benchmark where we had got to and with the help of the effective record keeping of Marika, we've got together a couple of slides to do that.

But I don't think that should take up the whole of this session. So I think before going into that, just want to get no into the discussion but get onto the table any additional points we should be discussion.

Now I know you will have seen a note from John. I think it came through earlier this morning wanting to talk about this, you know, some form of community appraisal - a performance appraisal or the likes. And I think that's something we could discuss in this session.

Are there any - are there any other topics or issues that people would like to see covered? Is there anything that's a burning substantial issue that needs airing? And bearing in mind we've got a second session at 2:15 this

afternoon at which point we'll pick up specifically points of discussion with the ICANN Board.

I mean nominally that 2:15 session covers meeting with the ccNSO, the GAC and the Board. But actually we're in pretty good shape as far as the GAC is concerned and the ccNSO. So I expect the substance of that hour session will be on a dialog with the Board. Mikey.

Mikey O'Connor: This is really just a point of order kind of question. And, you know, is this the slot for the NTIA planning - I mean it's - there's this giant elephant. This - is there a place to insert that elephant in our agenda other than this because if there is, then I'm fine. But if there isn't, then I think we ought to have a chat about that at some point.

Jonathan Robinson: Well yes. I mean I don't see - I mean we could certainly - to be honest with you, I'm not sure I've got my thinking straight as to how and what the Council should or shouldn't be doing but I'm open minded to any kind of comments or initial discussion on that. So that's (here) potentially. So John.

John Berard: Well I think with regard to standing, the discussion about the NTIA action and the discussion I'd like to have with regard to giving the community a platform for offering feedback to the CEO's performance over his first two years, I think there's a, you know, we need to find a way to have - to create a - to create ground under our feet I think on both issues.

I do think that they deserve our attention, that we have heard too much even in the first day of being in Singapore that suggests that those - that the NTIA discussion is important for the look and feel of ICANN going forward.

And the - giving the community an opportunity to offer feedback to Fadi dovetails completely with his stated interests as I laid out in the email. Not firstly this morning keeping in mind of course recalling that I floated this idea at least four or five maybe even longer weeks ago in hopes that we could

create a two way exchange letting him know what the community thinks the first years have added up to and create a stronger bond between the initiatives of the executive and the interests of the community.

So I would say that both of those issues should get in the queue ahead of a recap of Buenos Aires.

Jonathan Robinson: Any other comments or points? I mean I - personally I think it's important that we track where we've got to but I'm happy to, you know, I don't want to ignore the good work we did and the scene we set for ourselves. And so I think it's not a bad idea to just make sure that we're all aligned on where we got to. Mikey.

Mikey O'Connor: Here's a suggestion on maybe how to move forward on that. I think one of the things about the Buenos Aires conversation is that in a way it lends itself better to kind of ongoing conversation on the list. You know, we just haven't launched it into the list. And so to the extent that we don't give it enough time now, that one's in a way easier to sort of handle asynchronously, if you will.

Jonathan Robinson: So here's a suggestion, let's not kill ourselves on process. We've got two key topics. We've got this - a quick recap of where we've got to on some of the key points. I mean I would ask you indulge me on this for ten minutes. That'll take us up to 12:30 and then we've got 15 for each of the other topics, which will take us up to the top of the hour.

Frankly, we've got lunch as well. And I personally - and I think there's some real value to talking outside. We could carry on elements of those topics as well. So that's - that seems like we can partition it up and get some value out of that. How does that sound?

Okay. Let's whip through this and we can just take a few minutes to - so how do we control the slides here? It's from a single - so I - personally I think we

will find this pretty useful to have a quick look and remind ourselves where we left. And this is a - this is a kind of heck.

I don't think we're at the end of the road here. But we set ourselves a series of points in saying what would success look like in a year. Now we're going down through that year at the moment.

And we talked about having a successful working relationship with the GAC, an ability to demonstrate efficiency and effectiveness of Council, attracting new volunteers to GNSO Working Groups, Board acknowledgement and respect for the role of the GNSO and so to - and substantive and full discussion on the Council mailing list.

So for me it's pretty refreshing to look at these and say - and in fact some of them tie into these other topics we want to talk about and so it's a question of what sort of progress we are making and do we need to highlight or not any of these.

It felt to me like this is a very good level set or mechanism by which we can check whether we are indeed making the kind of progress and were we working in the way that we would like to. So we can go onto the next slide.

So it's five months after that. And I think certainly - and to some extent this leads into - clearly into our discussion with the Board is where are we succeeding and what are we doing right because I think one of the dangers is - which our conversation with the Board at times it's gone into a polarized kind of potential criticism mode, which immediately sets up an antagonistic dialog, which is not necessarily productive.

So frankly I think the fact that we've begun to work and develop the first seeds of a successful working relationship with the GAC is something, which is clearly supported by the ATRT 2 recommendations. We've established this GAC GNSO consultation group on early engagement in the GNSO PDP and

it works on a couple of different levels including starting to build how we might work on a day-to-day basis.

So we've - this will come out in a lot more detail when we meet with the GAC and the group with in fact Mikey's help whose done a good job of preparing a decent presentation there. So we'll go through that in some detail. But I think we're on the road as far as this particular objective is concerned. Next slide please.

This talks about whether we demonstrate efficiency and effectiveness. I mean we make good contributions to the ATRT 2 and engaged effectively with ATRT 2 Geographic Regions Working Group. And in fact the - there was interaction with the New gTLD Program Committee on the string similarities.

We've been putting through a fairly steady workload; the various PDPs that we've put though and in fact also the active work on the PDP improvements. And I guess what - there's a point that strikes me as well is there's no obvious counterpoint at the moment.

There's nothing that says we aren't demonstrating. You know, we're not - there was a time when we were - when we could readily be held up and said well actually you do this or you do that that suggests that you're not effective or efficient.

And for the moment, right now, I don't see - I'll pause for a moment in case I'm missing something. But I think there's a steady throughput of work and nothing from my perspective that's saying - there's no significant alarm bells ringing. Next slide please.

