Transcription ICANN Buenos Aires Meeting
Prep for meetings with Board, GAC, ccNSO
Saturday 16 November 2013

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(Jonathan):   So we have the recording started on the next session which follows quite neatly on from the previous one and now we're going to get into the brass tacks of what the fine detail of what we're actually going to talk about with the - I think it's not strictly on the agenda.

But I think since Fadi is part of the board and we meet with Fadi tomorrow I think these are the significant interactions we had with either Fadi and/or senior staff, the board, the GAC and I think so this is the opportunity to prepare for those.

Now the scene is set and you will know this from the email conversations and so on so I think it's probably useful. Unfortunately I don't have these captured in nice points so I might have to read them off emails that have gone to the mist and so on to remind you of the proposed content.

And to understand how and if we might tweak that, bearing in mind that to some extent we're under an obligation not to spring significant surprises I think on the people we're meeting with.

But let's see how we get on and see - I guess we're looking for two things really, refining the content of those meetings and look for who if anyone might speak to those items of content.

So let me try and pull out what we've agreed with Fadi in the first instance. So I'm going to read to you and I apologize I don't have this in presenter format right now but I'm going to read to you what is the current plan for the meeting.

Now you'll remember tomorrow we're meeting with Theresa Swinehart and I don't recall 100% what Theresa's role is, it's a form of strategic advisor to the CEO.

Does anyone - can anyone correct me on that or refine that? That's what I understand it to be.

Woman: I think she's the VP for strategic initiatives, she heads up the department of supports, for example EWT, the ATRT, strategic structural reviews. She heads up the department of course works and the capacity - the panels as well.

(Jonathan):   So isn't that - that's absolutely spot on as to where the council and the GNSO has concerns about you know how this - so that's - so I think the fact that we're meeting - the way it was structured in our agenda for whatever reason was we were scheduled to meet first with Fadi and second with Theresa.

What I did was I proposed to Fadi and his office that actually ideally we met with a combination of Fadi and Theresa so that they weren't disconnected, that whatever we discussed with one was largely the case with the other.

Now clearly we haven't got necessarily Fadi for the whole of that time but what I said to Fadi is that the council is meeting with you, is scheduled to be followed by a meeting with Theresa.

And Theresa's meeting is entitled introduction to - strategy panels and the strategic plan. And so bear in mind that when we meet we also meet with the board later obviously.

And what the suggested topics at the moment are, the structure of the meeting is the changing international landscape of internet governance, ICANN strategy panels and ICANN strategic plan and what I've said is that the objective should be to provide background and detail to us.

And to discuss the significant initiatives in the context of the work and their - work of and their potential impact on the GNSO.

So we could - and then I said for example we could discuss - we could use this session to discuss where and how these initiatives may or may not impact on the way in which the GNSO works in future.

And is the work of the GNSO something that can be seen as a strength or weakness in this changing international context, how do they feel about that?

How do the initiatives that are being undertaken potentially alter the bottom up multi stakeholder model. So those are the questions I've posed for that session.

Now my hearing of what we discussed now is I think the scene is pretty well set. We've rehearsed and discussed some of our positions on that, we're going to hear from Fadi and we seem to be in a pretty good position.

My impression is to have that discussion, so my proposal to you is that there's not a whole lot to discuss right now. We - that's the way the scene is set, please could you respond to that and say are we in shape to talk with Fadi and Theresa tomorrow. Chuck?

Chuck Gomes: And I'll be brief because I'm not on the council but I would just question the one thing, do you really want Fadi to give background of all this? How much background has he given over the last few weeks if none of us haven't read it or seen it?

The part that follows that is really where you want to be, isn't it?

(Jonathan): Good point Chuck and I'd be very happy to set that scene at the outset of the meeting but many of us, the background stuff needs to be brief and it's really about the discussion on the impact and consequences for bottom up multi stakeholder model and the work of the GNSO.

John?

John Berard: John Berard, business constituency. So in my email earlier this week or late last week I focused on the notion of orphan issues. Having read Fadi's latest blog post, Steve Crocker's latest blog post and then the referred to blog post by Byron Holland, there is an attempt I think to - depending on your political point of view - push a little of this toothpaste back in the tube.

Admitting publicly that the mission of ICANN is the ENS coordination, but that there are other issues that have arisen around and outside that mission that can affect that mission.

And that is why ICANN has decided to become more active and involved in those matters and there is a persistent reference to orphan issues driven by privacy concerns from the NSA episode.

And I think even spam and cyber security were mentioned as well but my interest is hearing from Fadi exactly what the orphan issues are that have driven them to take the actions that they have.

Because I would like to be able to assess whether I believe they are in fact orphans and if in fact they are issues at all. I think that that would be - Chuck I don't know if you would see that as a follow on to - we've heard all the background, now tell us exactly what's going on.

But that would be something I would like to know about.

(Jonathan): Chuck would you like to respond?

Chuck Gomes: Well first of all I think we know what the orphan issues are, at least some of us do. I think they're really outside of ICANN's mission but it wouldn't take them very long I guess to list those.

The - I think that's been communicated, but I think it's fine if you were to list those because I suspect if we took a raise of hands here a lot of people don't know what those orphan issues are.

So I think it's a legitimate question in that regard.

John Berard: And if I may, (Jonathan), the reason that I want to ask the question is to get it on the record so that you - so that there can be general appreciation for you know well why exactly are you getting involved in these things?

Because I think the concern that I have which is I think less than some of my colleagues have is because I think that there may be to use a word we used this morning a little overreach going on, maybe even dragging ICANN into places that it shouldn't go that could ultimately affect its ability to deliver on what its core mission is.

That's my concern.

(Jonathan):   So John thanks, (unintelligible) here's how I suggest we deal with this. My expectation would be to very briefly - I mean we've got Fadi for half an hour and we've got Theresa for 45 minutes thereafter.

