ICANN
Transcription
GNSO Review Working Party to brief the Council
Tuesday 12 April 2015 at 17:30 UTC
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Terri Agnew: Thank you. Good morning, good afternoon, and good evening. Welcome to
the GNSO Review Working Party call that will brief the council and other
interested members of the SG/Cs on the final recommendations issued by
the independent examiners as a result of the independent review of the
GNSO held on Tuesday the 12th of April 2016.

We will not be conducting a webinar – we will not be conducting a roll call
as this is a webinar. But all names will be recorded. As a reminder if we
could please remind all participants to state their name before recording for
transcription purposes. Thank you very much. I'll turn it back over to Jen.
Please begin.

Jennifer Wolfe: Thank you and thanks everyone for taking time out of your busy day to join us
to provide updates on where we are as the working party has reviewed the
recommendations from the independent examiner, and what we expect to
be our next steps. I think if I can just ask staff. Did I get handed over control
of the PowerPoint or do I need to prompt you to change it? I'll see here.

Woman: You have control to change it.

Jennifer Wolfe: Do I? Okay. Let me just make sure that's working. Okay. Fantastic. Thank you. So I'll go ahead and begin and I am joined today by Chuck Gomes who's been a very active part of our working party who has graciously agreed to help move me go through some of this information because we do have a lot to present to you today as we go through the recommendations.

The purpose of this webinar today is to have that opportunity to provide that more in-depth briefing for both council and other interested members on what the recommendations were from the independent examiner and how we as the working party organized, discussed and evaluated those recommendations. What we hoped to accomplish today is just to improve everyone's understandings of the recommendations and think about the implementation considerations and preparations for the council vote which is later this week on the 14th of April.

Some of the key considerations that we have as we move forward is just thinking about as we move into implementation and a volunteer capacity as we all know there's a lot of important work going on, and what's realistic in terms of creating implementation schedule and a plan, and being able to measure results so that we can show improvement within the organization.

And Larisa, where you going to provide the update on the timeline?

Larisa Gurnick: Yes. Hi everybody. This is Larisa Gurnick, ICANN staff. So what you see on the screen if I could just ask for some help to adjust the size of this screen so that everything fits ... and thank you very much.

So what you see on here is an updated timeline that reflects where we are today which is as Jen suggested preparing information and sharing information with the GNSO Council in preparation for the upcoming council

meeting on Thursday so that all of you would have sufficient information to react to the extensive work effort that was produced by the GNSO review working party.

The purpose of that is to combine that feedback with the work of the GNSO community that's been represented by the GNSO review working party and provide to the organizational effectiveness committee a wholesome report of basically the areas of agreement, the areas where there's some questions or concerns about the findings of the independent examiner and then there's areas as you'll see some things are in between. I also wanted to acknowledge the fact that Rinalia has joined this call. Thank you Rinalia for joining. Renalia's the chair of the organizational effectiveness committee and it's her group that will be looking at the considerations that will be provided to the Board committee in May at their meeting to better understand community's assessment of the independent examiner's work and community's feedback on what's feesable and how things should be prioritized.

Once the organizational effectiveness committee considers all this information the next step would be for that committee to make a recommendation to the full Board and we are still waiting for confirmation of the board meetings but assuming that there would be a Board meeting in June it would be at the June Board meeting that that topic would be considered by the Board. And then once the Board accepts the final report and takes action on the recommendations the activities move into the implementation stage.

So you'll see the next bubble for July and really July, August and leading into September is an opportunity for the council to determine the steps towards how the implementation would take place. And I know for my colleagues on the policy team that an options paper is already being drafted for consideration by the GNSO Council addressing a variety of issues for how to move the implementation forward starting with the roles that the GNSO review working party would play, to how to consider prioritization and feasibility and such. And ultimately it's with the idea of developing an implementation plan

that would then go the ICANN Board for their consideration. And we again put a tentative date of September 2016 for that to happen.

I also wanted to flag for all of you that there's been extensive dialogue between review working parties, the council, and the organizational effectiveness committee throughout this process as recent as September 2015 but even before. So what you see on here is next steps are just continuation of all those really productive dialogues and conversations.

And in Marrakesh the organizational effectiveness committee requested that rationale be provided for recommendations in areas where the GNSO Community disagreed with the conclusions of the independent examiner and to a great extent that has already taken place. And more work will be put to ensure that rationale is fully articulated and you will see some examples of this in the presentations that are to follow.

So with that I will pass it back on to Jen. Thank you very much.

Jennifer Wolfe: Thanks Larisa. And we'll certainly come back to our next steps once we present all of the recommendations and the working party responds and at that time we can have a more robust dialogue about our next steps and any options there.

So I'd like to move on and provide just some general context to how we approached our work. If you read the report from the independent examiners you know it was a very lengthy report but it's consolidated down to essentially 36 recommendations. And we determined that the best way for us to organize our work was to create basically four categories of the recommendations and then work our way through those within each of those buckets if you will.

So the way we determined that is we took four criteria, we looked at the ease or difficulty of the implementation of the recommendation. We looked at the cost of implementation. We looked at whether or not we believe that it aligned

with the strategic plan of the GNSO. And we looked at if it impacts on other existing work. And within that we took all of those 36 recommendations of broken into four categories. The first which we color coded on our spreadsheet just as green which met everybody was in agreement. We thought that should proceed. And you could see here on the charts just the breakdown of those 36 that came out to be about 36% of all the recommendations.

We then had our next category where we identified that the recommendation was something everyone was in agreement with but we also felt the work was already being done either through some other PDP or staff work or something else was being done. So we wanted to flag that that it was something that we were in agreement with but maybe it didn't need any kind of specific implementation plan. Or maybe it just needs to be followed through with some other work that's being done. And that was about 39% of the recommendations.

We then had a third category where we agreed in principle with what we thought was the underlying concept but maybe we didn't like the way it was worded. Or different people had concerns and so we actually have proposed modified language for those recommendations. And there were six of those which was 17%.

And then there were three where there was complete agreement that we did not agree that those should go forward. So we color coded that as red and that was a small number. And we'll go through that here momentarily and talk through our rationale.