Attracting new volunteers. Well this is going to be a never ending task. But there's some encouraging signs with a few of the working groups and that was one of the reasons why I wanted to double check with Chuck on the

Policy Implementation Working Group quite where that has gone to from that initial rush of interest how well that was persisting.

But clearly that's one of the themes of the GNSO PDP Improvements work is looking at how to attract and retain new volunteers. And then there's some monthly Webinars that are running. And I'm sure there's all sorts of things we could do but there's some activity and some encouraging signs there. Next please. Yes Mikey.

Mikey O'Connor: Just going back to that last one. I do want to introduce a new dimension to that. I think we're doing better at getting lots of volunteers. I think we need to inject the word readiness. Because what we're running into now in some of these working groups is that we've got people coming in but they're - through no fault of their own - it's not in any way intended to be negative but they're really not ready yet to be effective participants.

And so I've been lobbying pretty hard all kinds of places. But we need to build a bridge between the giant outreach campaign that's ramping up to get people ready and figure out what's needed to get people ready so that they can be effective on working groups.

Jonathan Robinson: And I've seen your comments on the sort of stair casing people in. I mean to some extent that's what Webinars are about. But there's - I'm sure there's plenty more we could be doing there.

Mikey O'Connor: Well let me just expand on that. You know, the newcomer stuff is fine. But it seems to me that what's really important is that the constituencies especially the non-contracted party house - and by the way, for those of you who read my comments in that thing where I threw the NCUC under the bus, I don't know how that happened but it wasn't intentional.

What I was talking really about is especially from the non-contracted party we need to get better at preparing volunteers to be effective participants in the

working group process so that we don't have to educate people in the nuances of these conversations during the course of that. And that's a lot of work that there are no resources for right now.

Jonathan Robinson: Okay. Could move the slide deck off. So I flipped the title of this from respective, which is what we said, to appreciation. And by appreciation I don't mean the thank you version of appreciation. I mean the understanding definition of appreciation. And I think we've got some movement there but I think it's a drum we're going to have to bang.

And it's quite clear that this is, you know, it connects with some of - some of the other themes we're talking about including making sure that the work that's going on to respond to the GAC advice is - it remains consistent with our policymaking processes and that the Board and the NGPC give us the assurance that they intend to - that they're cognizant of the way in which our processes work.

Some of it's about us communicating what we do as effectively as possible. There's some work gone on about that. I mean we have various updates to the Web site to the various communications we do. I think there's a Twitter feed that (Lars) is updating on a reasonably regular basis.

This is something which we all have to work on as effectively as ambassadors of the Council in our day-to-day work as well. And I specifically put the GNSO rather than the GNSO Council there as well because it's the work within the GNSO. Jeff, welcome.

Jeff Neuman: Thanks - this on. Okay. Jeff Neuman. I guess I'm with the Registry Stakeholder Group. I want to question on this one. I mean I'm an outsider at least for the GNSO Council. Still in the GNSO so thanks for the clarification as this is for the GNSO.

I've seen a lot of lip service to the GNSO over the last several months. But I don't think - if movement here means movement down, I think maybe but I have not seen any movement towards the appreciation of the role of GNSO.

I think the IGO INGO recommendations is indicative of that. I may not be able to be here for that discussion but I think it should have been respect. I think it should have been kept as respect. I definitely think that there has been a lot of lip service to the bottom up process especially with everything else going on the last several weeks.

But I have not seen any movement in terms of appreciating or respecting the role of the GNSO. I think with the IGO INGO you now have a definitive example where I believe there has been shown a lack of - complete lack of respect for the PDP process.

I would love to get talking on the substance of that but I know that's coming up later. I think this is an area that definitely needs to be worked on especially when you consider all the high level panels that have been constituted from the CEO and all the things that they're doing.

I think in the last - since Buenos Aires, since - and it probably started before that, I think the GNSO has been pushed and pushed and pushed down much further than what it's been ever since I can recall and I've been doing this for a long time. So I think this is one you should spend some time discussion.

Jonathan Robinson: So Jeff, just to clarify when you say it's coming, I think it's coming to the extent that it is raised and discussed in respect of our agenda with the Board. And we have that session for the Council at 2:15 to 3:15 this afternoon to prepare for our meeting with the Board.

Jeff Neuman: Right.

Jonathan Robinson: Mikey.

Mikey O'Connor: I'm going to just build on what Jeff was saying and put an earworm out there, which is I think we need to defend the working group brand. Working groups are something special. And the role of the GNSO Working Groups in terms of consensus policy and that whole pile of stuff I think is getting diluted with the high level panels and all the other stuff that's going on.

And so to put it in crass commercial sense - I'm seeing Berard grinning at me because he's seeing a techie trend get into his turf and his terms. But, you know, that's a brand. And I think we need to defend it.

Jonathan Robinson: So I've got a line developing. I've got a queue, which was Jeff, Mikey - oh, I can't remember who I had here. (Thomas). It was (Thomas) and we'll then alternate this with the mic on the floor. So I've got (Thomas), (Arlin), (unintelligible), Rafik, I've got (James) and I've got Chuck.

(Thomas): Thanks Jonathan. Two quick points on the - on this slide. The success or potential success or appreciation for the IGO INGO PDP Working Group outcome I think could be seen in Fadi's opening remarks in Buenos Aires when he said we should be more self-confident with what the PDP can do. And that was sort of a coincidence in time with us presenting the consensus recommendations.

At the same time looking at the letter that (Sharene) recently sent, I mean how far does the appreciation go if you say we recognize the work of the GNSO PDP Working Group but still we're going to do our own thing and we don't really much - that much care about what the consensus in the community is?

I mean what more can we deliver than consensus recommendations in a timely fashion? And see that being ignored or partially ignored or being announced to potentially being ignored. I think that's not too satisfactory. I

see that the Board is between a rock and a hard place with this given the GAC advice that is there.

But nonetheless I'd have to doubt that that is a token of appreciation for our work. And I think I'll leave it there for the moment.

Jeff Neuman: Hey Jonathan.