My understanding is that Theresa will be there for Fadi's half hour sitting along side him and that's entirely appropriate given the context and the topics we're talking about.

So very briefly set the scene and on the lines of what I just did, ask for the council to add to that in which case will be your cue to put that on the table, and I'm more than - I think that sounds like the way to do it.

And I do think it's useful to prepare so that we don't have - I don't want to completely attempt to script this but I think to the extent that we've usefully thought it through is effective.

So great, I mean I'm very receptive to that, and so that's how I would suggest we move forward with it. Bill?

Bill Drake: Bill Drake from NCUC, I just briefly wanted to address this question that John was asking because I think sometimes I talk to people who are very focused inside the GNSO kind of context.

Some of the things that are going on in the larger IG world are somewhat mysterious and seeing like why are people asking us to engage that at all, so on.

So it might just be - I might even defend Fadi, how about that? The whole discussion about orphan issues actually goes back to like 2003 with this and efforts to map out the whole internet governance train and sort of say what are the international issues that governments are concerned about, that feel - they feel there's no mechanism to address these issues at all.

And because there's no mechanism to address them we have to construct something and that argument, and this could involve many different kinds of things like interconnection fees, privacy, so on., most of which are not ICANN issues at all.

But it then leads directly into arguments about well you know we're going to construct something and this also relates somehow sometimes in some versions to ICANN.

And so I think for Fadi to engage this a little bit is not necessarily a bad idea personally. I think it's actually good that the CEO is showing an interest in how ICANN's being viewed in the context of this larger geopolitical landscape and how the discussions in a lot of different environments could lead to approaches that could impact ICANN directly or indirectly.

So I think it's good that it's there, at least you convey and that ICANN is engaged in that process mentally, whether you think the particular way everything has been handled and paced and everything else is absolutely optimal, that's another point.

But for me the principle that he is doing this, I don't see - I think personally by the argument that - I mean Mikey had this wonderful drawing of the ICANN bus going over a cliff.

A lot of people have told me oh we shouldn't be involved in this stuff at all, I think ICANN can't avoid to be engaged at some level in this process.

And I think with the iStar community trying to take the lead and being proactive and getting out in front of a lot of the discussions ICANN inevitably has to be part of that.

So for me this is not in principle problematic execution.

(Jonathan):   So before we move on down the queue I'm just going to make a point of order if you like. The crux of this hour which will be a short period of time is to get us in shape to have the kind of conversation we want to with Fadi, the board and the GAC.

So we're going into the detail of the issue which is pretty (unintelligible) and of significant interest to all of us but there are other sessions in the course of the meeting over the next few days that we will have the opportunity to do so.

So if I can just go ask for the contributions to focus in very firmly on what - are we in shape to have the right conversation with Fadi, with the board and with GAC.

So I understand, but I'm not getting a view specifically but I just want to make sure we get through what we need to in the hour. Marilyn, I've got you, followed by Wolf Ulrich and Zahid.

Marilyn Cade: I think that in fact you're not in a position to spend 30 minutes with Fadi and 45 minutes with Theresa Swinehart, a staff person because your constituencies have not met and discussed this set of issues.

It's certainly on the agenda for the BC and there are also public sessions on this. There are a range of very complicated issues that underlie this, I'm not going to say much more about it.

But I find it amazing frankly that the GNSO council would decide to - you've already added to the meeting that you have with the board, a separate session with the CEO. I find it amazing that you would add a 45 minute session with a staff person to continue to elaborate on a topic when the constituencies have not had a chance to discuss this.

I know that within the CSG this is a very sensitive and detailed discussion.

(Jonathan): Marilyn can you just help us here though, isn't it an opportunity for - I mean the point you've made I believe in the past as much as anyone is that these are GNSO working sessions over the weekend.

So isn't it helpful for the GNSO to prepare the way for the week ahead to hear that information and in a sense maybe the point I might hear from you is that we should be careful about how much we're in talking mode and how much we're in listening mode then.

Marilyn Cade: So I would agree with that last point but I would also say to you that the way your sessions are structured is the only people who ever get to talk during your sessions with the board and the CEO are the councilors.

And I am not objecting to that but I am just pointing out that there's not been a thorough discussion about this. Some of us were both at the IGF observed behavior that we don't feel comfortable with.

I'd been in touch with governments, we feel there has to be broad discussion at the constituency level and I don't think that has happened.

(Jonathan): In hearing that and I take it that the point is that we listen and we make it clear then in the context, in setting the context for those discussions that these haven't percolated their way through the stakeholder groups and constituencies properly.

Marilyn Cade: Okay, then I would ask one question of the room, if you are an officer in the SG, is the topic, is this topic on your agenda to raise with the board on Tuesday?

Because I think the much more appropriate place to raise this detailed discussion is on Tuesday in the meeting between the full stakeholder groups and the board.

(Jonathan): Currently we're talking about - have the conversation with senior staff though right? So let me not monopolize that dialogue with Marilyn. I've got Wolf, Zahid and Steve.

Wolf-Ulrich Knoben: Thank you, Wolf speaking, was just going on to suggest that I would like to - would need more structure now our concerns we have with the - what happened and what Fadi was doing and how it was perceived by us.

But I understand from Marilyn's point that this might not be possible to do because you need preparatory work on the constituency and stakeholder group level to do so.

However as we do have, and I see it that way, we only have 30 minutes with Fadi so tomorrow this is not a long time so I wouldn't like to see just us putting one question or one or two questions to the room and then leave the other time to Fadi to his point and to try to convince us from his way.

He is keen to convince us so that's what I got the message from yesterday's meeting as well. But it would be even better if he really could put a little structure in terms of I would say content of that what happened and process, how it happened.

So these are the two concerns we have. If there are more I would be happy to hear about that, so if you have some of these points and really people are allocated to put those questions to Fadi it would be the best way to see that.

Not expect from him that he is going to convince his (unintelligible) but just the other way around, to offer our concerns that he is aware about that, what our concerns are. Thanks.