Now once we had it broken into those four categories we then went back through all of the recommendations and determined, do we think that this would be a high priority, a medium priority, or a low priority. So you can see that obviously everything that we didn't agree with would go into the low category. And so we broke those down and you can see and those that we agreed they were green. We had three that where high, seven that were medium, and

three that were low. So we ended up with what I see sort of a bell curve of the high, medium, and the low across the board on the areas where we had widespread agreement.

So before I move on is there any questions about how we approached our work? Or how the community system works that we set up? If you get the spreadsheets you'll see the color coding. I think it's just helps to visually be able to go through it in that way. Okay. Seeing no questions I'll go ahead and move on. Let me see if I can zoom this in just a little bit more there. There we go.

First I want to start with today is those three recommendations that we determined should not be implemented. And you can see here the recommendation numbers that you see on this, those are the recommendations numbers from the final report so if you go back and look at the Westlake Report, that would be recommendation number 21, 32, and 23. And so the first one was recommendation 21 and that read that the GNSO Council should regularly undertake or commission analysis of trends in gTLDs in order to forecast likely requirements for policy and to ensure those affected are well represented in the policymaking process. And there was not agreement in this recommendation because the working party felt it was not a well phrased and it didn't really conform with what we thought was in the rest of the report and that we didn't really feel it was appropriate for the GNSO to be determining – to be creating some kind of a forecast or to be analyzing this type of data. We thought that that would better fit in other places like other reviews or other components of work within the GNSO. So that was why there was widespread agreement on that recommendation not to move forward.

And Amr, I see you have a note in here. It may be noteworthy that the working party reviewed the recommendations against the rationale. Yes, thank you, Amr. And if you want to add to that, please just raise your hand and let me know. But excellent point. We were very much, very carefully looking

at the rationale in the report as we reviewed the recommendations. So any comments on that? Any questions, or concerns about why that was flagged as a Do Not Implement? Oh, yes. Denise? Please go ahead. Are you typing? Oh, audio problems? Okay. Well we'll go ahead and we'll come back to you. Wolf-Ulrich, please go ahead.

Wolf-Ulrich Knoben: Hello. Thank you, Jen. We have briefly summarized we had a discussion which is now (unintelligible) these are ISPCP's and especially about these three red recommendations here which are (unintelligible). In line with all the other recommendations more or less and in regards to this recommendation it turned out so from my talk I had also through other members of the GNSO some of them that there might be a demand and some direction with regard to such a kind of a study to undertake. So we had this discussion also in Marrakesh. In the discussion in Marrakesh it more or less turned out from Chuck's words if I recall that correctly.

That the view of the opinion of the group of the opinion are not to accept this recommendation because of (unintellible), this is a little bit too poor defined or is there less definition about that? What the goals or study should be and the question of timing was also open. So I wonder from – just to summarize, that because it seems to me to some extent to some demand that the studies and the question is what regularly means. But to some extent it seems to be some demand whether we shouldn't, there shouldn't be a change to not just to reject this recommendation rather than to redress how it could be prepared for better understanding or to set the scene for such a study, more in terms of parameters which such study should have.

When that was coming out on discussion I had last. Now we come back to the other recommendation. Thank you.

Jennifer Wolfe: Thank you. Denise? Is your audio working now?

Denise Michel: I think so. Can you hear me?

Jennifer Wolfe: Oh, great. Yes, we can hear you. Thank you.

Denise Michel: Great. Thank you and thank you for doing this. Regarding recommendation 21 I understand the working party's comment about the poorly phrased recommendation and questions about implementing it the way it's written. I'm interested in the sort of impetus of background for the recommendation which in my interpretation is that it benefits the whole community for the GNSO council members to be, and the GNSO community more broadly, to be better informed about what's happening in the gTLD's space. Have a greater understanding of the various elements and activities to provide a better underpinning for policy development and decisions that will be made. Was there any discussion in the working party of well, not liking the exact recommendation of 21 but being open to suggesting that the GNSO work with staff to say provide regular briefings or updates relative to the gTLD space? Not doing the work itself but rather taking advantage of work that's being done in lots of other places both by staff and in the community?

Jennifer Wolfe: All right, Denise. So I'll try to answer this and I certainly invite others who are on the working party to add to this. I think absolutely what you're saying are things that everybody agreed with. I think it was the bigger concern was how this recommendation was worded that council should regularly undertake or commission. Does that involve a budget question, does that mean they have to spend money? Does it mean that had to do certain things? I think we were concerned about a recommendation that was mandating something like that versus being work that could be done elsewhere. So I think that's where we were coming from and saying that we don't think this recommendation should move forward.

I know Chuck you had your hand up and I don't know if you have anything to add to answering that question as well Chuck, or I'll see if you have more to add to that?

Chuck Gomes: Thanks Jen, and thanks Wolf-Ulrich and Denise. Let's us first of all just from a personal point of view. Part of the problem I have with the recommendation as several have said the wording of it. You know when you try to forecast likely requirements for policy that's hard to do, although there are areas where it makes sense. Like for example, what's going on in the new gTLD next round PDP that's going on right now, subsequent procedures PDP? This fits nicely. This recommendation actually fits nicely in that PDP. And in that sense, depending on how it's worded, could be one of those in the category that Jen talked about of it's already been worked with regard to new gTLD's because I'm assuming that that PDP as well as even the one on rights protection is looking at new needs and the success of things in the past round. So it actually fits there.

But my main point I think is this. One of the reasons that I think the working party wanted the council as in its representation capacity for the broader GNSO to look at the recommendations was to consider things like both Wolf-Ulrich and Denise have brought up. And I guess I have a question for both of them in that regard. I'm sensing that both of you, Wolf-Ulrich and representing the ISP's and so forth. I think maybe this one shouldn't be discarded as a recommendation. And that's okay if the council disagrees with the working party on that. In fact, I think that's fine. My question then is would you agree with a low priority or would you give it a higher priority than low in that regard relative to all the other recommendations?

Denise Michel: Chuck, this is Denise. So I think there's perhaps an issue of sort of context here or what the construct of what the working group was working in. If your only option is to say yes or no to this exactly worded recommendation, then I can understand basically saying no. I think my question really and my perhaps suggestion is that if you can go beyond simply saying no to the way this recommendation was specifically worded but using the idea behind this recommendation as a stepping off point to have the working party look at really broad-based general information about the elements of the gTLD space that regardless of what PDP happens to be occurring at the time would be valuable general

information and knowledge sharing for the GNSO Community. So really that's where I was going.