Jonathan Robinson: Thanks (Thomas).

Jeff Neuman: First to add since that was brought up that quick.

Jonathan Robinson: Yeah. Make sure the mic's on then.

Jeff Neuman: Right. Very quick. To add to that - to the Board - and I know the answer to this. But did (Sharene) or anyone come back to the PDP Group and ask them whether they discussed this as an option? I know what the answer is. No. That would have been respect and appreciation for the role.

The reality is that or something similar to that proposal that (Sharene) put including them in the clearinghouse was absolutely discussed in the group, was absolutely definitively rejected.

Respect and appreciation would have been for the Board to come back to the group and say hey, did you guys consider this and the answer would have been yes and we rejected it. That would have been respect. What they did shows a complete lack of respect I believe.

Jonathan Robinson: Rafik you're next.

Rafik Dammak: Okay. Thanks. So I wanted to comment what Mikey said about the readiness in volunteers in working groups. We (tried it'd be hard) to

encourage our members to join working groups is not easy because sometimes time zone difference the kind of topics that discussed there.

And I find that you're - I mean that's mostly the Webinar presentation you made quite helpful, good material. But I mean it's not easy to prepare people. We try to support them. I mean all our - I mean our members who are already participating try to support them. It's not easy.

And I do see that even for new - the newcomer joining working groups it's a way for them to learn. I mean it's - if you are waiting for people to be ready to join, you can really wait for a while and you are not going to get so many. So let's to find better way I mean to improve and so I want just more clarification from you.

Jonathan Robinson: Mikey's going to respond. Then we'll get back to the queue.

Mikey O'Connor: I've got an idea about that. And I agree entirely with what you're saying Rafik. And I think that the intermediate step is, you know, working groups are very dense, very careful conversations about consensus policy. It's not a good place to train somebody.

The place to train somebody is where there is a little less pressure. And that place it's built already. It's in the preparation of comments where instead of taking a person and saying okay, go learn about the PDP by participating in a working group, step back a notch and say go learn about the PDP by first participating in a public comment preparation working group and then essentially kind of work your way up.

So first time you just sit through it. Second time you contribute a bit. Next time maybe you lead it. But it's, you know, there's a whole stage of the process that lends itself more because there's less pressure, there's tight deadlines, et cetera, et cetera.

But to take somebody right into a working group puts a tremendous strain on the working group itself because now the working group's got two jobs. It's got the job of actually developing the policy recommendation and it's got a training function. And that's overloading it a bit. So to put another focus for that training function and making that the comment development process I think is where we meet in the middle.

Jonathan Robinson: Okay. So it's a few people coming up on the - at the mic, which you've got to respect there's a few hands on the floor, there's a couple of requests for direct reply and there's a commitment to John that his agenda item will be not high tech completely by and he would like it to be dealt with in this session as well.

So let's go with - Rafik, you want to respond? Klaus you want to respond specifically to this and then we got to get back in the queue and I see that Kristina has substituted for Chuck but we'll work our way through the queue.

I've also got (Gabby)'s hand up on here. You know, and I've got you (James) already. You're in my - you're in my queue. So right, let's go - yeah. So there's a - if you could be quick Rafik and Klaus you've told me that this response is directly on this. So Rafik and then...

Rafik Dammak: Yeah. Thanks. I don't understand what you say Mikey. I don't think it's quite realistic. We - the different group we have different dynamics and different - I mean kind of volunteers. You know, we try to involve people.

I understand that maybe puts some work in the working groups but we are also trying to support our members. So don't make - when I hear you it's not even any more open working groups. Looks like we need to send kind of expert working group, something like that. We're talking about GNSO. (It's open). You have different level of involvement of commitment but that's how we train the working group.

I so by experience and you have already in the Council someone who started - I mean in the working group and he learned and he become so active. And he leads his community. So don't lets make this kind of - I mean it looks - look what you are expecting - expect working group and don't think that you are aiming to that.

Jonathan Robinson: That sounds like there's more to talk about. Klaus briefly and then...

Klaus Stoll: Just a very quick comment on this one. I think for me the key word in all this is relevance. I think when we have people and topics, people will educate themselves. We've got wonderful teachers like Mikey and a lot of people in the room.

What's missing here is that we are not able to explain why these things - these working groups are relevant to specific people, specific scenarios. And we have our problems why - to explain why the GNSO is relevant when all these things going on where the GNSO is in my opinion just simply flatly steamrolled. It's all about explaining why is it relevant and we should start with that.

Jonathan Robinson: Thanks Klaus. I've got (James) next and Kristina, Chuck and Volker.

(James): Thanks Jonathan. So I got stuck in the queue and left out of the conversation but Klaus, you nailed it right there. Is that you cannot as a structure ask to be relevant. You either make the case you have relevance or demonstrate that there are clear consequences to being bypassed.

And this Council has done I think at least recently has not been able to make either of those points. And I think that that's where those two things need to be driven forward particularly when we look at what role this part of the community will play in shaping the new, you know, ecosystem or whatever.

You know, it's only representative of more than half of the community voices and probably all of the commercial industry sitting around this table. I think that we need to make sure that that voice is not diminished or discounted as we go forward.

And this is going back to now several quotes ago from what Jeff was saying. Just I don't want to pile on but I just want to endorse what he was saying that this is - this culture of let's see how we can bypass some of these slower louder messier community mechanisms and get right to the - right to the answer we want is very concerning.

Jonathan Robinson: Thanks (James). Kristina.

Kristina Rosette: Kristina Rosette speaking on behalf actually of the IPC and this issue. I'm certainly sympathetic with the point that Mikey raises. I would just urge the Council and the GNSO generally to exercise caution and restraint in adding additional barriers to participation in working group.

And whether it's requiring training sessions or the like, it's - for us at least it's extraordinarily challenging to find someone who's willing to agree on the front end to dedicate an hour of calls, two hours of email a week for 18 months, which is basically what you're talking about.

And then to say but first you have to do a three-hour Webinar in how to participate in a working group, we'll never get anyone. So I certainly understand and am sympathetic with the concern but we need to be very, very careful about how we implement it.