(Jonathan): Currently I've got one - in a sec, I'm coming to you Steve but you and Zahid, I've got one supplementary question if you like in armory coming from John.

If it's felt that we could both recognizing the point that Marilyn made, this is quite early in the week's proceedings, therefore we are significantly in information gathering mode.

But if there are specific questions of councilors or others would like to make in that session, I'd like to hear those. So Zahid and then Steve.

Zahid Jamil: Thanks (Jonathan), first of all I think it's a great idea that we do have staff members and others actually available so they can inform us and there can be initial questions.

Of course we should say that look we will be taking a lot of this back to our constituencies so that we can maybe have further discussions.

But definitely this is an opportunity and it should be used as such number one. The other aspect was we focus on accountability and transparency and we've seen that whenever the CEO or others have basically bypassed even on small matters, there's been criticism from the community.

Recently you've seen a major shift in ICANN's role in a certain even that will take place, and the question is to what extent you know not commenting on whether it was a good step or not such a good step, but the process that was followed.

And to the extent that there was community input in that process before that took place, was it just something that spontaneously happened? If it didn't it was a planned process ten to what extent should the community be involved in those sort of things.

Because you wouldn't bring that sort of an issue to the GNSO particularly, it's not a PDP process to do any of the things that took place for the presumed meeting etcetera or the iStars.

But there should be a community in the process somewhere, something should have been put up on a website, comments should have been solicited and then some decision been made.

This has happened without that so these might be some questions that could be asked.

(Jonathan): Zahid, two good points, one is that session on Monday which is in a sense what I think you're talking about, it's just that it's happening post-fact rather than pre-fact is a key point.

Are you proposing to make any of those - are you proposing to ask that specific question tomorrow?

Zahid Jamil: Right so as Bill said the question I mean is we do support what is being done, we do support the - if you want to call it an increased mandate or at least involving ourselves in orphan issues.

It's just how do we do that, so one of the questions would be there are people in the community who feel a little uncomfortable at the process that's being followed, what would be the controls?

Or what's the feedback loop, things of that nature and I think that's important.

(Jonathan): Steve, and I think we're going to draw a line of this and move into the board which follows naturally thereafter anyway.

Steve DelBianco: Steve DelBianco with the BC. With the limited time available for the Fadi exchange, I would echo what Berard said, do not waste any of that time asking for an explanation of what happened.

You already know what the answer is, it's a rationalization with 20/20 hindsight of some bold moves that can now be explained as if they were inevitable.

We already have read that, there's no need to waste time instead, ask questions, not offer concerns just ask questions. What is meant by accelerating the globalization of ICANN and IANA, he signed that paper, what does it mean?

Ask whether would the affirmation be changeable, could we change that document? Ask Fadi whether he thinks there's a change in the way the IANNA functions or operating. Ask him questions about scope control, right Zahid?

What mechanisms can we help with to eliminate being a magnet for orphan issues and finally a question about process of getting it more bottom up from this point forward.

So focusing on this point forward and not from this point back, I think they'll cover that adequately on Monday morning if they haven't already covered it in writing.

(Jonathan):   Right, so I take that point loud and clear, Steve I think we've heard it so here's pragmatically what we do. The constituencies and groups send email to the council mailing list via the councilors with meeting with Fadi as the subject line or meeting with Fadi and Theresa.

And create those questions, ideally the councilors submitting those are in a position to raise those at the appropriate point in the meeting.

I don't necessarily want those all to come from me in the chair but I think it's very useful that those are published to the council mailing list. SO that's the way forward I think would be great if we could do that.

Great, let's use that as an opportunity to then move into the next meeting which is that with the ICANN board and I'll tell you where we've got to with that so far which you've seen on list as well.

But let's just remind ourselves where we're at and here I propose to take a slightly different tack in that in the first instance I think as we discussed a little earlier in the strategic session we have an opportunity to if you like advertise some of our success.

I don't want to go on a long presentation or a significant but I do think we owe the board a direct one to one update of here's the work of the council within the GNSO and this is what we've been doing lately.

So things like - the kind of topics we might cover are our progress to date with engaging with the GAC, work that's being done on improvements to the PDP and some key areas of policy work that are underway.

That might be the queue to talk about either - and either or both of the work of the IGO, INGO working group, perhaps the initiation of the policy and implementation working group.

So to demonstrate both what we are doing in a kind of softer way and also in the hard way in the sense of producing and directing policy.

So that would be my suggestion for the first component of the meeting. We have a commitment from Ray Plzak who heads up the structural improvements committee to give us an update on his thinking on the structure and format of the board initiated reviews, of which the forthcoming or upcoming GNSO review is likely to be the first.

So I think that would be very useful, I think we want to ask that question and then the question is then if we go into any of this - the topic that we've been

talking about with Fadi, with the board, is there a related set of questions or issues we could be raising with the board?

Now what I said to Steve in my note to him, which you've seen, was that we were going to talk with Fadi and Theresa about that in the prior session and was he comfortable with us talking with the board about that.

I'm mindful that it could be quite divisive with a board trying to ask that and maybe you will have a view that it's either divisive or problematic in other ways and they'll just clam up if they have different views.

I don't know whether it's realistic to discuss any of this, tell me if you think there's anything else we should be discussing with the board, so just to recap then, we're going to update which I'm happy to lead on, the progress on our recent progress over the last while.

We're going to hear an input from the structure improvements committee and then do we go into the internet governance side of things or what?

What else can we constructively and productively discuss with the board in the session we have with them tomorrow?

(Thomas)?

(Thomas):   Yeah I guess it's not so much my point as it is John's, you send a note to the councilor on the first of November with respect to the CCNSO letter on strategic and operational planning which I have picked up on supporting the idea that we should bring this up with the board.

So I think your best place to raise the issue if you wanted to.

(Jonathan):   Wolf a response to (Thomas), are you responding directly to (Thomas)'s point or are you in the queue, it said Wolf and then Marilyn.