I can appreciate that the working party would not want to have the GNSO undertake and commission analysis. At the same time there's a lot of information out there and there's a lot of holes in the knowledge of various parts of the GNSO Community and I think people would really welcome the opportunity to have information sharing, presentation, and analysis, and trends in the gTLD space?

So I think to rephrase does the working party have the ability and would they be interested in going beyond simply saying we don't like this specific direction or the way this 21 is worded. But at the same time we think the GNSO should pursue regular information sharing and briefings on really the gTLD's.

Jennifer Wolfe: Thank you Denise. And I see there's a queue forming here. I will just respond briefly. I think absolutely. That's why we created the sort of four pronged approach of we agree, we agree but we think work has already been done, we agree with modifications or we don't agree. And probably the one thing that's changed since we addressed some of these is that there have been two new PDP's formed that could probably, this might fit into one of those buckets. But let me get to everybody else in the queue here. Wolf-Ulrich, please go ahead.

Wolf-Ulrich Knoben: Yeah. Thanks. Wolf-Ulrich Knoben speaking. Just briefly to Chuck's question. I would go that way not to object to this recommendation because there is some demand but I wouldn't place it to high priority. And you know it came to my mind from the last discussion that it seemed to me it's rather a question of how to deal with those with such an analysis commission. And rather than the question should we do it or not so? Briefly, there is demand. There is something we should find to phrase it in that way but it is not of the highest priority here, then let's do it. Thanks.

Jennifer Wolfe: Thank you. And Amr.

Amr Elsadr: Thanks Jen. This is Amr. I think Denise was absolutely correct in saying that there's a lot of information out there that will probably observe the community to understand information and have empirical data to assist in policy development. However, I don't believe that was actually the concern with this recommendation here. First and I think either Jen or Chuck who mentioned this before, the recommendation effectively creates a commitment for the GNSO Council that at least for my part I felt was not substantiated by anything in the study that was provided. And if you look at the actual wording of the recommendation this isn't really about commissioning studies or analysis of trends to assist in policy development. This forecasts future requirements for policy development but this is the way I understood it. There actually have been a number of studies that were conducted in the past. For example, on WHOIS theyhave been instrumental in forming GNSO PDP's.

There was also the recent non-PDP working group on data metrics for policy development that came out with a number of fantastic recommendations to help towards that end. However, like I said this is just a combination of a commitment that is ambiguous to say the best on the GNSO Council as a result of this recommendation as well as lack of substantial reasoning to sort of see this recommendation through in terms of how these forecasts will assist the GNSO in forecasting what policy requirements may or may not be was just unclear to the members of the working party which is more or less why we color-coded it red. Thank you.

Jennifer Wolfe: Thanks Amr. And Chuck, that's a new hand I think; right?

Chuck Gomes: Thanks. And I'm going to come back to Denise mostly and Jen I don't want to speak for you because you're chair of the group but I don't think this thing has to come back to the GNSO working party for its approval to change the categorization of this. The council could make that suggestion and I believe

that the working party would be fine with that. That's why we wanted the council to look at it because they represent a lot of different groups with different views. But what I would suggest is that I think this recommendation based on what I heard is could fit into either the orange or the yellow category. Maybe it's a combination of both.

But what would help the council I think and again I can't speak for the council would be to suggest maybe a rewording of it in terms of what might recommend it and change it to either a yellow or an orange category. But the council would need some help in amending the motion that's on the table right now. If we don't help them in the rewording of the motion what's going to happen is it's going to be deferred longer and I don't think that's a good idea. So my recommendation is recommend to the council that they change the category. And if the council supports that I don't think it needs to come back to the working party to do that. Jen, correct me if I'm wrong on that?

Jennifer Wolfe: No. I think we could certainly if we're getting feedback here from the community that this – again, I think exactly as we stated there. I think everyone agrees that the idea of providing data to the GNSO Council is a good idea. It was just a concern that the way this was worded it was a mandate and it had budget and other implications. So we can certainly change it to a yellow or a yellow and an orange where we flag it that we agree with the underlying principle. We think it should be rephrased, and we think there's already work being done to this extent. Wolf-Ulrich, please go ahead.

Wolf-Ulrich Knoben: Thanks Jen. As the one who submitted the motion to the council. I think from my point of view this is relative to any other change we are going to do with regards to that motion, with regard to any of these recommendations. So I would ask for that because I was submitting this motion. If you are going that way to change the catagory and I did about myself you know for recommendation 21 asking for changing it. That means that the one who is asking for that who should feel a little bit responsible and to make a proposal

on how to do that in maybe incorporation with you both with some (unintelligile) with Chuck and then Jen you could be helped that I could submit that and be prepared for the council meeting on Thursday. So that would be the way I see. Thank you.

Jennifer Wolfe: Okay. I think it's that – unless Marika or if any policy experts want to correct us on the approach that would seem like a way to move this forward. Rudi, please go ahead.

Rudi Vansnick: Thank you Jen, Rudi Vansnick for the transcript. Well, I'm still trying to have a clear view on the impact of this kind of recommendations. As we noticed there was quite a lot of data available. I just want to know where will the work that is done in the GNSO Council, would that trigger new policy or would that modify ongoing policy? I would like to know the impact of these analysis because it could create some (unintelligible) policy work going forward. Each time we are getting data that would allow us to say oh, but maybe, we have to rethink this and that all we need to review ongoing policy. At least not start from scratch or from the beginning. But it would just delay the policy work. So I would like to see if there is a request to activate it the recommendation, how is that going to impact and at what time?

Jennifer Wolfe: So Rudi, are you – I just want to make sure I understand your question. Are you opposed if we – and completely with the way it's worded right now. If we were to reword it so it didn't create that sort of obligation but was rather building off of existing work that was being done to gather and provide that information to council? Are you comfortable with that change being made?

Rudi Vansnick: Yes Jen. If it qualifies what the impact would be then it's helping and then you can reconsider.