Jonathan Robinson: Thanks Kristina. Chuck, you've been very patient.

Chuck Gomes: Now I want to talk about something new in addition to the - I'll be quick though Jonathan. On the subject that they're talking about right now, it is

possible to train people and get some training within working groups but don't pick a complicate one. Don't pick a highly controversial one.

There's not a one size fits all in terms of preparing people for these things. There are a variety of ways to do it. So I'll leave it at that with regard to that subject. There's not just one way and you don't have to set big barriers and I'll leave it at that.

What I really wanted to come back to was what Mikey said on the working group model. The working group model has a problem Mikey that's multi stakeholder. It's bottom up. That's a big problem.

And I think the way that we need to deal with the community on that - and for those that don't know, I'm being sarcastic there. I think that's what we - one of the ways we need to attack that problem and the lack of respect, these other things that are coming up.

Working group model doesn't product fast decisions. It doesn't gloss over too quickly and try to reach the end game and that's very uncomfortable. People don't like that. It's messy. It takes a lot of time. And they want decisions faster.

So we really need to put them on the spot and ask them do you want a multi stakeholder bottom up model. If you do it's going to take time and you've got to have some patience.

The bottom line is they can give lip service to the multi stakeholder model but they don't like it. And the biggest criticism of the GNSO I believe, and we've got plenty of places to improve, but the biggest criticism is because it takes a lot of time. But that's because we're trying to be bottom up and multi stakeholder.

And we need to reinforce that with people and come back and ask them do you really believe in the multi stakeholder model. If you do then fast decisions are going to compromise that. Make up your mind. Don't just give lip service to it.

Jonathan Robinson: Thanks Chuck. My queue now has Volker, Stephane and John and then we'll call it - we'll draw a line under it there.

Volker Greimann: Yes. Volker Greimann speaking for the transcript. I would like to tie a little bow around a couple of topics that we've discussed now and maybe step on one or more toes here.

But I think that membership and appreciation or respect of the GNSO are just two sides of the same coin. Myself I cut my teeth on the Vertical Integration Working Group and that was my first working group experience. And it was very interesting. I learned a lot during that working group. So I would disagree with Mikey's opinion that you cannot get into a complicated working group and start swimming.

I think you should just jump in and feel - get a feel of what the working group life is like and if that kind of work is something that you're cut out to do or you enjoy doing. Having to do a preparation course in advance might not prepare you for the realities of the work. I think you have to be in there and do it to actually appreciate what the job entails.

On the other hand, when you have a result, when you have a working group done, there's nothing more detrimental to the encouragement or the enthusiasm and willingness to (consider with) another working group than a lack of respect in the result of that working group or appreciation in that result of the working group.

So you need to be - you need to see that what you've produced and what you've been discussing is picked up at all levels and taken onwards. And

even if the result is not followed, it - your discussions are valuable and your contributions led to the end result.

So basically this also ties into what Chuck was saying. Without top down appreciation of the bottom up process, the bottom up process will dry up and then ICANN will not be what it was.

Jonathan Robinson: Thanks Volker. I've got Stephane next.

Stephane Van Gelder: Thanks Jonathan. Stephane Van Gelder speaking. On the - there are several issues here. On the issue of respect or recognition for the work that the GNSO does and for the bottom up policy development process, I just would like to recommend to you as a Council that that is something that you should fight for actively.

And one way to do that is to empower your leadership team -- I'm sure you've done so already -- to go out in the world as it were and defend that position with all the other groups.

I think it's very important that you as a Council be behind your leadership team in making sure that that threshold of defending the multi stakeholder policy development process, the bottom up process that you embody and that you represent that always be the line that your leadership team is allowed by you to take elsewhere outside of this room. Because it's all very well to have this discussion here but it won't stop others from outside putting pressure on the process that you're defending. Thanks.

Jonathan Robinson: Thanks Stephane. Appreciate that. I've got a queue, which people keep adding to. I think it's a valuable discussion. I think it paves the way for other topics we intend to discuss. But I am conscious of time and I want to clear things off. So I've got Yoav and (Thomas) but prior to Yoav and (Thomas), Volker we've had. John, you are next.

John Berard: Thank you Jonathan. John Berard. This discussion is an interesting pivot to the point that I would like us to take some time with. But I am struck by what (James) had to say. Slow, loud and messy. I can see the buttons. I can see the bumper stickers.

The bottom up consensus driven multi stakeholder, all of it is slow, loud and messy. It is exasperating. It is unproductive. It is annoying. And yet when it produces a result, it is the most gratifying thing that I have seen. I mean when the multi stakeholder bottom up decision making process actually decides, it's a glorious bit of business.

And if the Board does not want to recognize that effort, then that's their problem. And we should as Stephane says take great pride in the work that the GNSO overall and the GNSO Council in particular does. So I would, you know, I'll throw in a few bucks to get some buttons made up. I'm proud to be slow, loud and messy. And, you know, I'll defend it.

((Crosstalk))

Jonathan Robinson: Thanks John. I've got (David), Yoav and (Thomas) before we wrap this up.

(David): It's clear that this is a, you know, a deceptively complicated sort of issue and with different views. I think it's - we've certainly seen that some people do feel that it's difficult entering the process whereas others feel that, you know, but we have to do that in a way that we absolutely don't add barriers to entry.

Often it seems would - we - some people do jump in and start swimming but sometimes encounter problems along the way. And in some ways this probably is a problem we can't solve as a Council. Many of the - many of the things that people or as the GNSO as a whole in that many of the things that participants and workgroups really want to know are probably things that not everyone can tell them or, you know, they need to be trusted.

So it's, you know, it's kind of - it's great to be told yes you can say this, you can do that but sometimes what they really need to be - you know, people need to be told why is that person saying that. Well only, you know, they - we have to approach it - there is no easy answer. We all have to approach it within our groups.

But there will be a few - it's clear that throwing up barriers to entry is the one thing that we are allow trying hard yet that we all don't want to happen, but yes you can respond Mikey.