Wolf-Ulrich Knoben: I have no response to you (Thomas), just a question because I understood that as an issue from the CCNSO because they have heavily worked on that in the past and they will bring it up at the meeting if they have the meeting with the board, I don't know.

But sure, they would like to bring that up so I wonder in which context if you could bring it up here.

(Thomas):   Me bring it up if I can respond directly it's just to make sure that John's point is not forgotten. You know he mentioned that we should bring that up in Buenos Aires and I think I can predict Marilyn's response to that suggestion already.

But I leave it up to John, I just wanted to make sure we don't forget it.

(Jonathan):   Wolf Ulrich, continue and then I will hear from Marilyn and then loop around to John.

Wolf-Ulrich Knoben: Okay, so with regards to the governance, governance is question mark, it's the board. I would like to be - I'm interested to hear from the board, what really happened in this regard because you know from yesterday's talking and meeting with Fadi I got the impression so there is a shifting of the responsibility between Fadi and the board.

So Fadi was arguing so it was all decided by the board what happened and what we have done so I really would like to know from the board hear that what really happened.

(Jonathan):   Okay so just to respond to make it clear when I wrote to Steve I said we would be discussing this with Fadi and we could potentially discuss with the board and he hasn't rejected that as a possibility.

He appeared as far as I understand to be open to us discussing that so to the extent that we do go down that road, I'll propose the same structure that you send a potential question with meeting with the board.

That's your question Wolf and ideally you'll be the one posing that when we come to that topic in the meeting with the board if indeed we settle on that as a topic.

So bear in mind, yeah, Kristina I'll come to you, I've got a couple other people. Bear in mind at a high level the question is are we going to discuss this international governance issue with the board?

We seem to be going down that road a little but I want to make - be confident that that's what we are going to do. So I've got Marilyn next.

Marilyn Cade: I'm going to read from the latest issue of the BC's newsletter the following words, after introducing myself. My name is Marilyn Cade.

Business constituency members are focused on core issues that are central to ICANN's mission, ranging from the ICANN budget, the strategic plan, the ATRT, ongoing issues of the progression of the new gTLD program.

I say that to you because my professional life is spent on internet governance, that is what I do. That is all I do. That includes being involved in ICANN but I want to be careful that we also work with the board on the issues that bring us to ICANN that we can only work on at ICANN.

And I think we've got real serious issues and significant failures in operational excellence and commitments that have been made by the CIO.

Many things are not on target in the new gTLD program in terms of deliverables and you know I hope we're going to also work on what brings us to ICANN as important as the internet governance issues and I will say again

it's very important to me that there are reasons on here at ICANN and I hope we use some of our time to work on the rest of the issues.

(Jonathan):   I really appreciate the point and just to give you some insight into where I'm at on this because sometimes - it's obviously not always easy to be ahead of the curve, there's a rush of things going on in the run up to the ICANN meeting.

But to the extent that it's possible I'd love to hear that kind of point come in by the mailing list a week or two prior to the meeting because one of my sensitivities is if I understand that the core to our business, it's quite difficult to raise that with the board 24 hours before.

Potentially it's ideal we go in with pre-prepped or at least an indication of the subject matter we're going to raise with them. So you know I'm open to it but ideally we'll hear it a week or two before the meeting.

You're looking at me very quizzically.

Marilyn Cade: Of course I am, these are topics that are on the agenda, there's no new news here. I didn't raise any topic that is not already on the ICANN schedule, so help me understand, and I don't want to take up more time on this, we can take this off list.

I didn't raise any topic that is not on the schedule that the board should already be dealing with.

(Jonathan):   That's the fair content, I'll take it, it's fine, I'm happy to take that and absorb it and say right, well under those circumstances it's perfectly reasonable to raise it at relatively short notice or indeed in the meeting.

Say look, this is part of your bread of butter work board with us in ICANN and we've got to be careful we don't get derailed by all of that other stuff so I'm not uncomfortable with that but I just wanted to check it.

Okay, who have we got, John and then Kristina.

John Berard: So John Berard from the business constituency. (Thomas) thank you for reminding me of that sort of fit of involvement that I had that day.

I would not seek to ask the question as if it were freshly formed in the minds of the GNSO and the GNSO council but the fact - that we know that the CCNSO has been working closely on this matter.

That they have asked the board for some insight and I would just be glad to ask the board to let us know what they've told the CCNSO council so that it can be part of our conversation when our two councils meet.

It still gets us what I think we need to know but in a way that is more fittingly operational than not.

(Jonathan): So John, I'm very receptive to that, that seems like a reasonable way of dealing with that question, be great for it to come to the list, as I said for you to answer.

And in fact to frame it as well in your context as CCNSO liaison for the GNSO. It's well positioned in that sense. Kristina?

Kristina Rosette: Kristina Rosette, I'm - I have to say I'm a little confused because if you're not going to ask the board about the internet governance issue, why not?

I guess that's kind of Fadi himself acknowledged that the board hadn't ratified the statement, it's not an official position of ICANN.

It would seem to me that - and maybe you ask for the board position, maybe you ask for individual board members. You know we've already heard what Steve's view is through his blog.

But you know it seems to me that the question is still out there, the board hasn't ratified the statement. Do they intend to, and if not why not?

(Jonathan): Okay so Kristina let me help and make sure I haven't contributed to the confusion. The structure our meeting so far looks like an update from the council as to current and present initiatives and activities, a request for an update from the structure and improvements committee as to their intentions on the GNSO review.

And in the context of their broader review work and a discussion following on from that with Fadi on the internet governance issues, that's what we've got and that's what the board...

Kristina Rosette: I'm fine with that and if there's a concern that that's too narrow maybe we need to make it broader, I think you can in terms of the implications it has for the multi stakeholder model.

And I think we see that in a lot of different places. For example you know the recent announcement about the new center in India which in turn isn't anywhere in the budget.