Jennifer Wolfe: Okay. So I think if I see in the chat too it sounds like Denise is maybe going to provide some suggested rewording and Amr and Wolf-Ulrich would need to sign off on that change to the motion. Correct me if I'm not reading that

correctly? But it sounds like that's a consensus to move forward with regard to this recommendation 21.

So seeing if there are no other objections just in the interest of time why don't we go ahead and move on to recommendation number 32. That reads as presented by the independent examiners that ICANN define cultural diversity possibly by using birth language and regularly publish this along with geographic, gender and age group metrics at least for the GNSO Council SGs, C's and WG's. And the concern that the working party had with this particular recommendation was certainly not the intention of it but that the language was very much too broad. And that we were concerned about how cultural diversity would be defined. We also felt that this was something that was not just for the GNSO to define but really for ICANN as a whole. We also had concerns that it wasn't feasible to reach a consensus on defining what cultural diversity meant and that there may be other ways to accomplish this goal. So opening it up to comments on the decision to flag this one as a Do Not Implement for those reasons. Yes, Denise. Please go ahead.

Denise Michel: Hi. And I'm sorry my phone cut out a couple of times and perhaps you addressed this and I missed it. But so I understand there's an issue with cultural – I guess with some of the language. Did you address the suggestion of collecting and publishing basic geographic gender and age? Metrics for all of the elements of the structures within the GNSO? I'm setting aside the birth language issue.

Jennifer Wolfe: There's actually some other recommendations that deal with this and I think that was one of the other issues that we had was that this was so specifically trying to create a definition of cultural diversity. So there are, and I believe that information is already being collected so that's why we didn't address it within this specific recommendation.

Denise Michel: Is gender information collected at the constituency and stakeholder and working group level? I don't think so.

Jennifer Wolfe: I think, if I recall and there's a lot to go through here. But I believe there's another recommendation that deals with that. Larisa, do you recall?

Larisa Gurnick: Jen, I believe you are right it's one of the upcoming recommendations that… This is Larisa Gurnick. Yes. I believe that there is one upcoming recommendation that we will be covering that makes that suggestion. But to Denise's point I don't believe that that information is currently captured and reported.

Jennifer Wolfe: So Denise, is it fair to say you would like to see information collected on gender?

Denise Michel: On gender, geographic, and age sounds reasonable, well I don't know about age but if people feel that age – there's an age gap then that's an issue then, sure. I think the more metrics and transparency involved at all levels of the GNSO the better. But certainly on geographic and gender issues which have received increasing attention and there's a standing commitment on the part of that ICANN community I think it would be useful to simply have as part of the regular process collecting and publishing at least geographic and gender metrics for working groups, constituencies and stakeholder groups and the council.

Jennifer Wolfe: Okay. Thank you and I see Amr has a concern. Amr I'll invite you to that if you want to speak to that but Paul McGrady is next. Please go ahead.

Paul McGrady: Hi. Paul McGrady for the record. I guess this is a uniquely American perspective on this or maybe I should say white male American perspective on this. What's the point of the data that's being collected? Is it to go back to the stakeholder groups and tell them that they need to try harder? Will people be excluded based upon their gender or cultural identification if it throws the council out of balance? Is there a way assuming we want to go down this path to account for the fact that a New Zealand Protestant may

have almost nothing in common with a Canadian agnostic even though they had the same birth language? This thing seems to raise a lot more questions than it answers. And even if we could answer those questions I guess I don't fully understand what the purpose of the data is and how it will be used. And importantly, as we all are extra sensitive these days about what kind of privacy policy does ICANN even have in place to collect and hold this kind of personal information? So those are just some of the initial reactions to this. Thanks.

Jennifer Wolfe: Thank you Paul. And no, all great points. And again that's part of why this one was Do Not Implement because of all the issues that were just raised and concerns about defining cultural diversity. I know Amr I don't know if you want to address the couple points you made in the chat?

Amr Elsadr: Sure, Jen. Thanks. This is Amr. Yeah. Just when the question came up earlier on whether GNSO constituencies and stakeholder groups collect this information or not. I recall this was a discussion I think maybe it took place in Marrakesh, or I don't recall exactly, amongst the NCSG, and my understanding is that within the NCSG we actually make it a point to not ask for our members' genders, (), for example or ages. And I remember the gender issues was especially sensitive because the folks who were signing up to become members may not wish to identify with a predetermined set of options for gender just as an example. So the thinking currently seems to be that it's undesirable and probably not very helpful to try to collect this information. Just thought I'd share that. Thank you.

Jennifer Wolfe: Thank you Amr. That's helpful to provide that additional context. So Denise, I have a note here on your comment and I'd like to come back to it when we get to the recommendation that deals specifically with that. But if there is no other objection then we would proceed with 32 being a Do Not Implement as it's written. Okay.

Then moving on to the third and final of the Do Not Implement recommendations was number 23. And this one stated in order to support ICANN's multi-stakeholder model all Cs should have seats on the GNSO Council allocated equally by their SG's. And some of the concerns that were raised by the working party, and there was widespread agreement on this and pretty much from the outset on this particular recommendation was that it wouldn't work if an SG had more than six constituencies, it assumes all constituencies are equal with respect to their mission, clarity, member engagement, and contribution to GNSO work and could create the wrong kind of incentives for groups to form constituencies to get seats on council. And just the questionable rationale I think there was probably the most reaction from we on the working party is that this was a recommendation that was added by Westlake after we had any opportunity to provide our input or feedback. And so we felt like this kind of came out of nowhere right at the end, that they just inserted this. So that was concerning to a lot of us just in terms of how they approached adding this particular recommendation. So we flagged this one as a red Do Not Implement. Any comments or questions about the decision to flag this one as a Do Not Implement? Yes, Amr?

Amr Elsadr: Thanks Jen. This is Amr again. I just wanted to add that if anything when this recommendation was first revealed to the working party with the final report that this actually had, I mean the recommendation – Westlake were looking at a number of issues concerning empowering constituencies. And they met with a number of groups I think at the last Buenos Aires meeting I think it was. And if anything the feedback, a lot of the feedback they received seemed to head in the opposite direction. And so it's not just – the reasons listed here, the comments from the working party are extremely relevant. If anything – if you look at the feedback that Westlake had collected, and this was actually collected very nicely by staff and included in the public comment forum of the preliminary report. But if you do look at that and sort of and then match the revised recommendation 23 along with what actually took place in the study, it just makes this recommendation less – it makes it sort of makes it less substantiated by

what was actually the study within the GNSO community. So I just wanted to add that. Thank you.