Mikey O'Connor: I never said barriers to entry. I'm talking about readiness. And I'm saying that anybody - I'm not saying that nobody can join a working group, that anybody is prohibited. What I'm saying is as your customer, which I am as a working group chair and a working group participant, I need some help from the constituencies to do a better job of preparing their people to participate. They are not prohibited. I never said that.

(David): No.

Jonathan Robinson: Okay guys. Let's be very careful. This is a substantial point and it's clearly a critical point is - around this. But bear in mind here we are at the moment on this issue of appreciation of the role of the...

(David): No, I'm not saying that you said that. I'm saying that many - where many people have seen that as a danger that we have to be very careful to avoid. Yeah. No, I never attributed it to you.

Jonathan Robinson: Okay. So let's park that issue. I've got a couple of others to close off on this before we move onto the next substantial topic and that's Yoav and (Thomas).

Yoav Keren: Yeah. So I think that the reason we hear more and more or we see more and more in the past couple of years cases where the GNSO is being circumvented or people try to circumvent it is because there are different interests. And there are people in the community that support that, that are okay with that, with the side that the GNSO is being circumvented and maybe also (they are) ICANN or not.

You know, the - it's something that people want to see happen. I would say, you know, my personal opinion was actually very rare that (unintelligible) attention to anything that happens and anything the governors. But actually after the U.S. announced its pullback and we're - I think we're going to discuss it also.

They are giving up the control on IANA. I was interviewed about it and I was asked, you know, is it a good thing or a bad thing because no one else in Israel knows anything about ICANN. And my answer was it will be okay as long as the bottom up process is secured.

Now there's two things happening here. There is this, you know, after all we know that the U.S. Government in some way was making sure ICANN still, you know, stands for what it was supposed to be. Now they're pulling back. And we see forces that are trying to stop or maybe again circumvent the GNSO.

So I'm worried about it. I think we all should be worried about it. And I don't have the solution but this is something that we still may need to discuss with other people in the community.

Jonathan Robinson: Thanks Yoav. (Thomas).

(Thomas): Actually I wanted to comment on the new subject that John - John's proposal with respect to...

Jonathan Robinson: Can we close this before - you can be first in the queue for that or do you want to...

(Thomas): Yes. I can't resist assuring Mikey that I now know your previous interventions by heart this as far as (com/w). You know, ones that you've always been promoting. And I guess I'm not paraphrasing but quoting you word by word when you said that come to working group, sit in for the first thing, just listen and absorb.

So I think we should all be quite patient with those stepping in and I think that Volker's example was a great one. That if you do that you warm up to it and then you get there. So I guess it's the encouragement to the various groups to maybe educate their folks to be ready at an earlier point in time is a good one.

But nonetheless I guess it's an excellent starting point to have people participate in new working groups at all and to see that many in the - on the charts that we've seen I think that's an encouraging signal. So I think we need to be a little bit patient with the newcomers if you wish.

And if I may, I would like to...

Jonathan Robinson: Try and close this one up before. Then (Thomas), you can be first in the queue on that one. But so it's clearly cuts to nerve, right, this appreciation of and respect for the GNSO and the multi stakeholder model. And this is a theme that's buzzing in the corridors, right.

This is quite clearly a theme for the meeting for us - for all of us. And it leads very neatly into our discussion with the Board. So I think if you can just park some of these issues that have come up and we'll pick them up again in our preparation for the discussion with the Board.

I'll just make one other remark, which links into one of those other topics. And that is that Larry Strickling talks about with his hand over of the IANA function and that he wanted to be sure that it was going to be - that the new world order was through a multi stakeholder bottom up process. So it's quite clear that this is the theme we need to hold onto and lock into.

There were two other topics we wanted to cover now. One is this perspective performance appraisal, review of that John's raised. And John so I think you should have the opportunity to reintroduce that set the scene and then (Thomas) is next in line.

John Berard: Thank you Jonathan. John Berard. The discussion item that Jonathan has referenced has been distributed to the members of Council by an email most recently sent by me this morning for most - there are more people here who have not received that email, who have not perhaps seen the chatter on the list. So let me just summarize where I think I am in this conversation.

I am suggesting that the Council create the opportunity for the full community to offer input to a performance review of the CEO. Separate from what the Board is likely doing as Fadi nears his second year in office and it's either London or L.A. will be that mark.

I propose we issue a call for contributions from the community that can be forwarded to the Board. I suggest we ask these contributions offer feedback on how Fadi has done against the four objectives that he committed to in Toronto.

The first one was affirm the purpose of ICANN. The second was operational excellence and quality. The third was internationalizing ICANN. And the fourth was evolving the multi stakeholder model.

As he said, those four objectives, that's 16 goals, 50 initiatives, 156 programs. I'm not suggesting that we get into that. I'm suggesting we keep it at this high level.

It may be that the Council is not the perfect entity to manage the call, collection and distribution of the community comment. I'm totally open to that. But we are in a position to identify and work with whomever we think is best suited.

And here's the - I think the most salient point for me. In Prague when Fadi introduced himself to the community he said he was quote driven by building consensus, quote all about inclusion, admitted that he had been his words were approached for acting unilaterally in the past and wanted to quote work at mutual understanding.

A call for comment in review of his first two years in office can help Fadi do just that. Can help at creating that mutual understanding. I propose that we discuss this, that we open it up. My feeling is that the community can contribute significantly for the Board's consideration of the performance of the CEO in his first two years in office.

And if we as the Council can encourage that, help that happen, initiate it, then we'll be doing the GNSO and the community overall a service. And so that's where we are with this issue. And then I can let (Thomas) pick up on that if you want Jonathan.

Jonathan Robinson: So I've got (Thomas) in the queue and (James) and then (Amer) and it's questions or comments for John on this issue and discussion thereof.

(Thomas): Thanks Jonathan. And thanks John for bringing that idea up or reminding us of the idea that you had brought up a couple of weeks back. I think it's an excellent one. I also think that the Council is not the vehicle to conduct that

exercise, which is why I had suggested that we should ask the Board to incorporate that into its own review if we can.