I think you know in the budget itself had all kinds of issues but just you're seeing that over and over again, notwithstanding for example the fact that one of the primary ATRT recommendations has to do with ensuring that the public comment period is sufficiently long and accessible.

You know that public comment period closes this Friday and they've refused to extend it. That's not really kind of an issue of allowing the multi stakeholder

model to continue, I'm not really - it seems like there's kind of a macro and a micro.

And it really depends on the extent of the detail you want to get in to.

(Jonathan):   So which public comment period is that just to be clear?

Kristina Rosette: ATRT 2.

(Jonathan):   Okay. So none of what I think we've heard takes away from - I guess we've introduced a fourth potential topic and that's in and around the points that Marilyn made, which is that the new gTLD program, the activities of the board's current oversight of operations, finance and general performance of the business.

But it would be really helpful in framing that discussion and if we could go along in the way that I suggested before, and it's kind of subject meeting with the board question from the group.

And ideally a volunteer to ask that question then I can set it up with the board in terms of the subject areas and we can try and cover as much of it.

That's going to be - I mean if we go into international internet governance and we cover those other two topics, we'll quickly fill up the time available.

So that's the only question is sort of managing how we - so we come away with the feeling we've had substantial productive interaction and haven't just skimmed over a whole lot of topics.

But I think we can just about manage it. So are we - do we feel like we're in shape to put those questions to the list, to be in a position to manage that meeting with the board?

Any other comments or questions, I don't have to necessarily just remind you that don't necessarily have to come from councilors seated at the table, if there are any other comments or questions or input.

Going, going, gone. All right, so that's the meeting with the CEO, the meeting with the board and I would say the meeting with the GAC we probably have least flexibility on structure for - I wonder if it's worth it.

There's a presentation, Lars I don't know if you have that to hand, Marika will send it to you now. Yes, that's true, I made changes to it, so let me give you what I've got here. If you can just bear with me for one moment while I locate what we - the structure of the meeting with the GAC so I can get input on that or any comment or refinement that will be very helpful.

(Jonathan):   Just to make a logistic announcement, the GNSO council dinner tonight is at 8:00 in the restaurant El Mirasol. It's in (Posalas) and (Nia) Avenue (unintelligible), it's about 10 minutes walk from here. That's all.

Excuse me, the average price would be around for a full mean around 500 pesos, so you happen to know how much.

(Jonathan):   Could you just share that on the list because I didn't - I heard the name of the restaurant, about ten minutes away from here so we are to meet and we are to go, it will be helpful.

(Jonathan):   Are we safe walking, how do we feel about that?

(Jonathan):   I went yesterday there and it's very near, it's quite safe to walk there.

(Jonathan):   But the direction.

(Jonathan):   Yeah, I can get you that. It's on the website.

(Jonathan):   And should we be prepared to pay with a credit card?

(Jonathan):   They accept credit cards and pesos and I suppose dollars (unintelligible) and they can make indivisible bills also. They are quite flexible.

(Jonathan):   So we should be meeting in the lobby maybe at quarter before?

(Jonathan):   Quarter to eight.

(Jonathan):   Okay, perfect. Can I use this projector, is this - all right, so I'm just going to use this as a kind of aid and what we are proposing to talk with the GAC about.

                 And get any input so here is an opportunity I guess to both shape the content of this presentation plus also to volunteer any input from around the room as we talk with the GAC.

                 So again here we have an opportunity and we can refine these bullet points, but first off to - as the first agenda item to indicate the work of the GNSO and talk about the work of the GNSO, how we work and what we're doing and how we're going about achieving that.

                 Then to move on to the current status of the work between the GNSO and the GAC and the specific possibilities for working together and then the next steps or way forward.

                 So the type of efforts we could talk about was how and where there are prospects for continuous and ongoing improvement of the GNSO both within our direct control which is the work they're doing on improvements and streamlining.

                 Responding to the ATRT to recommendations and if you recall we've got a table of improvements and streamlining to the PDP process and in fact

remind me Marika but as far as I know the latest incarnation of that makes direct reference to the output from ATRT to the draft report and how we might align that work with the work - or the recommendation of the ATRT too.

Marika Konings: This is Marika, basically just flags, yeah, exactly. But ATRT some of them are a bit broader, bit more nuance.

(Jonathan): Right, so we cross reference that directly but we are aware of the work of the ATRT2 and that's - and keeping a close watch on it, then we're aware of the prospect of GNSO review which is likely to look into various aspects of the work of the GNSO.

And the way in which it's structured and organized. We have discussed with the GAC and presented a review of existing interaction points and where there are proposed improvements.

They shared with us some prospective improvements but the problem is, out of that come a whole lot of detail of questions, what do you actually mean by potential changes in those interaction points?

And in addition there's been this possibility of a reverse liaison, so called reverse liaison, should probably be in quotes but this is essentially someone from the GNSO being represented and available to the GAC to update on the work of the GNSO.

And well the scope of this reverse liaison again it's a nice idea, everyone seems relatively positive about it but nobody's dug into the detail of it, what does this actually mean, who would perform such a role, how would it be funded, organized?

What would be the expectations of it? And then taking that and if there are proposed improvements of GAC engagement to try and find out what does or doesn't work with a couple of current or soon to be initiated PDPs.

So really it seems that the way forward is to make sure that the GAC is aware and this is something - I suppose going back a step even on the reverse liaison, I mean it strikes me that the - it's worth reentering into the record that whether it does or doesn't work for the GAC, there is still an open invitation within the structure for the GAC to have a liaison to the GNSO council.

So my feeling is, I wouldn't mind a comment on this, I don't want to rub salt on any past wounds or be missing something but I do think it's - I mean institutional memory can be very short in some cases and very long in others.

But I just think it's worth flagging with the GAC that the ICANN bylaws and the structures under which we operate permit and anticipate, we have a CCNSO liaison, we have an ALAC liaison and there is no structure reason why the GAC couldn't have a liaison to the GNSO council.