Jennifer Wolfe: Thanks Amr. And Rudi, please go ahead.

Rudi Vansnick: Thank you Jen. Rudi for the transcript. It didn't come out of the blue. It's not something that has been wanting. It was a discussion that was going on and when the members of NPOC had been interviewed it was something that had been raised from NPOC community that it was a pity that we didn't have the chance to be present in the council. And that's where probably I picked it up among other maybe suggestions that they got and for giving insist in bringing this to the recommendations. They didn't insist in applying that recommendation. And there are ways to work around it and find ways to get a seat. But it was expressed during interviews by NPOC members. So we have to be honest that (unintelligble) rate and you have to say it.

Jennifer Wolfe: Thank you. Thank you Rudi. And Wolf-Ulrich, please go ahead.

Wolf-Ulrich Knoben: Thanks Jen. Well besides the question who bought the question about how it came out to the working party. It is a basic question in the direction of the structure of the GNSO as well. And as you know that we had to discussion we raised several times to the appointments that this review was not looking at the structure. And it is obvious the structural review has to come in the future. And I will say from that point of view and we discussed it and opportunity as well and in line with that. So to say that this question has to be brought up during a structural review which has to take into consideration the near future. That's it. Thanks.

Jennifer Wolfe: Thank you. I think Chuck had a checkmark on that point as well. So understanding all of that with the way it's written right now is there any further objection to keeping this as a Do Not Implement for the reasons expressed? Okay. We'll go ahead and move on to the next batch of recommendations.

These are color coded as yellow which means we agreed with the intent but wanted to suggest some modifications to the way it was worded. And Denise, I knew there was one that addressed the point you were raising. I'm so glad that came up right next. That makes it very easy to make sure that we don't lose track of that. And that was recommendation 35 which read as written that the GNSO Council establish a working group whose membership specifically reflects the demographic, cultural, gender and age diversity of the Internet as a whole to recommend to council ways to reduce barriers to participation in the GNSO by non-English speakers and those with limited command of the English language. And so it dealt with some of this diversity. And part of what we look at is we didn't really like the way that particular recommendation was worded in terms of requesting a working group and trying to force sort of the cultural diversity when that might not always be possible. So what we did was propose this revised the language that the GNSO Council establish a working group to recommend ways to reduce barriers to participation by non-English speakers and those with limited command of the English language to the extent practicable the members of the working group should be diverse and to reflect demographic, culture, gender and age diversity. So Denise, your hand is up. Please go ahead.

Denise Michel: Yeah. So I think that for me there is a bit of a disconnect if the working party agrees with the intent. I guess that assumes that there is that they feel there is an issue with diversity in various ways. I think you need metrics. You need to know the facts. If you have an intent of addressing what you perceive to be a problem, so this goes back to collecting aggregated data at the working group constituency, stakeholder group, and council level on what people feel are the key metrics that matter in terms of supporting diversity commitments. I think this really needs to start with basic aggregated data that's collected and published so we know what the current situation is.

With no other intent other than we have – ICANN has a commitment for diversity but we really don't know where we stand within the GNSO on diverse space. So I think the first step for this and related questions is what is the

current landscape look like? I think the data needs to be the foundation for any other questions, discussion, actions, and also I don't, personally I don't think another working group is a good idea at this point. I think every structure within the GNSO could take some responsibility to looking at what their own diversity issues are and ways that they can increase their diversity. I think it's a challenging environment currently the thing which to create yet another working group. Thanks.

Jennifer Wolfe: Thank you Denise. And yes, you are absolutely right. That's one of the key points that we have to what the end here is you have to realistically move these forward from just being a recommendation that into something that can be implemented. And you're absolutely right about having data sets and a baseline from which to begin and then to set goals and measure what happens going forward. So I think what we're certainly looking for right now is to gauge, do you all agree with how we have categorized these recommendations. And then there will be work to do to determine how do these move forward into implementation. So thank you for all of your comments. Any other – Chuck said would you recommend making this a read? Chuck do you want to add to that?

Chuck Gomes: That's kind of what I thought I heard Denise say, this is Chuck, that maybe we shouldn't even do this one. Is that what I'm hearing or did I hear you incorrectly Denise?

Denise Michel: I don't feel strongly about it, about creating a working group. I just think it's a very difficult environment currently to create another working group or role. We are very very busy. We have a number of working groups and PDP's going on right now. I think a working group on this would be challenging to populate and get underway at this point. And in addition to that, I think the first step is to ask staff and the various groups to provide basic data so we know where we stand.

So no, I wouldn't turn it red, I agree that yellow is a good color for this. But I guess would propose that rather than creating a working group at this time that council direct staff to collect relevant data from all the various groups and report back to the council for the stakeholder groups and the constituencies and then consider as a community what the appropriate next steps are given the data that we have.

Chuck Gomes: So this is Chuck again. Would you make it a low priority then?

Denise Michel: No. I think yellow is an appropriate color, medium.

Chuck Gomes: No, yellow sounds isn't a priority.

Jennifer Wolfe: Leave it as medium.

(Crosstalk)

Denise Michel: I think median – I agree with the medium priority.

Chuck Gomes: Okay. Thanks.

Denise Michel: Priority. Yeah.

Jennifer Wolfe: Okay. And thank you Denise for all those comments and I think again just to remember where we are these are just recommendations and we're trying to categorize them and flag them for the GNSO Council and for the OEC to look at them. And I think these are incredibly important points as we move into implementation. Maybe a working group isn't the right way but we believe in the underlying concept and let's find a way to move it into implementation. So if there's no further discussions on that one I'll go ahead and move on to our next one. We do have a lot to get through here in the next 40 minutes.