But I think that a community wide review of Fadi's performance is inevitably needed to ensure that there is a strong link between the community and Fadi's actions.

I felt that this was - that particularly talking about Fadi is an excellent bridge between the last topic and the review topic because when - what Fadi said in prior calls though is that he's the defender of the multi stakeholder model and the time it takes. Right.

So certainly he did not say any time that it might choose to take. Right. But I think if we produce results in a decent period of time then Fadi has promised to acknowledge that and appreciate that. So I think that's closely linked to this appreciation question that we had and maybe the Council also wants to offer a comment during this performance review in the light of how we perceive Fadi's performance with us.

Jonathan Robinson: So can I just clarify. To that extent the Council is part of the community in that sense.

(Thomas): Yes. Certainly individual councilors or the groups that they represent can participate themselves. But I think that the Council as a body, if you wish, should also reflect its own experiences in collaborating with Fadi.

Jonathan Robinson: Thanks. I've got a queue, which is (James), (Amer) and then Ron.

(James): Thanks Jonathan. (James) speaking. And thanks John. I think this is a good topic. I have a lot of opinions I would like to submit as part of my contributions and if you want to meet up for a beer later on, I'll share even more than I would on the record.

But, you know, I think that we can take - I want to play devil's advocate though just for a minute, not because I don't like this idea but because I think we need to flush it out a little bit more and anticipate some of the criticism. And I think you and (Thomas) both touched on the idea that maybe the GNSO is not the appropriate mechanism for this.

We didn't choose the CEO. We didn't, you know, we weren't necessarily involved in the selection process. So, you know, is this unsolicited and unprompted feedback, you know, appropriate? I like the idea of just maybe, you know, we're more the catalyst to get more community dialog going.

And if that is the route that we want to take, then I would like to expand that to include Board members. And I would like to see the Board as a whole or different community or, I'm sorry, committees within the Board could be expanded into this because I believe that executive staff in particular is doing exactly what they believe the Board has granted them the authority and mandate to do.

And that unless you weigh in on that part of the equation also, you know, it's just - it's a bit of a one sided feedback. But I definitely like the idea of referencing as the standard the four criteria that were put out in the introduction in Prague and for others - for the Board member for example we could go back to some of the stuff in the ATRT.

Jonathan Robinson: Thanks (James). (Amer).

(Amer): Thanks. This is (Amer). I think (James) and especially (Thomas) have covered most of what I really wanted to say. John, when you first brought this up a few weeks ago, I thought it was a great idea in principle. And I think over these past few weeks we've managed to get an idea of how we might want to do this.

And I think we've moved in a pretty constructive direction. I think it would be a great initiative to undertake. I don't mind that the GNSO Council initiate it as long as it doesn't happen within the GNSO silo. Because remember, we're trying to amongst other things point out how the bottom up multi stakeholder process is supposed to work.

And if we're going to do that then we have to take into account stakeholders who don't exist within the four stakeholder groups of the GNSO. And it would be really great to have a cross community group get on this, decide together how they would like to charter it and what exactly they would like to discuss and then pursue it further.

But initiating it from the GNSO is not a bad idea. And what (Thomas) also said earlier about the GNSO Council having its own unique perspective of how it feels with Fadi and the Board is also a pretty good idea. So thanks.

Jonathan Robinson: Thanks (Amer). Ron.

Ron Andruff: Thank you. Thank you Jonathan. Ron Andruff, Business Constituency member but speaking in my own capacity here. I wanted just to pick up on a - the idea that John has brought forward is a very valuable one. But I think (Thomas) actually just made a statement that needs to be restated.

And he said this going forward with such an initiative would be a strong - would demonstrate the strong link between the community and the CEO. And I think this is one of the problems that many of us in the community are having right now is that there's been a lot of things that are CEO driven as opposed to bottom up driven. And this is the disconnect that we're feeling right now.

So I think from my personal point of view for us to do a 360 review of the CEO and also of the Board - I think (James)' idea is absolutely right. We

need to as a community say how well are these guys doing their job as we are representative of the global Internet community.

We're going - we're now moving into this new world where it's transitioning and it's also about being more involved in this global environment. So if these things are true, then we need to have these discussions.

And to that end I would also suggest that there has been a 360 review of the Board members by themselves. Why is that not public? Why is it not public information of the quality of the 360 reviews? I think we're supposed to be an open and transparent organization. So if the review is being undertaken and money's being paid for it, then I think it's fair that the community gets a chance to look at it.

I heard a story this morning that, and it may be true or not so I'd want to be very careful about what I say. But that Board members were given a choice, make it public, make my 360 review public to my constituency or my SO or make it - keep it only for myself where I don't have to - I can keep it private. I can determine as - if my 360 review is not to be seen by anyone.

I don't think that's the way in ICANN. I think 360 reviews must be seen by the community and I think that's something we should be demanding right away. Otherwise, why are we doing a 360 review? For whose purpose is that?
Thank you very much.

Jonathan Robinson: Thanks Ron. I've got Maria next and then Bill Drake at the microphone.

Maria Farrell: Thank you Jonathan. Maria Farrell here. John, so I supported your proposal to bring this up for discussion because I think, you know, it's an important topic to discuss.

I do share some of the discomfort of my - some of my - some of our colleagues in terms of whether the GNSO is the right venue for this. But of

course in ICANN when you say this isn't the right venue for this, that always means you're kicking it down the road to somewhere else. There's never going to be a right venue.

And so I think if I'm trying to sort of plum the levels of my discomfort and they would be - I just think sort of almost on the human or a practical level I don't think it's fair to single Fadi out. I think we should be looking at our Board. And I don't think it's right that they should review themselves and give themselves a tick in the box every couple of years.

And so I think, you know, a community wide look at the Board and their performance and their accountability to us is probably a good thing. And there was something else which I've forgotten because I'm so jet lagged. And I'm sure it was absolutely earth shattering but I have to let it go.

Jonathan Robinson: Thanks Maria. Bill.