Chuck?

Chuck Gomes: You're absolutely right, there's no structural reason but I don't think that helps us. The only way that will work is if the GAC has someone who will commit the time and is willing to do that.

And doing that has got to be more than just attending meetings, they've got to be a channel of communication. So whether there's a structural reason for it or not and there is, I totally agree with you, if the GAC cannot provide someone that would you know pull heartily and effectively do that job, what have we gained?

(Jonathan): Chuck to be clear, it's not on the table as a proposal and not advocating it, but I merely want to make it clear to those around - and so my question is, in making it clear that this is available, because the GAC might have a moment of realization and say oh my God, we didn't realize that that was available to us.

Only a few of us knew that we've got the institutional memory. But you know so either we just - maybe it's a point not worth making, I'm perfectly happy to hear it as it's a point in history, don't bother making it now.

It's over, they're not going to do that, so that's really my question I suppose. I've got Steve and then Alan and then Zahid.

Steve DelBianco: Steve DelBianco, the BC, obviously thinking that a liaison would be a great idea. I don't think it would be wise to ask it tomorrow. Marilyn and others could comment on it but I believe the GAC is having some internal dissention over the notion of having a secretariat.

This is similar to that in that they have to allocate and dedicate somebody who is going to spend the time to interact with us. And they seem to be in a disagreement of whether they're going to create centralized resources like a secretariat.

So I'm afraid this could actually stimulate point of disagreement among the GAC members as opposed for them just accepting your kind offer to say we'd love to have a liaison.

(Jonathan): So just to make sure I'm not misleading anyone here, we have a current proposal in the ether between us and the GAC to have a reverse liaison from the council to the GAC.

Not 100% clear what the scope and the detail of that role would be and that's to be flushed out by a form of working group between the GAC and the GNSO in the near future.

However in that context I was suggesting would it be helpful to remind that the door is open for a liaison from the GAC. What I've heard from Steve is probably not at this meeting.

Fine, so I'm happy with that, does anyone have anything to add, Alan or Zahid did you want to add to or comment on that?

Alan Greenberg: I was just going to say whether the GAC knows about it or not GAC leadership certainly does, finalize your reverse liaison before bringing up that subject again.

Zahid Jamil: I've had some discussions with some GAC members and this goes back not just to the last meeting, before that, they know that this option did exist, they in fact turned it down saying it will be very difficult.

One is the internal dissention as Steve absolutely correctly mentioned, their decision making challenges with respect to the second thing was as GAC members are presenting governments, it's difficult for any one of them to step forward and say I represent the GAC or I am a liaisons for the GAC on a sovereignty issue basis.

So they just will not be able to do it. That's why we came up actually with this other idea, okay we'll come to you.

(Jonathan): No problem, I get it and I wanted to simply retest that and make sure. So it's not in the slide, I won't mention it tomorrow, I just wanted to make sure that we had flushed that out.

And also I guess it's in the spirit of us saying you know both advertising what is possible and communicating what is going on and making sure that as we've discussed some of these things get lost pretty quickly along the way.

So we've got the reverse liaison, we've got the possibility of trying out one or more of these things. Now in the same context as that liaison point, I don't think it's as provocative or problematic to make it clear to the GAC that any single GAC member is entitled and as far as the GNSO is concerned very

welcome to attend any single GNSO working group meeting, collection of meetings or otherwise.

And indeed I think we'd even go so far as to say if they wanted to attend and I don't know, not be recorded as a participant if that would cause problems, any comments or thoughts on this point as - yes, Marilyn?

Marilyn Cade: I think we should be very respectful of the fact that each supporting organization or advisory group may have their own parameters for guidance to what their members can do.

So I would just say perhaps you could just find a way of saying it in a way that you know our meetings are open, without implying that it's a failure for them not to take advantage of it.

Because there are some - there's a lot of new people in the GAC that are still figuring out what the operating rules are.

(Jonathan):   Thank you Marilyn, I think that's a very good point and I would hope that I would put it diplomatically but you're absolutely right and I appreciate the reminder.

It needs to - it's how it's heard and it mustn't be heard as an implication. We've always had an open door and you've always failed to turn up, which it certainly isn't intended to be, but it's more a reminder of what options exist.

Someone else have a comment, Alan.

Alan Greenberg: I guess it's useful, the immediate I think answer that will come back and that is we need a better way of finding out what's going on. And that's the kind of thing we've already been discussing you know in general of how do they get the heads up about that these things are going on and might be of interest

and how do we present it to them in a language they'll understand so they know what it's about.

But it may well be worth offering the option of they can you know participate, listen, read but not be recorded as a formal member which might remove some of the sensitivities.

(Jonathan): Can I just check that not recording as a formal member, would it take anything for that to happen? I mean to my mind as far as I can understand someone could just catch up and listen in to activities in the working group and say look I don't want to be recorded as a participant in the working group.

But I am here to track the activities.

Alan Greenberg: The practice I think has been - and Marika can confirm - that if you're on the mailing list you are a member, but I'm sure we can cover it.

(Jonathan): Marika?

Marika Konings: Well this is Marika, because of course everything is transcribed and recorded, they don't need to necessarily be on the working group meeting to follow the conversations.

Because I think indeed there is - we do have - I don't know if it's a firm rule but basically if you're subscribed to the mailing list you're a member of the working group.

And we do have various working groups where GAC members are participating in an individual capacity. So not really sure that would really change things.

That's really the thing that's preventing them from participating, the fact that they are or aren't recorded. If it is I think it's definitely something to consider

or at least open the door and say look, if that would be something that would lower the barrier we can see if we can make that work or how we can do that.

(Jonathan): Thanks Marika, it sounds to me like we've spontaneously flushed out a potential improvement to the way in which we engage with the GAC here in that of course any GAC member could participate in that sense by being recorded as a member of the working group.