Recommendation number three is worded that the GNSO Council reduce or remove cost barriers to volunteer participation in working groups. As you can imagine that's an idea I think we all would like to see happen. So there was agreement with the underlying principle. I think there was concern about what does that mean in terms of budgets and travel support and financial issues and cost barriers and things along those lines. So we reworded it to state that the GNSO Council reduce time barriers to volunteer participation and consider ways to enhance participation remotely without the need for travel expenditures. So any comments or concerns about the way we categorize this or the way we rephrased the recommendation? No. Okay. I know that's less of a controversial one.

So we'll go ahead move on to recommendation number seven which originally stated the stakeholder groups and constituencies engage more deeply with community members whose first language is other than English as a means to overcoming barriers. And there was a lot of this sort of themed recommendations that we all understand. I think that for those who don't speak English that there are some barriers. So we agreed with that concept. I think we just wanted to see it reworded a little bit in terms of the formal recommendations. So we reworded this to state, the stakeholder groups and constituencies strive to overcome language barriers by participating in the working group established under recommendation 35. So we just sort of folded that one up under the other. Any comments or concerns on this one? Yes, Chuck?

Chuck Gomes: Yeah. And not so much a common concern but because of the way we worded though rewording there and the concern that has been expressed by several, certainly by Denise and Susan in the chat. The idea of the working group has come under question so I'm just flagging that for people's attention since the two are connected.

Jennifer Wolfe: Yes. I think we can make that notation as we ask council for feedback on how this moves into implementation that we flag that on this recommendation. May be a working group is not the right way to move forward. Okay.

So I'm going to go anead and move on to our next set. These are still in the yellow category where we agree with the intent but wanted to suggest some modification. The next one was recommendation number 20. It originally states that the GNSO Council should review annually ICANN's strategic objective with a view to planning future policy development that strikes a balance between ICANN's strategic objectives and the GNSO resources available for policy development. Again, I think we agreed with this. We thought that there should be more going into the strategic planning process. The underlying intent was there. We were just concerned about interpretation of that wording. And so we revised it to state that the GNSO Council should participate in developing ICANN's strategic objectives and plan future policy development that aligns with the strategic objectives. Excuse me, that aligns the strategic objectives with GNSO resources. Any comments on that one? Yes, Chuck?

Chuck Gomes: Thanks. Chuck speaking. The problem I have with this one is for any of you who have followed the strategic objectives of ICANN they're on a very high level. And the GNSO gets down to a very practical level. So that's why I supported a low priority on this. It's pretty easy to connect to strategic objectives that are high end. Strategic objectives should be at a high level. But the GNSO gets down to a very practical everyday level. So I just throw that in. The intent I think is good but there's a disconnect I think between strategic objectives and GNSO objectives and actual policy development.

Jennifer Wolfe: Thank you Chuck. So if there's no further discussion on that will move on to recommendation 36 which originally stated that when approving the formation of a PDP working group the GNSO Council require that its membership represent as far as reasonably practicable the geographic, cultural, and gender diversity of the Internet as a whole. Additionally, that when approving

the GNSO policy the ICANN Board explicity satisfies itself that the GNSO Council undertook these actions when approving the formation of the PDP.

So again, I think the underlying concept of creating more diversty is certainly something everyone agreed with but they were concerns about the way this language mandated certain things and put directives on council or the Board that we didn't think was appropriately placed. So we proposed that the revised language that when approving the formation of a PDP the GNSO Council strive for its membership to be diverse and reflect demographic cultural gender and age diversity. When approving GNSO policy the Board should take into consideration if reasonable measures were taken to achieve such diversity. Any comments on, A. How we categorized this? Or, B. How we have rephrased it? Paul, please go ahead.

Paul McGrady: Paul McGrady for the record. I'm a little concerned that at the end of the day we could spend three years developing a new policy and then when it gets to the Board if they don't like it for some reason then they could simply send it back on the grounds that they didn't think that the diversity of the position. It seems to me that we should get a nod if the Board is going to be the ultimate decider of whether or not the diversity is sufficient, it seems like we want to get a nod at the beginning of the process to not send the policy to the Board with our fingers crossed that we got enough diversity on the …

And then secondly from the chat that comment that, so long as the PDP's are in English without translation at difficult hours for people close to the United States and Canada or Western Europe. We have systems in place that may be discouraging participation from around the globe and in addition to the healthy debate I think we'll have over the collection and storage of personal information may be part of this needs to be a staff component to number 36 so that staff will roll out technology, timing, and translation necessary to support diverse participation. Thanks.

Jennifer Wolfe: Thank you Paul. Any other comments? And those are all important points again as we move this all into implementation. Those are incredibly important points as to how does that move forward. Anything else? Paul, is that your old hand? That's not a new one; is it Paul? Okay. Great. Okay.

So moving on to recommendation number 22 which originally stated that the GNSO Council develop a competency-based framework which its members should utilize to identify development needs and opportunities. We felt like that was a bit vague. And so we revised that to state that the GNSO Council develop a technical competency based expectation of its members and provide training on the policy development process. And Chuck, I know and Amr we all talked a lot about this one that we felt like there perhaps to be some sort of technical competency level that you expect people to have as they come into different areas. And for those who don't have it that there be some training for them. And we thought that that was a good idea or recommendation. Any other comments? Or Chuck, or Amr, if you want to add to that? Nothing new on that? Okay. We'll go ahead and move on.

To keep us moving along we've got about 30 minutes left on our time today. There's actually probably going to be a little less discussion on this next batch because these were recommendations where we believed that there was already work being done in some of these areas. And so we focused on trying to prioritize it was high, medium, or low as it relates to implementation. Any kind of support that would be given to these recommendations. So the first was recommendation eight that states working groups should have an explicit role in responding to implementation issues related to policy they have developed. We thought that was important but that work was already being done on the policy implementation working group. Any comments or concerns about how that has been categorized or how that might move forward into implementation as work that's already being done? Okay.

Moving on to recommendation 15 states that the GNSO continues current PDP improvements project initiatives to address timeliness of the PDP. Again,

we felt that is already being done and that there is ongoing work to try to create more efficiencies and improve the timeliness. We kept that as prioritized as high just because we believe it is very important but is already being done. Any comments or concerns about that one? Okay.

Moving on to recommendation 16 which states that a policy impact assessment be included as a standard part of any policy process. Again, we think that that is already being done. And that GNSO action item right now is developing an analytical framework for assessing policy impacts and what should be measured. Any comments on that one? Okay.