Bill Drake: I'm also jet lagged. But when I listen to John I always have the problem of bracketing my understanding of the views of particular groups about substantive initiatives that have been undertaken by the CEO from a discussion about whether or not it's top down, bottom up and all that kind of stuff.

And so this is somewhat problematic for me. But insofar if you want to talk about it in the Council context, I'm just wondering if you could illustrate for me ways in which - just for my clarification if you could illustrate ways in which the CEO's actions have run counter to the Council's specific activities.

Like would you say that the strategy panel reports that were put out undermined the PDP process in some way? Would you say - would you say that the fact that he has taken the initiative to work with the NCIA on globalization has undermined the work of the GNSO Council? Would you say

that the fact that he talks to people other than us sometimes inherently undermines the GNSO Council's work?

I - what is the specific GNSO dimension of your initiative that would require this kind of review? That's what I'm trying to understand.

Jonathan Robinson: (Please) I think it's a question directed at you.

John Berard: Sure. I think you misunderstand the originating point. I'm - I don't know that he's done anything to undermine the GNSO Council. But I do know as an elected member of this council and an active participant in the GNSO that there is a rising tide of criticism of the way that he has performed. It has fallen in some...

Bill Drake: But not specific to the GNSO Council.

John Berard: Well, is that - but and really not specific to me either. I mean he's been quite nice every time I've spoken to him.

Bill Drake: Rising tide does not pertain to the GNSO or its (work).

John Berard: No, no. Bill, let me see if I can be helpful here. And the last thing that I want to say because it's the least relevant thing anybody could ever say is you got to understand because you don't have to understand.

But it - my hope is that you can appreciate that as a creature of the GNSO, as a member of the community, I am sensitive to the discussion among community members that suggests that there is a potential for unrest, right.

So anarchy channeled can become constructive criticism. And what is the purpose of the GNSO Council but to aid the policy development process? And if by quieting the - if by bringing answers to questions that our

constituents have, does that not help us pave the way for more productive policy development discussion?

That's, as you heard, I'm not sure if there is a place for this except at the Board level. And maybe what this discussion leads to is our request of the Board that they create an opportunity for the community to participate in the review not just of the CEO but perhaps of the Board itself. That may be where we go.

But just because you don't have precise standing does not mean you should be insensitive to the concerns of your colleagues. That's really what instigates this.

Bill Drake: I'm all for sensitivity. I just want to understand. It's not about the GNSO.

John Berard: And what does that mean? When you say that, what does that mean?

Bill Drake: It means that if I understand you correctly you sense the rising tide of discontent...

John Berard: Well...

Bill Drake: ...amongst some colleagues who work for the GNSO but that rising tide of discontent does not pertain to the handling of GNSO issues per se.

John Berard: Well we haven't had the conversation that we also intend on the structural changes that will be wrought by the NTIA announcement or perhaps the persistent use of executive appointed strategy panels that seem to fly well above the landscape of the slow, loud and messy multi stakeholder environment.

So I think there's plenty of hooks for a review of executive performance when it comes to the specific mandate of the GNSO and the GNSO Council. But

the - what I am proposing is a way I hope to get ahead of difficulty to create a communications link that can benefit all before things deteriorate to a point where it's just a set of recriminations.

((Crosstalk))

Jonathan Robinson: Yeah. I think I meant it's question well put Bill and you've answered it John. I think we've got to move through the queue. We've got a - we have got a time constraint here. And we've got to try and do justice to this issue while still recognizing the queue. So I've got Phil - who have I got up. Bill Drake, Maria, you remembered your missing point but maybe you've forgotten it again. Let's move on to Phil Corwin.

Phil Corwin: Thank you.

Jonathan Robinson: Phil, go ahead.

Phil Corwin: Thank you Jonathan. I'll try to be brief here. My feeling is that whether we call this a performance review or something else, whether we - it is focused on executive staff and includes the Board and the Board has taken responsibility for much of what has happened over the last year particularly the last six months with Montevideo and Brazil and passed resolutions saying they authorized this. They knew about it.

And last week's Saturday call Steve Crocker said he thought Fadi's performance was masterful. And yet the GNSO, whatever you call it, this - setting aside the ccTLDs and the GAC, this is the most representative body within ICANN representing the broadest group of stakeholders.

And if there's at a time when much of what the CEO is doing is premised on the notion that all of this needs to be done, to say the multi stakeholder project process and yet the stakeholders feel increasingly that there's too much happening too fast all coming from the top without adequate notice or

inclusion of the bottom and the stakeholders, it is appropriate for the GNSO and this Council to whatever you call it to provide feedback to senior executive staff and the Board to say there are concerns and we'd like to engage in dialog and see if we can't adjust how things are going before there's more conflict and more tension.

So I applaud John for bringing this up and however it's finally framed I think it's very - I hope it's seen by the Board and the executive as constructive and not unwelcome dissent and something that is perfectly appropriate if whatever happens with IANA if we're going to have a meaningful GNSO representing the broadest group of stakeholders within this organization, some things need to be expressed and soon. Thank you.

Jonathan Robinson: Thanks Phil. I've got a queue, which includes Volker, Jeff and (Thomas) and I think we're really going to have to draw - sorry, and Marilyn. And I think we're going to have to draw a line under (this). Avri. I'm sorry Avri. We'll...

Man: I don't think it was a...

Jonathan Robinson: Oh let's - I think we can - let's insert you then between - before (Thomas).

Volker Greimann: Okay. I'll be brief. I see this question as part of a larger picture of accountability of ICANN, the ICANN executive, the ICANN Board and the - ultimately also the CEO to the stakeholder - the multi stakeholder model to the stakeholders itself.

As ICANN is trying to find its new role and its new model built on what has happened in the past, I think it is valuable to have bottom up accountability reports and reviews.

And I think the proposal from John is a first step in creating a more inclusive, a more open ICANN for - that has instruments in place where the bottom of the bottom up process reviews the top and is able to have some form of - the

top has some accountability to the bottom as well. And that's just to an external organization.

Jonathan Robinson: And my queue looks like Jeff, Avri, (Thomas), Marilyn.