But we may say that when one area we're willing to look at is unrecorded participation, in other words you can subscribe. Because I think it's all very well saying you can read transcripts and listen to the recording.

But sometimes once it's past, once that meeting's past going back to it and listening to it is less likely to happen. Being able to participate or at least listen in real time may be more attractive. Marika?

Marika Konings: Yeah this is Marika, I guess the only challenge there is if they're indeed just there as observers listening that's fine, but as soon as we start engaging and participating in the discussion of course they become kind of a working group participant.

And where we do record like what are the entries or the SOIs, so again I think if it's something that they would be interested in we can explore but maybe we need to set some kind of a silent observer rules.

(Jonathan): Yeah so in a sense that's what I'm floating really, is that something we can discuss with the GAC going forward, if that's an impediment to their engagement with the GNSO policy process can we find a way of slightly modifying the way in which we work in order to accommodate that.

And then really the next step and the way forward is to form a small group which again and I welcome your comments on this, currently I'm thinking this is possibly the chair and vice chair of the GNSO council to work with some

designated GAC reps to pick up this work in the intercessional period in order to try and make some serious progress between now and Singapore.

And in doing so I would envisage that we would report back on a regular basis and so I guess that's a question. Certainly the proposal is to the GAC but some sort of small group, the only way to really make progress is a small group does that.

And I guess I'm floating a proposal that that is the chair and the vice chairs of the councils as that small group. And then to report back either on list in the interim and certainly as far as a GAC GNSO meeting is in Singapore.

So that's a relatively simple presentation and structure to the meeting but that's what we envision. I think we've got an hour and given the size of the GAC, the people in the room that's the opportunity.

And I think all of us perhaps feel that the format of meeting with the whole GAC is quite challenging really for all sorts of reasons. But I think it's nevertheless a useful interaction that we should continue to pursue.

Any other comments or input on our interaction with the GAC? Chuck?

Chuck Gomes: Is there a plan in talking about the IGO IMGO recommendations which is very close to their hearts?

(Jonathan): Really good point Chuck, it kind of comes up at the beginning which is - or did it, no, it hasn't and it was something we talked about previously so it's a really good point.

Do we highlight that or any PDP work that's been going on as part of an update on the current GNSO update? I'm in two minds, I'm really on the fence about this.

In some senses I just tend to just carry on down the path doing what we're doing and not - and as far as the GAC's concerned not raise it and let sleeping dogs lie.

But I mean open to what if any current work should we be discussing in particular the work of the IGO INGO working group? Any comments or thoughts?

Alan?

Alan Greenberg: I have trouble thinking of any outcome if we raise the issue other than them asking us are we following their instructions to the letter if not, why not?

(Jonathan): That's my concern really and I guess Chuck it's not a question of the interaction, it's whether that forum is the right one to have it in.

Chuck Gomes: And it might not be, this is Chuck, I don't know. But it would be up front to just let them know where we differed with their recommendations and to give a rationale for that.

Not to try to get into a debate but we want you to understand we examine this very thoroughly and there was not consensus support. When you looked at all of the - and in fact we did adopt a lot of their recommendations with regard to the IGOs, okay.

They didn't have any with regard to the INGOs obviously. I don't know, it's your call on that but you know it's been a big issue for them and to just ignore it I'm not sure that's the right thing either.

(Jonathan): All right (Thomas) I see you in the line, one of the things I sort of suggested this morning is that when (Thomas) gave his update to us he'd put that kind of chair summary.

There were four or five bullet points that were I forget exactly how you headed that (Thomas) but in a way that was an opportunity perhaps to take those points and report those points to the board and to the GAC.

By the way (Thomas), and I saw someone else, Zahid.

(Thomas): I guess the sequence of happenings might be a little bit unfortunate because we have our meeting on Wednesday, so all we could report is sort of an interim status of our work.

So I think it might not be the wisest thing to do to discuss policy recommendations where we don't know exactly how the council is going to vote.

Nonetheless I would fully agree with Chuck this is an item worthwhile highlighting in the sense that we - how efficient it was in our view, that we came to the final report is ready.

That this is before council now being deliberated that the recommendations are going to be voted on in the middle of the week and that we're more than happy to discuss the outcome of the PDP with them individually or collectively should they wish so.

(Jonathan): (Thomas) can I put that to you and ask you would you be wiling to make that kind of set of comments in the meeting with the GAC?

(Thomas): Yes, I think I would need you as council leadership sort of to defend me should the GAC representatives wish to drag me into an in depth discussion because I think it would be premature to have that.

I'm not afraid of such discussion but I think it wouldn't be healthy to have it at this stage. Now if we don't know how the council will react but I would be

more than happy to say a few sentences about the progress we made, how expedited it actually was.

And you know that we will have something to report very soon.

(Jonathan): A good faith progress, okay let's have you on standby to do that. One of the things might be to do is to check that with the GAC leadership as well and see how they - how potentially provocative or problematic that could be and see where they're at.

Chuck?

Chuck Gomes: Be real brief, we should be prepared to answer if they raise it briefly but along the lines of what I was talking about. If we're not going to proactively do it we should be prepared in case they raise it.

(Jonathan): And just to be clear, our preparation could be two fold right, it's really what (Thomas) has just described which is progress to date and I would defer to him as the chair of the working group.

But in addition I guess the issue of - the bit that I would be nervous of is well why the hell did you do that work in the first place? That preparation for that, I mean could we go into that? Would we be willing to go into that kind of discussion?

Chuck Gomes: Chuck again, I mean we were tasked with doing that by the board. That's the simple answer, that's probably not enough. But it is what the mission of the GNSO is.

Now they may disagree with that, that's okay, but that is our mission.

(Jonathan):   And importantly I would add that the work looked at the protection of those names and acronyms or the potential protection of those names and acronyms not only in new gTLDs but in all existing gTLDs as well.

Chuck Gomes: And (Jonathan), Chuck again, there's really a fairly simple answer. Where they disagree, why they think we should have been working on that is some of them at least and I think they've convinced the majority of the GAC think that it's clear cut in international law.