So will move on to the next batch that again, are still in this category that we agree but no work was already being done. Recommendation 11 that the face to face PDP working group pilot project be assessed when completed. If the results are beneficial guidelines should be developed and support funding made available. So again we think that this is work already done, being done, and evaluated. So we flag that as a medium and put it in that category. Any concerns or comments on that point? Okay.

Moving on to recommendation 14. It states that the GNSO further explores PDP chunking and examine each potential PDP as to its feasibility for breaking into discrete stages. Again, we think that some of this is already being done in the existing work to streamline the PDP process. Any comments there? Okay.

Recommendation 24 that the GNSO Council and SG's and C's adhere to the published process for applications for new constituencies. That the ICANN Board in assessing an application satisfy itself that all parties have followed the published process subject to which the default outcome is that a new constituency is admitted. That all applications for new constituencies including historic applications be published on the ICANN website with full transparency of decision-making. We had noted that we thought this was partly done and that work was being done already on this. And I know Chuck,

I don't know if you want to provide a few more of your comments on that particular recommendation?

Chuck Gomes: Well I can – this is Chuck. You can see what I wrote, sorry it's a little wordy. There was actually disagreement in the working party that whether work was being done or not. I think there was agreement that it should be done at the beginning of the process and not later. It certainly is going to require some diligence on the part of the GNSO. And then I suggested some GNSO action items as I did in some of the other recommendations. I won't go through those unless somebody wants me to. But I think that the council should keep in mind that some of these things if there's support for these that they do then it follows assuming that the Board approves them that the GNSO Council in its leadership role, policy development leadership role, needs to take some action on some of these things. And those action items will need to be captured and followed up on.

Jennifer Wolfe: Thanks Chuck. And Paul, I see your question it should be marked as a high priority. I think the reason it ended up medium is because we didn't have complete agreement. So we just said let's go in the middle. But I think that's an important point to note. Okay. I'll go ahead and move on and interest of time.

The next recommendation in this category of we agree and note work is underway is recommendation 31 which states that the GAC GNSO consultation group on GAC early engagement in the GNSO policy development process continue its two work streams as priority projects. As a part of its work it should consider how the GAC could appoint a nonbinding, non-voting liaison to the working group of each relevant GNSO PDP as a means of providing timely input. Again, we felt that this was already ongoing work and to flag it accordingly. Any other comments or questions about that one? Okay.

Moving on to number 13 it reads that the GNSO Council evaluate and if appropriate pilot a technology solution such as Loomio or similar to facilitate wider participation in working group consensus-based decision-making. We felt like this was already occurring and continuous improvements that although no specific tool was be recommended that is was (unintelligible) to meet what is not currently something that was being considered. Those which are some comments that we had. Hello, are you still there?

Man: Yeah, we're still here.

Jennifer Wolfe: Oh, I heard a - did you all here that?

Chuck Gomes: Yes.

Jennifer Wolfe: Okay. Sorry about that. So any comments on 13? Okay. Moving on to recommendation 19 which reads as strategic manager rather than a policy body the GNSO Council should continue to focus on ensuring that a working group has been properly constituted, has thoroughly fulfilled the terms of its charter and has followed due process. Again, we felt that was work that was already being done on PDP improvements. Any comments, concerns about that classification? Okay.

                 Seeing none. These are the last two that are in this category and then it moves on to those where there was widespread agreement. So 25 reads the GNSO Council commission the development of and implement guidelines to provide assistance for groups wishing to establish a new constituency. Again, we felt that that guidance is already existed and that relates to the other one we just discussed. Paul, I see your hand up. Please go ahead.

Paul McGrady: Sorry, can we go back to the last screen?

Jennifer Wolfe: Sure.

Paul McGrady: I just have a question about the term that says the working group has been properly constituted and it has thoroughly fulfilled the terms of its charter and has followed due process. Due process means something in legal terms. What do we mean when we say followed due process here? Does that mean that – it usually means something in relationship between the individual and the state? So are we talking about individual working group members feel like they have been given a proper opportunity to opine? Do we – what do we mean? Or do we mean that the working group has followed ICANN's usual processes that are in place because due process is loaded with all kinds of legal meaning. If we just mean that the group followed the regular processes that ICANN has in place then I think we should state it that way rather than creating the ambiguity. If we mean due process in a sense that it's balancing the rights and all those thing then just – that that makes number 19 a lot more interesting. Thanks.

Jennifer Wolfe: Thanks Paul. No. That's a great point and I appreciate you making that comment. Chuck, please go ahead.

Chuck Gomes: Thanks. And of course, Paul as you know the wording came from Westlake on that recommendation and I'm pretty confident that what they really meant and what we understood as a working party was the procedures that are established for policy development. And the GNSO has those. They are publicly available and so forth and I'm pretty sure that's what that means.

Jennifer Wolfe: Thanks Chuck. Okay. So moving on, we've got about 20 minutes left and I do want to make sure that we get to have time to get some feedback on our next steps as these move forward and what we're looking for both from council and the OEC. But I want to make sure we get through these. So any other concerns about recommendation 25 being flagged as though it's work underway? Okay.

And then number 30. This is the last one in this category. The GNSO develop and implement a policy for the provision of administrative support for SG's

and C's and that SG's and C's annually review and evaluate the effectiveness of administrative support they receive. And we had noted I think the first part is done but not the second part. But that again work is being done already on this concept. Any concerns on this one being categorized the way it is? Okay.

The next batch year – I'd like to try to go through these relatively quickly so that we can move on and have a discussion about where this goes from here because I think that's where we really want feedback. So if you all are okay with this rather than reading each of these. These were flagged as green. I'll just pause for a moment to let you read the screen. You know, we have these next four – I think we have 13 altogether that were flagged as green. Let me see if there was a number. Yes. We have 13 that are in this category. Any concerns on six, 26, 27 or five that you would like to discuss? And I'll pause for just a minute to get everybody moment to read here. Okay.

Paul that's a great – thank you for your question. I want to make sure that we note that for implementation. Any of these things that deal with gathering information. I think there's going to be an implementation question about privacy policies and where all that data is stored. Any other concerns on this batch of four? Okay.