Jeff Neuman: Thanks. Jeff Neuman. First point I want to make is I just want to respond to Ron's proposal of making a 360 review public. Actually I kind of disagree with that. A 360 to review if done correctly is supposed to be very personal about that person's attributes and performance, not necessarily about their positions of things that should be made public. So I would oppose that making a 360 review public even though this is an open and transparent organization; something very person to someone.

On the point of the reviews, I actually agree with John. I'm not sure why the dialog took place between Bill and John. I got kind of lost there. I thought when John had made the proposal it actually stemmed originally from Fadi gave some opening remarks - I can't remember if it was the last meeting or the meeting before where he said the Board just did my review and they told me I'm moving too fast.

And he went on through things and what he was going to try to do better the next year. I thought the point was to just become part of that process to do that review whether in the good times and the bad. There's a lot of good things Fadi has done.

Yes, I'm saying that on the record. There's a lot of good things that he's done as well as some things that some people may not agree with. So I don't think the point was to do this review because we - there's discontent in the community. The point is we should be part of this process. It is a bottom up process.

The other thing I'm a little confused about it's almost like the GNSO discussion you guys are having a discussion almost like you want permission

to do this type of thing. You want to do the review, you do it. You don't need permission from anyone.

Any stakeholder group, any constituency, any SO could do any kind of review they want. They could publish it and that's it. So I think - I actually think it's a good idea. And it's a good idea to become part of the review processes from a bottom up and not just have them dictate it top down. So I'm all for the idea. I think it's a good idea.

Jonathan Robinson: Thanks Jeff. I've got Avri, (Thomas), Marilyn.

Avri Doria: Yeah. Thank you. Avri speaking. And thanks for getting me in the queue. I think that, you know, we got sidetracked on - we wanted to do this because there was discontent. We wanted to do this. I think we got a report from a panel that he himself put together that talked about the ability to do these things and the appropriateness of doing these things.

I think it was an excellent idea. And basically what I think we're doing is looking at the reports that we got from these strategy and what have you committees and panels and sort of thing. Thank you for the idea. We would like to see us move ahead with one. And I think we can leave that because I too, you know, love some of the stuff Fadi does. I'm really happy about the NTIA stuff.

So when I ask for that review and I think the suggestion that it be done also for the Board is actually quite good. So I think that we need to sort of subtract all of this is there angst, is there not angst, are we happy, are we sad and just look at it as we got a recommendation for a certain kind of group activities and bottom up activities. We looked at it and said great, let's try it.

Jonathan Robinson: Thanks Avri. Got (Thomas) and Marilyn.

(Thomas): Thanks Jonathan. I know this is to a certain extent repetitive but nonetheless I think it's important enough to be put on record again. There was the notion that this should turn into a Fadi bashing session. And I think it is not. We're talking about the good things and the bad things.

And when Fadi took over from Rod I thought well that person must be the loneliest person in the world taking on that responsibility to guide and steer a monster, which ICANN is at times. And so I think we would very much help Fadi with giving him an anonymous feedback on both the good as well as the not so good things that he did. He's investing an awful lot of time in what he's doing.

And so I think encouragement is as important if not even more important than criticism in order to ensure that he knows what he thinks is in the best interest of the organization and get some factual feedback from the community.

Jonathan Robinson: Thanks (Thomas). Last word Marilyn.

Marilyn Cade: Thank you. My name is Marilyn Cade. I want to call everyone's attention to the fact that in fact this is not the first time that the community has discussed this. And in Dakar I made comments at the microphone in the public session about the need for a 360 review process, was invited by the Board to submit a document and did and it is available online.

I'll ask John. I just sent it back out to the BC Executive Committee but it was more widely distributed to the chairs of some of the other groups at that time. I'm not suggesting it is in any way the document that you should assume is final but it calls for a 360 review process, which included a number of people from each of the supporting organizations from the constituencies, et cetera.

But I want - the reason I mention the fact that we did talk about this before is that this is not I think feedback about a particular leader such as the CEO but it should be viewed as some of the rest of you have said as feedback and

participation about the Board and the CEO and the President from the community broadly that in fact they are trying to help to support.

If we think about this as a pyramid, which is turned upside down, it is the Board this staff and the CEO who are supporting the stakeholders, not the other way around. And I think that's the message that we want to support. And 360 feedback and the comments made earlier are right, 360 is not quite the right term.

But the community feedback is something that is very important to help to ensure the continued legitimacy and the broad support of the community for the direction that a leadership team is trying to take. So I will ask John to pose to the Council if the document that was posted back in now a couple years ago. Again, I'm not suggesting it as the answer.

My final point I think is that this is community feedback, not GNSO policy council feedback, not GNSO feedback. What I was calling for was broad community feedback. Thank you.

Jonathan Robinson: Thanks Marilyn. Thanks to everyone whose contributed to this discussion. What I think we've heard is a really strong concern about preservation of defense of recognition of bottom up multi stakeholder model. I think we've also heard and we've made a point of trying to make this independent of that concern.

That's pretty strong support for either the initiation of or reintroduction of a community based component to the appraisal of Board including CEO performance. And some question over how the GNSO participates in it, what the GNSO's role in that is and it's really this is a broader community issue.

I'm not going to attempt to conclude how we take this forward. I think it's pretty clear to me that those are the three key themes that emerged. I think it's pretty clear that elements of this will be raised with the Board in our

meeting tomorrow. And we have a session on that at 2:15 to put those items on the agenda for that meeting with the Board. And to the extent that we haven't dealt with it completely we can pick it up in the wrap up session.

So I hope that's a useful discussion. We of course haven't - we're well into the lunch hour. And I think we should break for lunch now. I'm not sure how we're going to fit in the discussion on the elephant in the room. But we'll come back to the issue of the NTIA IANA and at some point we'll have to see where we can get that into our agenda.

So let's take a break now. It's with your acceptance between now and 2 o'clock when we're due to reconvene. It's a half hour. So let's go and grab some lunch and take a break and reconvene at 2:00.

END