And so what we did in response to that is we went to like we're supposed to do to the general council's office and asked for an analysis of that because if that was true then we could have finished a long time ago.

The response we got back was not definitive enough to just say it's done, okay? They can disagree with that but that's really the response, that's why they didn't think we should be doing it.

It's because they thought that law covered it already, why are you spending time on this? If law was that clear we would not have spent time on it. Now they think it is that clear, the response we got back from the general council's office was not that clear.

(Jonathan):   So my sense is on balance and I'm willing to be as we try and wrap this up now that we should be prepared to discuss this but perhaps not necessarily raise it. Because in one sense, don't forget the GNSO is doing all sorts of policy work.

We happen to know that this particular PDP is sensitive, important to the GAC and particularly high profile but in a sense why raise that particular one when we're not talking about all of our work.

So we could perhaps talk, make a reference more generally to the productive and ongoing work that's going on, that there's plenty of activity going on and they're very well going to receive an update.

And maybe we highlight for example the bulletin that Marika prepared on the policy work of the GNSO that is available to them, which of course includes that and allows them to ask that question should they want to do so.

(Thomas)?

(Thomas):   Well I think we have very good reason to report about the progress because the GAC has attacked the case study, so we could build on that and say well you have said that this will be a case study, the board has confirmed this and we would like to report back to you what happened in the meantime.

So I guess it's perfectly okay to build on that and I'm also more than happy to respond to the question as to why we did what we're doing.

I would be a little bit reluctant, I can certainly outline the recommendations that are included in the final report, but I would not want to get - enter into a substantive discussion on the individual recommendations and have them potentially criticize.

Because I think that would sort of take us away from the core message that we want to bring across.

(Jonathan):   Okay, so I'm not 100% clear how we introduce this, I'll think about it and see and I may even talk to GAC leadership offline and check how they feel about it.

But in any event we've got a structure that we've talked through, I think we're in reasonably good shape so thank you. I think that's been a tremendously

productive back to back set of sessions where we had a wide ranging open discussion.

It set the scene very well for our meeting with the ICANN CEO, the ICANN board and the GAC. So thanks very much for that. Marika?

Marika Konings: We still have the CCNSO.

(Jonathan): Yeah, I'm wondering if we can't fit that in elsewhere, I mean it happens a little later and I'm wondering whether - John?

John Berard: John Berard, based upon the last back and forth I've seen it's pretty much nailed down, isn't it?

(Jonathan): Precisely, that is my feeling. So we have - so let me put it this way, are there any outstanding questions or issues around the structure and organization of our meeting with the CCNSO?

Marika Konings: This is Marika, I think the one question as we're - structure is first discussed, you know common projects and then maybe highlight some of the work that GNSO and the CCNSO are doing why they may benefit from each other's expertise.

And for the GNSO we've identified I think two topics, the privacy proxy work and translation and transliteration so I think it's just a question of having maybe two volunteers to just briefly speak about that.

And I see Maria just came in as the council liaison to the group, she may be willing to do that and then maybe someone for the translation transliteration work to say just a few words.

You know we have one slide for each but just to mention what it's about because the whole idea is that afterwards when we mingle that hopefully

people from the CCNSO will come up to us and say well you know great expertise in this area or do's and don'ts and that we can...

(Jonathan):   Thanks Marika, that's a good point, so just to remind everyone we have a new and essentially trying out a new structure interaction with the CCNSO and we've got two topics we want to cover and we need to have a volunteer to be in essence a topic lead for both of those cases, transliteration and translation PDP.

And what was the other one, remind me of the other one? And proxy and privacy, so I suspect we've got some natural topic leads there but I won't look at anyone, I'll just think that they might.

Any volunteers? So we need a volunteer to talk about translation and transliteration and proxy and privacy.

(Jonathan):   I won't put myself in this, I think actually the EOF could be the leader for that particular topic because I think by then there's kind of a scheduled conflict for me to be caught up.

(Jonathan):   Thanks, that's very helpful and also goes in the great tradition of volunteering people who aren't present which is what makes it even better. That's brilliant, so thank you for volunteering Yoav and you can sort it out with him, who buys him a drink afterwards.

And then in terms of the proxy and privacy is there a volunteer for that one? Do we have a council liaison to that group or, Maria are you a willing volunteer? Wonderful. You've been volunteered and thereafter volunteered, so thanks, that's great.

So we have our two leads, I think we have a draft slide for both of those anyway so Yoav and Maria you'll - basically your work should be set already. Okay so thanks again for - sorry Edmon.

Edmon Chung: Edmon here, if there's a little bit of time I'd like to bring up the JIG as well, we're sort of wrapping up the first round of work that we're done, that's the IDN group.

And we're moving into some of the implementation if it is going to be implemented but the - we are in the group we're talking about whether there needs to be recharter of the group or not.

And if there's a little bit of time during the two council meetings that would be a useful time to bring it up.

(Jonathan):   Great, thanks Edmon. Marika remind me, I think that may be there already, isn't it?

Marika Konings: Yeah this is Marika, that's correct, that's the first half hour, it's a joint work so it's the JIG, the DSSA and I think the cross community working group and as well they're starting a new cross community working group on country and territory names if I'm not mistaken.

So it's in there.

Edmon Chung   This is Edmon again, and on the translation transliteration item I'm on the group as well so I can probably help out on that as well since I'm not sure Yoav is here yet, but just to make sure there's somebody to talk about it.

(Jonathan):   So we've scheduled a break now, this agenda is really working us hard. I hadn't realized, I kind of got to the bottom of the page and we've got a whole other page to go virtually.

So it looks like - let's take a - we're scheduled to have a ten minute - we're scheduled to break until 20 past so let's take a ten minute break now and attempt to reconvene so we stay on schedule if possible at 20 past the hour.

So ten minute break now, thanks we can stop the recording.

END