I'm going to go ahead and move on to the next batch. These are recommendations 17, 29, 12, and one. These were all flagged priority medium but there was agreement with these recommendations. Any concerns or objections to the way these have been categorized? Okay.

I'll go ahead and move on to the last batch year. Sorry about that. So then the last five in this category. Again, ranking medium to low. All in the general agreement with the recommendations two, nine, four, 28 and 34. Any – I'll give you all a moment just to read through these as well. These tended to be the less controversial issue. Any concerns? Okay. And these have been

circulated so I should go through and read them. You can go back through these.

What I do like to move on to now is the discussion that's going to be incredibly helpful and important as we move this forward. Now what we've done at this point is reacted to the independent examiner recommendations. We had categorized them and broken them into chunks that we think are a bit more manageable and that we can provide to the OEC. But our question to council as you consider what to take and how to take our work and move it forward and to the OEC of course is as this moves into implementation what is the GNSO volunteer capacity to implement improvements. I know we talked a little bit today, hey; maybe forming another working group isn't really what makes sense because people are already overtaxed. You know, what's a realistic plan to implement? And should we take the higher priority items and batch them into existing work or have a small task force that's there to try to help move those things forward.

You know, what is reasonable in terms of how many of these could be tackled at the same time? We talked a lot today about the questions that just come up once we start talking about implementation. Everything from privacy. How is data being collected? Should that be collected? So obviously we see there is a trickle-down effect of questions that become raised once we move past the idea of yeah, that sounds like a great recommendation, how do we actually do it? And of course, in any kind of process improvement to do this effectively from here we need to define what we expect as outcomes. We need to define how we will measure results so that we can determine if this has been effective in going forward. So I think where we are at this point is really looking for feedback from all of you once you've had a chance to digest it to see how we've organized the work that's been done here. You know, what is your reaction? What do you think in terms of implementation and what would be most useful as we move forward? So I will pause and look for comments from all of you on this question. Okay.

Paul, how is this done in the last GNSO review? I don't know Larisa, if you want to provide any context historically on the review process as it moved into implementation?

Larisa Gurnick: Hi this is Larisa Gurnick. I'm probably not the right person to provide context just because my tenure at ICANN doesn't go that far back. But certainly we know from looking at process improvement for the implementation that doing the kind of work sooner rather than later would be really helpful so I'm not sure that to what extent looking back five or seven years now would provide us with a whole lot of useful information. But certainly there is a clear understanding from more recent work and implementation and not necessarily within the GNSO review but within other reviews such as ATRT2 and others is that getting this addressesd at the point that we are at now in preparation for implementation is the best practice and a good practice from project management perspective and process improvement perspective. So apologies for not being more specific but perhaps some of you that have been there at the time that the prior GNSO review moved into implementation might be able to offer some more useful steps.

Jennifer Wolfe: Chuck, please go ahead.

Chuck Gomes: Yeah, and I'll be brief. The last GNSO review had a lot of recommendations. Some of which were we live under now. A lot of the procedures, the working group model, all of that was all implemented and it did happen at the council level involving the full community. And of course, it involved major structural change too and the bicameral houses and so forth. And a working special group, it wasn't a policy development working group but a special group worked together to come up with the recommendations on that and so forth. So that's just a real quick recap I think based on my probably flawed memory of the last review.

Jennifer Wolfe: Thanks Chuck. Any other comments or feedback or you know as we move this forward. Particularly to those of you on council. Obviously, this is coming

before you this week. Any other comments or feedback that you have a question for us as this moves forward? Chuck, is that a new hand?

Chuck Gomes: That is a new hand because – and this is Chuck speaking. And I want to make sure that somehow we communicate in the council meeting the comments that were made on a few of the recommendations especially those at the beginning but even some throughout. So I'm not sure how the best way is to do that. But not only for the council meeting later this week but for the organizational effectiveness committee going forward as well.

Jennifer Wolfe: Thank you Chuck. Any other comments or feedback? Larisa, do you want to add anything to that?

Larisa Gurnick: This is Larisa. Thanks Jen. I guess my only question is something that I would like to add to that is this idea of reflecting on prioritization. As Jen walked everyone through there was a pretty detailed and elaborate process to try and organize the 36 recommendations in rational and logical order. But just as a reminder as that was all done there was not a specific analysis completed yet to understand how much work these recommendations that have been prioritized will require and how that squares off with whatever other work and work load so I know that volunteer capacity and ability to take on more work, these are (unintelligible) that we hear a great deal about in an attempt to respond to that some brainstorming, and some ideas have been considered as just perhaps looking at identifying the number of recommendations that could reasonably be implemented at one time. And maybe once that kind of fits together based on their subject matter and take more of a chunked approach to the implementation, and this is just a thought and an idea. But certainly a lot of houses might look forward would be driven by responses from the GNSO council about workload and capacity and how to make sure that this moves forward effectively.

Jennifer Wolfe: Thanks Larisa. So just to close out in the final few minutes we have. Our next step is that there is a motion before council and they are meeting on this

Thursday to approve the working party report and recommendations and to move this forward to a comprehensive report to be provided to the OEC on May 15. And then potentially Board action in June or beyond. And then from there of course, is the "How does this move forward" into implementation. Are they any other comments, questions at this point for us? I know the council has published – I think this is slated for a ten minute presentation and vote on Thursday so there won't be as much time on Thursday. So particularly anyone on council, do you have questions? Is there more information that we can provide to you as you consider what's coming this week? Anyone else? I see a lot of people are typing in the chat. Anyone else want to speak here?

Terri yes, there are slide transcripts. The recording will be sent to council. Any other comments? Okay. Great. Thank you all for indulging us with this time to go through the information. I know it's a lot of detail. We've certainly spent a lot of time as the working party digging through this, reading the rationales from the reports trying to decipher what we thought the Westlake team meant or didn't mean, and then trying to reframe it in a way that we felt was appropriate to move forward. We certainly appreciate the time to present this in details to all of you today, and look forward to moving this forward. So thank you. If there are no other comments this will close out the briefing. Thank you.

Coordinator: Once again the meeting has been adjourned. Thank you very much for joining. Please remember to disconnect all remaining lines and have a wonderful rest of your day.

END